

IDAHO ADMINISTRATIVE BULLETIN

December 4, 2019 – Vol. 19-12

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator
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IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

December 4, 2019 – Vol. 19-12

PREFACE	5
IDAPA 02 – DEPARTMENT OF AGRICULTURE	
<i>Docket No. 02-0000-1900FA</i>	
Notice of Correction to Omnibus Pending Fee Rule.....	13
02.02.14 – <i>Rules for Weights and Measures</i>	
IDAPA 07 – DIVISION OF BUILDING SAFETY	
07.01.01 – <i>Rules of the Idaho Electrical Board</i>	
<i>Docket No. 07-0101-1901 (New Chapter)</i>	
Notice of Rulemaking – Adoption of Pending Rule	39
07.03.01 – <i>Rules of Building Safety</i>	
<i>Docket No. 07-0301-1901</i>	
Notice of Rulemaking – Adoption of Pending Rule	40
07.05.01 – <i>Rules of the Public Works Contractors License Board</i>	
<i>Docket No. 07-0501-1901</i>	
Notice of Rulemaking – Adoption of Pending Rule	50
07.08.01 – <i>Idaho Minimum Safety Standards and Practices for Logging</i>	
<i>Docket No. 07-0801-1901</i>	
Notice of Rulemaking – Adoption of Pending Rule	52
07.11.01 – <i>Rules of the Division of Building Safety</i>	
<i>Docket No. 07-1101-1901 (New Chapter)</i>	
Notice of Rulemaking – Adoption of Pending Rule	90
IDAPA 08 – STATE BOARD AND STATE DEPARTMENT OF EDUCATION	
08.02.01 – <i>Rules Governing Administration</i>	
<i>Docket No. 08-0201-1903</i>	
Notice of Rulemaking – Adoption of Temporary Rule.....	91
08.02.02 – <i>Rules Governing Uniformity</i>	
<i>Docket No. 08-0202-1902</i>	
Notice of Rulemaking – Adoption of Pending Rule	94
08.02.03 – <i>Rules Governing Thoroughness</i>	
<i>Docket No. 08-0203-1903</i>	
Notice of Rulemaking – Adoption of Pending Rule	123
IDAPA 12 – DEPARTMENT OF FINANCE	
12.01.08 – <i>Rules Pursuant to the Uniform Securities Act (2004)</i>	
<i>Docket No. 12-0108-1901</i>	
Notice of Rulemaking – Adoption of Pending Rule	130
12.01.09 – <i>Rules Pursuant to the Idaho Credit Code</i>	
<i>Docket No. 12-0109-1901</i>	
Notice of Rulemaking – Adoption of Pending Rule	135

12.01.10 – <i>Rules Pursuant to the Idaho Residential Mortgage Practices Act</i> Docket No. 12-0110-1901 Notice of Rulemaking – Adoption of Pending Rule	137
12.01.11 – <i>Rules Pursuant to the Idaho Collection Agency Act</i> Docket No. 12-0111-1901 Notice of Rulemaking – Adoption of Pending Rule	139
IDAPA 13 – IDAHO FISH AND GAME COMMISSION	
13.01.11 – <i>Rules Governing Fish</i> Docket No. 13-0111-1901AAAP Notice of Amended Proclamation	141
IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY	
19.01.01 – <i>Rules of the Idaho State Board of Dentistry</i> Docket No. 19-0101-1901 Notice of Rulemaking – Adoption of Pending Fee Rule.....	142
IDAPA 20 – IDAHO DEPARTMENT OF LANDS	
20.03.03 – <i>Rules Governing Administration of the Reclamation Fund</i> Docket No. 20-0303-1901 Notice of Rulemaking – Adoption of Pending Rule	151
20.03.04 – <i>Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho</i> Docket No. 20-0304-1901 Notice of Rulemaking – Adoption of Pending Fee Rule.....	157
IDAPA 23 – BOARD OF NURSING	
23.01.01 – <i>Rules of the Idaho Board of Nursing</i> Docket No. 23-0101-1901 Notice of Rulemaking – Adoption of Pending Rule	163
IDAPA 46 – BOARD OF VETERINARY MEDICINE	
46.01.01 – <i>Rules of the State of Idaho Board of Veterinary Medicine</i> Docket No. 46-0101-1902 Notice of Rulemaking – Adoption of Pending Fee Rule.....	165
IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION	
55.01.03 – <i>Rules of Career Technical Schools</i> Docket No. 55-0103-1902 Notice of Rulemaking – Adoption of Temporary Rule.....	167
IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY	
58.01.01 – <i>Rules for the Control of Air Pollution in Idaho</i> Docket No. 58-0101-1903 Notice of Rulemaking – Adoption of Pending Rule	171
Docket No. 58-0101-1904 Notice of Rulemaking – Adoption of Pending Fee Rule.....	173
Docket No. 58-0101-1905 Notice of Rulemaking – Adoption of Pending Rule	174

58.01.02 – <i>Water Quality Standards</i> Docket No. 58-0102-1901 Notice of Rulemaking – Adoption of Pending Rule	177
58.01.03 – <i>Individual/Subsurface Sewage Disposal Rules</i> Docket No. 58-0103-1902 Notice of Rulemaking – Adoption of Pending Rule	197
58.01.05 – <i>Rules and Standards for Hazardous Waste</i> Docket No. 58-0105-1901 Notice of Rulemaking – Adoption of Pending Rule	223
58.01.09 – <i>Rules Regulating Swine Facilities</i> Docket No. 58-0109-1901 Notice of Rulemaking – Adoption of Pending Fee Rule.....	230
58.01.11 – <i>Ground Water Quality Rule</i> Docket No. 58-0111-1901 Notice of Rulemaking – Adoption of Pending Fee Rule.....	231
58.01.17 – <i>Recycled Water Rules</i> Docket No. 58-0117-1901 Notice of Rulemaking – Adoption of Pending Rule	232
IDAPA 60 – IDAHO SOIL AND WATER CONSERVATION COMMISSION	
60.05.01 – <i>Rules for Administration of the Idaho Resource Conservation and Rangeland Development Program</i> Docket No. 60-0501-1901 Notice of Rulemaking – Vacation of Proposed Rulemaking	233
SECTIONS AFFECTED INDEX	234
LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS	240
CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES	241
SUBJECT INDEX	274

PREFACE

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

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

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

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

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

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 departments to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

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

1. “**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. 38-0501-1401”

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

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

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

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

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2019

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
19-1	January 2019		*November 30, 2018	January 2, 2019	January 23, 2019
19-2	February 2019		January 4, 2019	February 6, 2019	February 27, 2019
19-3	March 2019		February 8, 2019	March 6, 2019	March 27, 2019
19-4	April 2019		March 8, 2019	April 3, 2019	April 24, 2019
19-5	May 2019	March 22, 2019	April 5, 2019	May 1, 2019	May 22, 2019
19-6	June 2019	April 19, 2019	May 3, 2019	June 5, 2019	June 26, 2019
19-7	July 2019	May 24, 2019	June 7, 2019	July 3, 2019	July 24, 2019
19-8	August 2019	June 21, 2019	July 5, 2019	August 7, 2019	August 28, 2019
19-9	September 2019	July 19, 2019	August 2, 2019	September 4, 2019	September 25, 2019
19-10	October 2019	August 16, 2019	**August 30, 2019	October 2, 2019	October 23, 2019
19-11	November 2019	September 20, 2019	October 4, 2019	November 6, 2019	November 27, 2019
19-12	December 2019	October 18, 2019	November 1, 2019	December 4, 2019	December 25, 2019

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2020

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
20-1	January 2020	November 15, 2019	*November 29, 2019	January 1, 2020	January 22, 2020
20-2	February 2020	December 20, 2019	January 3, 2020	February 5, 2020	February 26, 2020
20-3	March 2020	January 22, 2020	February 7, 2020	March 4, 2020	March 25, 2020
20-4	April 2020	February 21, 2020	March 6, 2020	April 1, 2020	April 22, 2020
20-5	May 2020	March 20, 2020	April 3, 2020	May 6, 2020	May 27, 2020
20-6	June 2020	April 24, 2020	May 1, 2020	June 3, 2020	June 24, 2020
20-7	July 2020	May 22, 2020	June 5, 2020	July 1, 2020	July 22, 2020
20-8	August 2020	June 19, 2020	July 3, 2020	August 5, 2020	August 26, 2020
20-9	September 2020	July 24, 2020	August 7, 2020	September 2, 2020	September 23, 2020
20-10	October 2020	August 21, 2020	**August 28, 2020	October 7, 2020	October 28, 2020
20-11	November 2020	September 18, 2020	October 2, 2020	November 4, 2020	November 25, 2020
20-12	December 2020	October 23, 2020	November 6, 2020	December 2, 2020	December 23, 2020

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

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

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 01	Accountancy , Board of
IDAPA 38	Administration , Department of
IDAPA 44	Administrative Rules Coordinator , Office of the
IDAPA 02	Agriculture , Idaho Department of
IDAPA 40	Arts , Idaho Commission on the
IDAPA 24.02	Athletic Commission , Idaho
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 07	Building Safety , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07)
IDAPA 55	Career Technical Education , Division of
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Board of
IDAPA 19	Dentistry , Board of
IDAPA 08	Education , State Board of and State Department of
IDAPA 10	Engineers and Land Surveyors , Board of Professional
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Department of
IDAPA 13	Fish and Game , Department of
IDAPA 24.04	Geologists , Board of Registration for Professional

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 15	Governor, Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission 15.04) Idaho Liquor Division (15.10) Idaho Military Division (Division of Homeland Security) (15.06)
IDAPA 48	Grape Growers and Wine Producers Commission, Idaho
IDAPA 16	Health and Welfare, Department of
IDAPA 41	Health Districts, Public
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission
IDAPA 18	Insurance, Department of
IDAPA 05	Juvenile Corrections, Department of
IDAPA 09	Labor, Idaho Department of
IDAPA 20	Lands, Department of
IDAPA 30	Libraries, Commission for
IDAPA 52	Lottery Commission, Idaho State
IDAPA 22	Medicine, Board of
IDAPA 23	Nursing, Board of
IDAPA 43	Oilseed Commission, Idaho

**ALPHABETICAL INDEX OF STATE AGENCIES
AND CORRESPONDING IDAPA NUMBERS**

IDAPA 24	Occupational Licenses, Board of (24.20) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Athletic Commission, State (24.02) Barber and Cosmetology Services Licensing Board (24.28) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho State (24.21) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Genetic Counselors Licensing Board (24.24) Geologists, Board of Registration for Professional (24.04) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Midwifery, Board of (24.26) Morticians, Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, Board of (24.10) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Residential Care Facility Administrators, Board of Examiners of (24.19) Shorthand Reporters Board, Idaho Certified (24.29) Social Work Examiners, Board of (24.14) Speech, Hearing and Communication Services Licensure Board (24.23)
IDAPA 25	Outfitters and Guides Licensing Board
IDAPA 50	Pardons and Parole, Commission for
IDAPA 26	Parks and Recreation, Department of
IDAPA 27	Pharmacy, Board of
IDAPA 11	Police, Idaho State
IDAPA 29	Potato Commission, Idaho
IDAPA 61	Public Defense Commission, State
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 56	Rangeland Resources Commission, Idaho
IDAPA 33	Real Estate Commission, Idaho
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 24.29	Shorthand Reporters Board, Idaho Certified
IDAPA 60	Soil and Water Conservation Commission, Idaho State
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 54	Treasurer, Office of the State
IDAPA 21	Veterans Services, Division of
IDAPA 46	Veterinary Medical Examiners, Board of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission

IDAPA 02 – DEPARTMENT OF AGRICULTURE
DOCKET NO. 02-0000-1900FA
NOTICE OF CORRECTION TO OMNIBUS PENDING FEE RULE

AUTHORITY: This action is authorized pursuant to Sections 67-5224 and 67-5227, Idaho Code, and Sections 71-111, 71-121, 71-408, Idaho Code.

CORRECTION SUMMARY: This notice corrects an error that occurred during the publication of this docket that adopted as pending rules the administrative rules of the department being reauthorized in this omnibus rulemaking action. In the Notice of Omnibus Rulemaking - Adoption of Pending Rule that published under Docket No. 02-0000-1900FA in the November 20, 2019, Special Edition Administrative Bulletin, IDAPA 02.02.14, “Rules for Weights and Measures,” was inadvertently not included in the list of rules as being reauthorized and adopted as a pending rule.

The rule has been properly adopted by the department as a pending rule and will be filed for legislative review and is currently in effect as a temporary rule. The rule is being reprinted in its entirety following this Notice as adopted by the agency.

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

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

This notice adopts and re-publishes the following existing and previously approved and codified chapter, IDAPA 02.02.14, “Rules for Weights and Measures,” of the Idaho Department of Agriculture.

Any amendments to the text of the pending fee rule have been made in accordance with Section 67-5227, Idaho Code. The original text of the proposed rules was published in the June 19, 2019 Idaho Administrative Bulletin (Special Edition), [Vol. 19-6SE, page 326](#).

Additionally, all changes between the text of the proposed rule and this pending fee rule are consistent with the guidance and direction provided in the Red Tape Reduction Act. These rules were reviewed to update authorities, eliminate unnecessarily restrictive language and redundancy.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(5), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. This entire rule regulates activity not regulated by the federal government.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: the fee schedule is determined by device as described in Section 02.02.14.016, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction to pending fee rule, contact Brian Oakey, Deputy Director, at (208) 332-8550.

Dated this 27th day of November, 2019.

Brian Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249, Boise, Idaho 83707
Phone: (208) 332-8552 / Fax: (208) 334-2170

02.02.14 – RULES FOR WEIGHTS AND MEASURES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 71-111, 71-121, 71-232, 71-233, 71-236, 71-241, and 71-408, Idaho Code. (2-13-04)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules for Weights and Measures.” (2-13-04)

02. Scope. This chapter has the following scope: to govern the checking, testing, and examination of weighing and measuring devices, packages and labels; to govern consumer and non-consumer packaging and labeling; to govern the registration of servicemen and service agencies for commercial weighing and measuring devices; to govern the licensing of weighmasters, and to govern the licensing of commercially used weighing and measuring devices and to set maximum annual license fees for weighing and measuring devices. (2-13-04)

002. – 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

01. Required Reference Materials. The 2019 edition of Handbook No. 44 of the National Institute of Standards and Technology, United States Department of Commerce, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” hereby incorporated by reference, is the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (4-11-19)

02. Required Reference Materials for Checking Prepackaged Commodities. The 2019 edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, “Checking the Net Contents of Packaged Goods,” hereby incorporated by reference, is the authority in checking packaged commodities, unless otherwise stated in these rules. (4-11-19)

03. Specifications for Diesel Fuel and Biodiesel Fuel. American Society of Testing and Materials (ASTM) D975-16a, “Standard Specification for Diesel Fuel Oils,” and ASTM D6751-15ce¹, “Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels,” intended for blending with diesel fuel are hereby incorporated by reference and are the specifications for diesel fuel and biodiesel fuel blend stock (B100 biodiesel). (3-28-18)

04. Specifications for Gasoline. American Society of Testing and Materials (ASTM) D4814-16ce¹, “Standard Specification for Automotive Spark-Ignition Engine Fuel,” dated November 15, 2016, is hereby incorporated by reference and is the specification for gasoline. (3-28-18)

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

005. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions set forth in Sections 71-108 and 71-401, Idaho Code, *the following definitions apply to this rule:* ()

01. Alcohol. *A volatile flammable liquid having the general formula $C_nH_{(2n+1)}OH$ used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as an alcohol, including ethanol and methanol.* ()

02. Biodiesel. A fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100. (4-2-08)

03. Biodiesel Blends. A fuel comprised of a blend of biodiesel fuel with petroleum-based diesel fuel, designated BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend. (4-2-08)

04. Certificate of Conformance. *A document issued by the National Institute of Standards and Technology based on testing in participating laboratories, said document constituting evidence of conformance of a type with the requirements of National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, 105-3.* ()

05. Compressed Natural Gas (CNG). Natural Gas which has been compressed and dispensed into fuel storage containers and is suitable for use as an engine fuel. (3-28-18)

06. Commercial Weighing and Measuring Device. *Any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, product, or articles for distribution or consumption, purchased, offered or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure, and must also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device.* ()

07. Co-Solvent. *An alcohol or any other chemical with higher molecular weight than methanol or ethanol which is blended with either or both to prevent phase separation in gasoline.* ()

08. Diesel Gallon Equivalent (DGE). Equivalent to six point three hundred eighty-four thousandths (6.384) pounds of compressed natural gas or six point fifty-nine thousandths (6.059) pounds of liquefied natural gas. (3-28-18)

09. Ethanol. *Ethyl alcohol, a flammable liquid having the formula C_2H_5OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as ethanol or ethyl alcohol.* ()

10. Gasoline. *Any fuel sold for use in motor vehicles and commonly or commercially known or sold as gasoline whether leaded or unleaded.* ()

11. Gasoline Gallon Equivalent (GGE). Equivalent to five point six hundred sixty thousandths (5.660) pounds (two point five hundred sixty-seven thousandths (2.567) kilograms) of compressed natural gas. (3-28-18)

12. Gasoline Liter Equivalent (GLE). Equivalent to one point four hundred ninety-five thousandths (1.495) pounds (zero point six hundred seventy-eight thousandths (0.678) kilograms) of compressed natural gas. (3-28-18)

13. Gasoline-Oxygenate Blend. *For labeling purposes, any spark-ignition motor fuel containing one percent (1%) or more by volume of oxygenates or combination of oxygenates, such as but not restricted to ethanol, methanol, or methyl-tertiary-butyl ether.* ()

14. Label. *Any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except an inspector's tag or other non-promotional matter affixed to or*

appearing upon a consumer commodity will not be deemed to be a label requiring the repetition of label information required by this rule. ()

15. Liquefied Natural Gas (LNG). Natural gas that has been liquefied at minus one hundred sixty-two degrees Celsius (-162 °C) (minus two hundred sixty degrees Fahrenheit (-260 °F)) and stored in insulated cryogenic tanks for use as an engine fuel. (3-28-18)

16. Methanol. Methyl alcohol, a flammable liquid having the formula CH₃OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as methanol or methyl alcohol. ()

17. Motor Vehicles. Include all vehicles, vessels, watercraft, engines, machines, or mechanical contrivances that are propelled by internal combustion engines or motors. ()

18. Multi-Unit Package. A package containing two (2) or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this rule. ()

19. National Type Evaluation Program. A program of cooperation between the National Institute of Standards and Technology, the National Conference on Weights and Measures, the states, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of the National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," National Institute of Standards and Technology Handbook 105-1, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Weights (NIST Class F)," National Institute of Standards and Technology Handbook 105-2, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Measuring Flask," or National Institute of Standards and Technology Handbook 105-3, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards." ()

20. Package. Any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. ()

21. Participating Laboratory. Any State Measurement Laboratory that has been certified by the National Institute of Standards and Technology, in accordance with its program for the Certification of Capability of State Measurement Laboratories, to conduct a type of evaluation under the National Type Evaluation Program. ()

22. Principal Display Panel or Panels. That part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels." ()

23. Random Package. A package that is one (1) of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight. ()

24. Registered Service Agency. Any agency, firm, company or corporation which, for hire, award, commission or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device, and which voluntarily registers itself as such with the Bureau of Weights and Measures. Under agency registration, identification of individual servicemen is required. ()

25. Registered Serviceman. Any individual who for hire, award, commission or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device, and who voluntarily registers himself as such with the Bureau of Weights and Measures. ()

26. Retail Dealer. Any person who owns, operates, controls, or supervises an establishment at which

gasoline is sold or offered for sale to the public. ()

27. **Sale from Bulk.** The sale of commodities when the quantity is determined at the time of sale. ()

28. **Spark-Ignition Motor Fuel.** Gasoline and its blends with oxygenates such as co-solvent and ethers (also "spark-ignition engine fuel"). ()

29. **Type.** A model or models of a particular measurement system, instrument, element or a field standard that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the Certificate of Conformance. ()

30. **Type Evaluation.** The testing, examination, and evaluation of a type by a participating laboratory under the National Type Evaluation Program. ()

31. **Wholesale Dealer.** Any person engaged in the sale of gasoline to others who the seller knows or has reasonable cause to believe intends to resell the gasoline in the same or an altered form to another. ()

011. ABBREVIATIONS.

01. **ISDA.** Idaho State Department of Agriculture. (2-13-04)

02. **NIST.** National Institute of Standards and Technology. (2-13-04)

012. LICENSE REQUIRED FOR COMMERCIALLY-USED WEIGHING OR MEASURING INSTRUMENT OR DEVICE.

Weighing or measuring instruments or devices used for commercial purposes in the State of Idaho must be licensed annually. (2-13-04)

01. **Annual License.** No person may operate or use for commercial purposes within the state any weighing or measuring instrument or device specified in Section 71-113, Idaho Code, that is not licensed in accordance with the requirements of this rule. (2-13-04)

02. **Specific Device.** Any license issued applies only to the instrument or device identified by Device Code, as listed in TABLE 1-A, and rated capacity on the application for license. The license is applicable to an equivalent replacement for the original instrument or device, within the annual license period. (2-13-04)

013. LICENSE APPLICATION.

License application must be submitted on forms provided by ISDA and accompanied with the proper fee as established in this rule. The capacity of an instrument or device will be determined by the manufacturer's rated capacity. (2-13-04)

014. ANNUAL LICENSE PERIOD.

Annual license applications and fees are due February 1 of each year and all licenses expire on January 31 of the following year. (4-6-15)

015. LICENSE RENEWALS.

Any device or instrument will be considered rejected if the license for that device or instrument is not renewed thirty (30) days after expiration. A person failing to pay the annual license fee after forty-five (45) days following the expiration date, forfeits the right to use the instrument or device for commercial purposes, and the instrument or device may be taken out of service by the ISDA Bureau of Weights and Measures until the license fee is paid. (2-13-04)

016. MAXIMUM AND MINIMUM LICENSE FEE SCHEDULE FOR COMMERCIALLY-USED WEIGHING AND MEASURING INSTRUMENTS AND DEVICES.

The annual license fee for instruments and devices is based on manufacturer's rated capacity. The minimum annual license fee for commercially used instrument and device types is twelve dollars (\$12) when licensing a single device.

TABLE 1-A		
DEVICE CODE	KEY	FEE
A	Scales ≤ 50 lb	\$6.00
B	Scales > 50 ≤ 1,159 lb	\$12.00
C	Scales ≥ 1,160 ≤ 7,499 lb	\$24.00
D	Scales ≥ 7,500 ≤ 59,999 lb	\$100.00
E & F	Scales 60,000 lbs or more	\$100.00
G	Meter < 20 gpm	\$6.00
H	Meter ≥ 30 < 150 gpm	\$33.00
I	Meter ≥ 150 gpm	\$40.00
J	LPG dispenser	\$40.00
K & L	LPG temperature compensated	\$60.00
M	Cordage or Fabric meter	\$5.00
N	Natural gas motor fuel devices	\$60.00
O	Bulk oil meter	\$35.00
T	Meter > 20 ≤ 30 gpm or fuel additive metering devices	\$10.00

(3-20-14)

017. VOLUNTARY INSPECTION OF WEIGHING AND MEASURING INSTRUMENTS AND DEVICES, FEES.

In addition to commercially used weighing and measuring instruments and devices, ISDA Bureau of Weights and Measures, at the request of an owner or user thereof, may inspect and test non-commercial weighing or measuring instruments or devices to ascertain if they are correct. Any entity making such special request must pay the Bureau of Weights and Measures the cost of the inspection as listed in Section 100. (2-13-04)

018. LICENSE DISPLAYED.

Any owner or user of commercially used weighing and measuring instruments and devices must display the current annual license for those instruments and devices in a prominent place at the same physical location where those devices are installed or used. In the case of devices installed on vehicles, the license must be carried in the vehicle on which the device is installed. (2-13-04)

019. -- 099. (RESERVED)

100. CHARGES FOR SPECIAL REQUEST TESTING OR EXAMINATION.

01. Mileage Charges. (7-1-93)

a. Fifty-five cents (\$.55) a mile for car travel. (4-9-09)

b. Seventy-five cents (\$.75) a mile for pickup and prover. (4-9-09)

c. Two dollars and fifty cents (\$2.50) a mile for heavy capacity scale trucks. (4-9-09)

02. Fee Collection. Such fees will be collected from place where working and back. Where more than one (1) request is to be handled on same trip, the mileage will be prorated between the parties requesting the service. (7-1-93)

03. Personnel Charges. There will also be an hourly personnel charge of thirty dollars (\$30) per hour per person for special request testing, chargeable during the time of the actual testing and examination of devices and for driving time. (4-9-09)

101. -- 149. (RESERVED)

150. PACKAGING AND LABELING RULES.

The application of this rule applies to packages and to commodities in package form, but does not apply to: (7-1-93)

01. Inner Wrappings. Inner wrappings not intended to be individually sold to the customer. (7-1-93)

02. Shipping Containers. Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event does this exclusion apply to packages of consumer or non-consumer commodities, as defined herein. (7-1-93)

03. Auxiliary Containers. Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity. (7-1-93)

04. Retail Display Containers. Containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc., and the tray itself is not intended to be sold). (7-1-93)

05. Unpackaged Commodities. Commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, where no package quantities are represented, and where the method of sale is clearly indicated in close proximity to the quantity being sold. (7-1-93)

06. Open Carriers. Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this rule. (7-1-93)

151. -- 169. (RESERVED)

170. IDENTITY.

01. Declaration of Identity -- Consumer Package. A declaration of identity on a consumer package must appear on the principal display panel, and positively identify the commodity in the package by its common or usual name, description, generic term, or the like. (7-1-93)

02. Parallel Identity Declaration -- Consumer Package. A declaration of identity on a consumer package must appear generally parallel to the base on which the package rests as it is designed to be displayed. (7-1-93)

03. Declaration of Identity -- Non-Consumer Package. A declaration of identity on a non-consumer package must appear on the outside of a package and positively identify the commodity in the package by its common or usual name, description, generic term, or the like. (7-1-93)

04. Declaration of Responsibility -- Consumer and Non-Consumer Packages. (7-1-93)

a. Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed must specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name must be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address must include street address, city, state, and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the zip code must apply only to labels that have been developed or revised after July 1, 1970. (7-1-93)

b. If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name must be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by," "Distributed by," or any other wording of similar import that expresses the facts. (7-1-93)

171. DECLARATION OF QUANTITY -- CONSUMER PACKAGES.

01. Largest Whole Unit. Where this rule requires that the quantity declaration be in terms of the largest whole unit, the declaration must, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in: (7-1-93)

a. Common or decimal fractions of such largest whole unit; or (7-1-93)

b. The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration. (7-1-93)

02. Net Quantity. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity, must appear on the principal display panel of a consumer package and, unless otherwise specified in this rule (see Subsections 171.06 through 171.08) must be in terms of the largest whole unit. (7-1-93)

03. Use of "Net Weight." The term "net weight" must be used in conjunction with the declaration of quantity in terms of weight; the term may either precede or follow the declaration of weight. (7-1-93)

04. Lines of Print or Type. A declaration of quantity may appear on one (1) or more lines of print or type. (7-1-93)

05. Terms -- Weight, Liquid Measures, or Count. The declaration of the quantity of a particular commodity must be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity. (7-1-93)

06. Combination Declaration. (7-1-93)

a. A declaration of quantity in terms of weight must be combined with appropriate declarations of the measure, count, and size of the individual units unless a declaration of weight alone is fully informative. (7-1-93)

b. A declaration of quantity in terms of measure must be combined with appropriate declarations of the weight, count, and size of the individual units unless a declaration of measure alone is fully informative. (7-1-93)

c. A declaration of quantity in terms of count must be combined with appropriate declarations of the weight, measure, and size of the individual units unless a declaration of count alone is fully informative. (7-1-93)

07. Units -- Weight, Measure. A declaration of quantity must be as follows, however provided that in the case of a commodity packed for export shipment, the declaration of quantity may be in terms of the metric system

of weight or measure. (7-1-93)

a. In units of weight will be in terms of the avoirdupois pound or ounce; (7-1-93)

b. In units of liquid measure will be in terms of the United States gallon of two hundred thirty-one (231) cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at sixty-eight degrees (68 Degrees F), twenty degrees (20 Degrees C), except in the case of petroleum products, for which the declaration must express the volume at sixty degrees (60 Degrees F), fifteen point six degrees (15.6 Degrees C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration must express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration must express the volume at forty degrees (40 Degrees F), four degrees (4 Degrees C); (7-1-93)

c. In units of linear measure must be in terms of the yard, foot, or inch; (7-1-93)

d. In units of area measure, must be in terms of the square yard, square foot, or square inch; (7-1-93)

e. In units of dry measure must be in terms of the United States bushel of two thousand one hundred fifty point forty-two (2,150.42) cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel; (7-1-93)

f. In units of cubic measure must be in terms of the cubic yard, cubic foot, or cubic inch. (7-1-93)

08. Abbreviations. Any of the following abbreviations, and none other, may be employed in the quantity statement on a package of commodity. (There normally are no periods following, nor plural forms of, these abbreviations. For example, “oz” is the abbreviation for both “ounce” and “ounces.”)

Table 1

avoirdupois - avdp	quart - qt
cubic - cu	square - sq
feet or foot - ft	weight - wt
fluid - fl	yard - yd
gallon - gal	cubic centimeter - cc
inch - in	gram - g
liquid - liq	kilogram - kg
ounce - oz	microgram - mcg
pint - pt	milligram - mg
pound - lb	milliliter - ml

(7-1-93)

09. Units with Two or More Meanings. When the term “ounce” is employed in a declaration of liquid quantity, the declaration must identify the particular meaning of the term by the use of the term “fluid”; however, such distinction may be omitted when, by association of terms (for example, as in “one (1) pint four (4) ounces”), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration must include the word “dry.” (7-1-93)

172. PRESCRIBED UNITS.

01. Less Than One Foot, One Square Foot, One Pound, or One Pint. The declaration of quantity

must be expressed as follows, provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two (2) decimal places: (7-1-93)

- a. In the case of length measure of less than one (1) foot, inches, and fractions of inches; (7-1-93)
- b. In the case of area measure of less than one (1) square foot, square inches, and fractions of square inches; (7-1-93)
- c. In the case of weight of less than one (1) pound, ounces, and fractions of ounces; (7-1-93)
- d. In the case of fluid measure of less than one (1) pint, ounces, and fractions of ounces: (7-1-93)
- 02. Four Feet, Four Square Feet, Four Pounds, One Gallon, or More.** (7-1-93)

- a. In the case of length measure of four (4) feet or more the declaration of quantity must be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. (7-1-93)
- b. In the case of area measure of four (4) square feet or more; (7-1-93)
- c. In the case of weight of four (4) pounds or more; (7-1-93)
- d. In the case of fluid measure of one (1) gallon or more the declaration of quantity must be expressed in terms of the largest whole unit. (7-1-93)

03. Weight -- Dual Quantity Declaration. On packages containing one (1) pound or more but less than four (4) pounds, the declaration must be expressed in ounces and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit, provided, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two (2) decimal places. (7-1-93)

04. Fluid Measure -- Dual Quantity Declaration. On packages containing (1) one pint or more but less than one (1) gallon, the declaration must be expressed in ounces and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit. (7-1-93)

05. Length Measure -- Dual Quantity Declaration. On packages containing (1) one foot but less than four (4) feet, the declaration must be expressed in inches and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit. (7-1-93)

06. Area Measure -- Dual Quantity Declaration. On packages containing (1) one square foot but less than four (4) square feet, the declaration must be expressed in square inches and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit. (7-1-93)

07. Bidimensional Commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration must be expressed: (7-1-93)

- a. If less than one (1) square foot, in terms of linear inches and fractions of linear inches; (7-1-93)
- b. If at least one (1) square foot but less than four (4) square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit, provided, that: (7-1-93)
 - i. No square inch declaration is required for a bidimensional commodity of four (4) inches width or less; (7-1-93)

- ii. A dimension of less than two (2) feet may be stated in inches within the parenthetical; and (7-1-93)
- iii. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, see Subsection 173.03) require a declaration of unit area but not a declaration of total area of all such units. (7-1-93)
- c. If four (4) square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit, provided that: (7-1-93)
 - i. No declaration in square feet is required for a bidimensional commodity with a width of four (4) inches or less; (7-1-93)
 - ii. A dimension of less than two (2) feet may be stated in inches within the parenthetical; and (7-1-93)
 - iii. No declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label. (7-1-93)

173. POLYETHYLENE SHEETING.

- 01. Packages.** All packages of polyethylene sheeting must be labeled as to quantity in accordance with the following: (7-1-93)
 - a. Actual length; (7-1-93)
 - b. Actual width; (7-1-93)
 - c. Actual thickness; and (7-1-93)
 - d. Actual weight of each individual unit. (7-1-93)
- 02. Bulk.** All polyethylene sold from bulk must be accompanied by a delivery ticket with the following information: (7-1-93)
 - a. The identity; (7-1-93)
 - b. Actual length, width, thickness, and weight of each individual unit; (7-1-93)
 - c. The number of individual units; (7-1-93)
 - d. The total weight of all the units; (7-1-93)
 - e. The name and address of both the vendor and purchaser; and (7-1-93)
 - f. The date delivered or the date shipped. (7-1-93)
- 03. Count -- Ply.** If the commodity is in individually usable units of one (1) or more components or ply, the quantity declaration must, in addition to complying with other applicable quantity declaration requirements of this rule, include the number of ply and the total number of usable units. Roll-type commodities, when perforated so as to identify individual usable units, must not be deemed to be made up of usable units; however, such roll-type commodities must be labeled in terms of: (7-1-93)
 - a. Total area measurement; (7-1-93)
 - b. Number of ply; (7-1-93)
 - c. Count of usable units; and (7-1-93)

d. Dimensions of a single usable unit. (7-1-93)

04. Fractions. A statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction must be in terms of halves (1/2), quarters (1/4), eighths (1/8), sixteenths (1/16), or thirty-seconds (1/32), except that: (7-1-93)

a. If there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed; and (7-1-93)

b. If linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds (1/3). A common fraction must be reduced to its lowest terms; a decimal fraction must not be carried out to more than two (2) places. (7-1-93)

174. SUPPLEMENTARY DECLARATIONS.

01. Supplementary Quantity Declarations. The required quantity declaration may be supplemented by one (1) or more accurate declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents must not include any terms qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., “giant” quart, “full” gallon, “when packed,” “minimum,” or words of similar import). (7-1-93)

02. Metric System Declarations. A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels. The metric system may be used as provided for by Section 71-229, Idaho Code, in lieu of the traditional system of weights and measures by substituting the proper metric terms where applicable in these rules. (7-1-93)

03. Qualification of Declaration Prohibited. In no case will any declaration of quantity be qualified by the addition of the words “when packed,” “minimum,” or “not less than,” or any words of similar import, nor any unit of weight, measure, or count be qualified by any term (such as “jumbo,” “giant,” “full,” or the like) that tends to exaggerate the amount of commodity. (7-1-93)

175. -- 179. (RESERVED)

180. DECLARATION OF QUANTITY -- NON-CONSUMER PACKAGES.

01. Location. Non-consumer packages *must* bear on the outside a declaration of the net quantity of contents. Such declaration *must* be in terms of the largest whole unit (see Subsection 171.01 Largest Whole Unit). ()

02. Terms -- Weight, Liquid Measure, or Count. The declaration of the quantity of a particular commodity must be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity. (7-1-93)

03. Units -- Weight, Measure. A declaration of quantity: (7-1-93)

a. In units of weight must be in terms of the avoirdupois pound or ounce; (7-1-93)

b. In units of liquid measure must be in terms of the United States gallon of two hundred thirty-one (231) cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and must express the volume at sixty-eight (68) degrees F, twenty (20) degrees C, except in the case of petroleum products, for which the declaration must express the volume at sixty (60) degrees F, fifteen point six (15.6) degrees C, and except also in the

case of a commodity that is normally sold and consumed while frozen for which the declaration must express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration must express the volume at forty (40) degrees F, four (4) degrees C; (7-1-93)

- c. In units of linear measure must be in terms of the yard, foot, or inch; (7-1-93)
- d. In units of area measure, must be in terms of the square yard, square foot, or square inch; (7-1-93)
- e. In units of dry measure must be in terms of the United States bushel of two thousand one hundred fifty and forty-two one hundredths (2,150.42) cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel; (7-1-93)
- f. In units of cubic measure must be in terms of the cubic yard, cubic foot, or cubic inch, provided that nothing in this subsection prohibits the labeling of non-consumer packages in terms of units on the metric system. (7-1-93)

04. Abbreviations. Any generally accepted abbreviation of a unit name may be employed in the quantity statement on a non-consumer package of commodity. (For commonly accepted abbreviations, see Subsection 171.08, Abbreviations.) (7-1-93)

05. Character of Declaration -- Average. The average quantity of contents in the non-consumer package of a particular lot, shipment, or delivery must at least equal the declared quantity, and no unreasonable shortage in any package is permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. (7-1-93)

181. -- 199. (RESERVED)

200. PROMINENCE AND PLACEMENT -- CONSUMER PACKAGES.

01. General. All information required to appear on a consumer package must appear thereon in the English language and be prominent, definite, and plain, and be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script must be entirely clear and equal to printing in legibility. (7-1-93)

02. Location. The declaration or declarations of quantity of the contents of a package must appear in the bottom thirty percent (30%) of the principal display panel or panels, except as otherwise provided in Subsection 220.07, Cylindrical Containers. (7-1-93)

03. Style of Type or Lettering. The declaration or declarations of quantity must be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface. (7-1-93)

04. Color Contrast. The declaration or declarations of quantity must be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is not required to be presented in a contrasting color if no required label information is on the surface in a contrasting color. (7-1-93)

05. Free Area. The area surrounding the quantity declaration must be free of printed information as follows: (7-1-93)

- a. Above and below, by a space equal to at least the height of the lettering in the declaration: and (7-1-93)
- b. To the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration. (7-1-93)

06. Parallel Quantity Declaration. The quantity declaration must be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed. (7-1-93)

07. Calculation of Area of Principal Display Panel for Purposes of Type Size. The square-inch area of the principal display panel must be as follows: (7-1-93)

a. In the case of a rectangular container, one (1) entire side, which properly can be considered to be the principal display panel, the product of the height times the width of that side; (7-1-93)

b. In the case of a cylindrical or nearly cylindrical container, forty percent (40%) of the product of the height of the container times the circumference; or (7-1-93)

c. In the case of any other shaped container, forty percent (40%) of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area must consist of the entire such surface. (7-1-93)

d. Determination of the principal display panel excludes tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. (7-1-93)

08. Minimum Height of Numbers and Letters. The height of any letter or number in the required quantity declaration must be not less than that shown in Subsection 200.10, Table 1 with respect to the square-inch area of the panel, and the height of each number of a common fraction must meet one-half (1/2) the minimum height standards. (7-1-93)

09. Numbers and Letters -- Proportion. No number or letter may be more than three (3) times as high as it is wide. (7-1-93)

10. Minimum Height of Numbers and Letters -- Table 1.

Table 2

Square-inch Area of Principal Display Panel	Minimum Height of Numbers and Letters	Minimum Height: Label Information Blown, Formed, or Molded on Surface of Container
5 square inches and less	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 square inches.	inch	3/16 inch
Greater than 25 square inches and not greater than 100 square inches.	3/16 inch	1/4 inch
Greater than 100 square inches and not greater than 400 square inches.	1/4 inch	5/16 inch
Greater than 400 square inches.	1/2 inch	9/16 inch

(7-1-93)

201. -- 209. (RESERVED)

210. PROMINENCE AND PLACEMENT -- NON-CONSUMER PACKAGES GENERAL. All information required to appear on a non-consumer package must be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script must be entirely clear and equal to printing in legibility. (7-1-93)

211. -- 219. (RESERVED)

220. REQUIREMENTS -- SPECIFIC CONSUMER COMMODITIES, PACKAGES, CONTAINERS.

01. Display Card Package. For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card. (7-1-93)

02. Eggs. When cartons containing twelve (12) eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration must be so positioned as to have its context destroyed when the carton is divided. (7-1-93)

03. Aerosols and Similar Pressurized Containers. The declaration of quantity on an aerosol package, and on a similar pressurized package, must disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed. (7-1-93)

04. Multi-Unit Packages. Any package containing more than one (1) individual "commodity in package form" (see Subsection 151.01) of the same commodity must bear on the outside of the package a declaration of the following: (7-1-93)

a. The number of individual units; (7-1-93)

b. The quantity of each individual unit; and (7-1-93)

c. The total quantity of the contents of the multi-unit package, provided, that the requirement for a declaration of the total quantity of contents of a multi-unit package must be effective with respect to those labels revised after the effective date of this rule. Any such declaration of total quantity is not required to include the parenthetical quantity statement of a dual quantity representation. (7-1-93)

05. Combination Packages. Any package containing individual units of dissimilar commodities (such as an antiquing kit, for example) must bear on the label of the package a quantity declaration for each unit. (7-1-93)

06. Variety Packages. Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) must bear on the label of the package a declaration of the total quantity of commodity in the package. (7-1-93)

07. Cylindrical Containers. In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel must appear within that forty percent (40%) of the circumference that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. (7-1-93)

221. -- 229. (RESERVED)

230. MEASUREMENT OF CONTAINER-TYPE COMMODITIES, HOW EXPRESSED.

01. General. Commodities designed and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, must be labeled with the declaration of net quantity as follows: (7-1-93)

a. For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise). (7-1-93)

b. When the unit bag is characterized by two (2) dimensions because of the absence of a gusset, the width and length will be expressed in inches, except that a dimension of two (2) feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 bags, 17 in x 20 in" or "100 bags, 20 in x 2 ft 6 in" or "50 bags, 20 in x 2-1/2 ft"). (7-1-93)

c. When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length, in terms of inches, except that any dimension of two (2) feet or more will be expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: “25 bags, 17 in x 4 in x 20 in” or “100 bags, 20 in x 12 in x 2-1/2 ft”). (7-1-93)

d. For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than two (2) inches. (Example: “2 cake pans, 8 in x 8 in” or “roasting pan, 12 in x 8 in x 3 in”). (7-1-93)

e. For circular or other generally round-shaped containers, except cups, and the like in terms of count followed by diameter and depth, except depth need not be listed when less than two (2) inches. (Example: “4 pie pans, 8 in diameter x 4 in”). (7-1-93)

02. Capacity. When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references must be a part of the net quantity statement and must specify capacity as follows: (7-1-93)

a. Liquid measure for containers that are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce), with any remainder in terms of the common or decimal fraction of that unit. (Example: Freezer Boxes “4 boxes, 1-qt capacity, 5 in x 4 in x 3 in”). (7-1-93)

b. Dry measure for containers that are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with any remainder in terms of the common or decimal fraction of that unit. (Example: Leaf bags “8 bags, 6-bushel capacity, 3 ft x 5 ft”). (7-1-93)

c. Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent container. (Example: Garbage Can Liners “10 liners, 2 ft 6 in x 3 ft 9 in, fits up to 30-gallon cans”). (7-1-93)

d. Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Example: “24 cups, 6 fl oz capacity”). For purposes of this section, the use of the terms “capacity,” “diameter,” and “fluid” is optional. (7-1-93)

231. -- 239. (RESERVED)

240. TEXTILE PRODUCTS, THREADS, AND YARNS.

01. Wearing Apparel. Wearing apparel (including non-textile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, is exempt from the requirements for a net quantity statement by count, as required by Subsection 171.05 of this rule. (7-1-93)

02. Textiles. Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., are exempt from the requirements of Subsection 172.07 of this rule, provided that: (7-1-93)

a. The quantity statement for fitted sheets and mattress covers must state, in inches, the length and width of the mattress for which the item is designed, such as “twin,” “double,” “king,” etc. (Example: “Twin Fitted Sheet for thirty-nine by seventy-five (39 x 75) inch mattress”) (7-1-93)

b. The quantity statement for flat sheets must state the size designation of the mattress for which the sheet is designed, such as “twin,” “double,” “king,” etc. The quantity statement also must state, in inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in inches, of the length and width of the sheet before hemming. (Example: “Double Flat Sheet for fifty-four by seventy-five (54 x 75)

inch mattress (eighty-one by one hundred four (81 x 104) inch before hemming”) (7-1-93)

c. The quantity statement for pillowcases must state the size designation of the pillow for which the pillowcase is designed, such as “youth,” “standard,” and “queen,” etc. The quantity statement also must state, in inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in inches, of the length and width of the pillowcase before hemming. (Example: “Standard Pillowcase for twenty by twenty-six (20 x 26) inch pillow (forty-two by thirty-six (42 x 36) inch before hemming”) (7-1-93)

d. The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws must state, in inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as “twin,” “double,” “king,” etc. (7-1-93)

e. The quantity statement for tablecloths and napkins must state, in inches, the length and width of the finished item. The quantity statement also may state parenthetically, in inches, the length and width of the items before hemming and properly identified as such. (7-1-93)

f. The quantity statement for curtains, drapes, flags, furniture scarfs, etc., must state, in inches, the length and width of the finished item. The quantity statement also may state parenthetically, in inches, the length of any ornamentation. (7-1-93)

g. The quantity statement for carpets and rugs must state, in feet, with any remainder in common or decimal fractions of the foot or in inches, the length and width of the item. The quantity statement also may state parenthetically, in inches, the length of any ornamentation. (7-1-93)

h. The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etc., must state, in inches, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions. (7-1-93)

i. The quantity statement for textile products such as pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., must be stated in terms of count and may include size designations and dimensions. (7-1-93)

j. The quantity statement for other than rectangular textile products identified in Subsections 240.02.a. through 240.02.h. must state the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape. (Example: “Oval Tablecloth fifty-four by forty-two (54x42) inch” representing the maximum length and width in this case). (7-1-93)

k. The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, must be accompanied by the term “irregular dimensions” and the minimum size of such remnants. (7-1-93)

03. Textiles -- Variations from Declared Dimensions. (7-1-93)

a. For an item with no declared dimension less than twenty-four (24) inches, a minus variation greater than three percent (3%) of a declared dimension and a plus variation greater than six percent (6%) of a declared dimension should be considered unreasonable. (7-1-93)

b. For an item with a declared dimension less than twenty-four (24) inches, a minus variation greater than six percent (6%) of a declared dimension and a plus variation greater than twelve percent (12%) of a declared dimension should be considered unreasonable. (7-1-93)

04. Exemption -- Variety Textile Packages. Variety packages of textiles which are required by reason of Subsection 171.06 to provide a combination declaration stating the quantity of each individual unit, are exempt from the requirements in this rule for the following: (7-1-93)

a. Location (see Subsection 200.02); or (7-1-93)

- b. Free area (see Subsection 200.05); or (7-1-93)
- c. Minimum height of numbers and letters. (see Subsection 200.08). (7-1-93)
- 05. Sewing Threads, Handicraft Threads, and Yarns.** Sewing and handicraft threads are exempt from the requirements of Subsections 172.02.a. through 172.02.d. of this rule, provided that: (7-1-93)
 - a. The net quantity statement for sewing and handicraft threads must be expressed in terms of yards. (7-1-93)
 - b. The net quantity statement for yarns must be expressed in terms of weight. (7-1-93)
 - c. Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, must be filed with the Director. (7-1-93)
 - d. Each unit of industrial thread must be marked to show its net measure in terms of yards or its net weight in terms of avoirdupois pounds or ounces, except that ready-wound bobbins which are not sold separately, shall not be required to be individually marked but the package containing such bobbins must be marked to show the number of bobbins contained therein and the net yards of thread on each bobbin. (7-1-93)
- 241. -- 249. (RESERVED)**
- 250. EXEMPTIONS.**
 - 01. General.** Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package must be in terms of the largest whole unit (except see Subsection 220.04.c., Multi-Unit Packages). (7-1-93)
 - 02. Random Packages.** A random package bearing a label conspicuously declaring: (7-1-93)
 - a. The net weight; (7-1-93)
 - b. The price per pound, or other unit of weight, measure or count; and (7-1-93)
 - c. The total price is exempt from the type size, dual declaration, placement, and free area requirements of this rule. In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail. This exemption also applies to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section. (7-1-93)
 - 03. Small Confections.** Individually wrapped pieces of “penny candy” and other confectionery of less than one-half (1/2) ounce net weight per individual piece is exempt from the labeling requirements of this rule when the container in which such confectionery is shipped is in conformance with the labeling requirements of this rule. Similarly, when such confectionery items are sold in bags or boxes, such items are exempt from the labeling requirements of this rule including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this rule. (7-1-93)
 - 04. Individual Servings.** Individual-serving-size packages of foods containing less than one-half (1/2) ounce or less than one-half (1/2) fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, are exempt from the required declaration of net quantity of contents specified in this rule. (7-1-93)
 - 05. Cuts, Plugs, and Twists of Tobacco and Cigars.** When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this rule, such individual cuts, plugs, and twists of tobacco and cigars are exempt from such labeling requirements.

(7-1-93)

06. Reusable (Returnable) Glass Containers. Nothing in this rule is deemed to preclude the continued use of reusable (returnable) glass containers; provide, that such glass containers ordered after the effective date of this rule must conform to all requirements of this rule. (7-1-93)

07. Cigarettes and Small Cigars. Cartons of cigarettes and small cigars, containing ten (10) individual packages of twenty (20), labeled in accordance with the requirements of this rule are exempt from the requirements set forth in Subsection 200.02, Location, Subsection 200.08, Minimum Height of Numbers and Letters, and Subsection 220.04, Multi-Unit Packages, provided that such cartons bear a declaration of the net quantity of commodity in the package. (7-1-93)

08. Packaged Commodities with Labeling Requirements Specified in Federal Law. Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, alcoholic beverages, and seeds are exempt from the requirements set forth in Subsection 172.03, Weight: Dual Quantity Declaration; Subsection 172.04, Fluid Measure: Dual Quantity Declaration; Subsection 172.05, Length Measure: Dual Quantity Declaration; Subsection 172.06, Area Measure: Dual Quantity Declaration; Subsection 200.02, Location; and Subsection 200.08, Minimum Height of Numbers and Letters, provided that quantity labeling requirements for such products are specified in Federal Law, so as to follow reasonably sound principles of providing consumer information. (7-1-93)

09. Fluid Dairy Products, Ice Cream, and Similar Frozen Desserts. (7-1-93)

a. When packaged in one-half (1/2) liquid pint and one-half (1/2) gallon containers, are exempt from the requirements for stating net contents of eight (8) fluid ounces and sixty-four (64) fluid ounces, which may be expressed as one-half (1/2) pint and one-half (1/2) gallon, respectively. (7-1-93)

b. When packaged in one (1) liquid pint, one (1) liquid quart, and one-half (1/2) gallon containers, are exempt from the dual net contents declaration requirements of Subsection 172.04, Fluid Measure: Dual Quantity Declaration. (7-1-93)

c. When measured by and packaged in one-half (1/2) liquid pint, one (1) liquid pint, one (1) liquid quart, one-half (1/2) gallon and one (1) gallon measure containers as defined in "Measure Container Code of National Bureau of Standards, or its successor organization, the National Institute of Standards and Technology, Handbook 44," are exempt from the requirement of Subsection 200.02, Location, that the declaration of net contents be located within the bottom thirty percent (30%) of the principal display panel. (7-1-93)

d. Milk and milk products when measured by and packaged in glass or plastic containers of one-half (1/2) liquid pint, one (1) liquid pint, one (1) liquid quart, one-half (1/2) gallon, and one (1) gallon capacities are exempt from the placement requirement of Subsection 200.02, Location, that the declaration of net contents be located within the bottom thirty percent (30%) of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container. (7-1-93)

10. Single Strength and Less Than Single Strength Fruit Juice Beverages, Imitations Thereof, and Drinking Water. (7-1-93)

a. When packaged in glass, plastic, or fluid milk type paper containers of eight (8) and sixty-four (64) fluid ounce capacity, are exempt from the requirements of Subsection 171.07.b., Units: Weight, Measure, to the extent that net contents of eight (8) fluid ounces and sixty-four (64) fluid ounces (or two (2) quarts) may be expressed as one-half (1/2) pint (or half pint) and one-half (1/2) gallon (or half gallon), respectively. (7-1-93)

b. When packaged in glass, plastic, or fluid milk type paper containers of one (1) pint, one (1) quart, and one-half (1/2) gallon capacities, are exempt from the dual net contents declaration requirements of Subsection 172.04, Fluid Measure: Dual Quantity Declaration. (7-1-93)

c. When packaged in glass or plastic containers of one-half (1/2) pint, one (1) pint, one (1) quart, one (1/2) gallon, and one (1) gallon capacities, are exempt from the placement requirement of Subsection 200.02, Location, that the declaration of net contents be located within the bottom thirty percent (30%) of the principal display panel; provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container. (7-1-93)

11. Soft-Drink Bottles. Bottles of soft drinks are exempt from the placement requirements for the declaration of: (7-1-93)

a. Identity, when such declaration appears on the bottle closure; and (7-1-93)

b. Quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this rule appears only on the bottle closure. (7-1-93)

12. Multi-Unit Soft Drink Packages. Multi-unit packages of soft drinks are exempt from the requirement for a declaration of: (7-1-93)

a. Responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside; and (7-1-93)

b. Identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging. (7-1-93)

13. Butter. When packaged in four (4) ounce, eight (8) ounce, and one (1) pound units with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (Subsection 170.01) and the net quantity declaration (Subsection 200.06) be generally parallel to the base of the package. When packaged in eight (8) ounce and one (1) pound units, butter is exempt from the requirement for location (Subsection 200.02) of net quantity declaration and, when packaged in one (1) pound units, is exempt from the requirement for dual quantity declaration (Subsection 172.03). (7-1-93)

14. Eggs. Carton containing twelve (12) eggs are exempt from the requirement for location (Subsection 200.02) of net quantity declaration. When such cartons are designed to permit division in half, each half (1/2) are exempt from the labeling requirements of this rule if the undivided carton conforms to all such requirements. (7-1-93)

15. Flour. Packages of wheat flour packaged in units of two (2), five (5), ten (10), twenty-five (25), fifty (50), and one-hundred (100) pounds are exempt from the requirement in this rule or location (Subsection 200.02) of the net quantity declaration and, when packaged in units of two (2) pounds, are exempt also from requirement for a dual quantity declaration (Subsection 172.03). (7-1-93)

16. Small Packages. On a principal display panel of five (5) square inches or less, the declaration of quantity need not appear in the bottom thirty (30%) of the principal display panel if that declaration satisfies the other requirements of this rule. (7-1-93)

17. Decorative Containers. The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth (1/4) ounce or less, may be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this rule. (7-1-93)

18. Combination Packages. Combination packages are exempt from the requirements in this rule for: (7-1-93)

a. Location (see Subsection 200.02); (7-1-93)

b. Free area (see Subsection 200.05); and (7-1-93)

- c. Minimum height of numbers and letters (see Subsection 200.08). (7-1-93)
19. **Margarine.** Margarine in one (1) pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four (4) sticks, is exempt from the requirement in this rule for location (see Subsection 200.02) of the net quantity declaration, and is exempt from the requirement for a dual quantity declaration (see Subsection 172.03). (7-1-93)
20. **Corn Flour.** Corn flour packaged in conventional five (5), ten (10), twenty-five (25), fifty (50), and one-hundred (100) pound bags is exempt from the requirement in this rule for location (see Subsection 200.02) of the net quantity declaration. (7-1-93)
21. **Prescription and Insulin Containing Drugs.** Prescription and insulin containing drugs subject to the provisions of Section 503(b)(1) or 506 of the Federal Food, Drug, and Cosmetic Act are exempt from the provisions of this rule. (7-1-93)
22. **Camera Film.** Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of this rule which specify how measurement of commodities should be expressed, provided that: (7-1-93)
- a. The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of lineal feet of usable film contained therein. (7-1-93)
- b. The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 x 24 mm" or "12 exposures, 2-1/4 x 2-1/4 in"). (7-1-93)
23. **Paints and Kindred Products.** Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in one (1) liquid pint and one (1) liquid quart units are exempt from the dual quantity declaration requirements of Subsection 172.04. (7-1-93)
24. **Automotive Cooling System Antifreeze.** Antifreeze, when packed in one (1) liquid quart units, in metal or plastic containers, is exempt from the dual quantity declaration requirements of Subsection 172.04. (7-1-93)
25. **Motor Oils.** Motor oils, when packed in one (1) liquid quart units, are exempt from the dual quantity declaration requirements of Subsection 172.04. Additionally, motor oil in one (1) liquid quart, one (1) gallon, one and one-fourth (1-1/4) gallon, two (2) gallon, and two and one-half (2-1/2) gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements of Subsection 170.01 through 170.03. Identity, to the extent that the SAE grade is required to appear on the principal display panel, provided the SAE grade appears on the can lid and is expressed in letters and numerals in type size of at least one-fourth (1/4) inch. (7-1-93)
251. -- 259. (RESERVED)
260. **VARIATIONS TO BE ALLOWED.**
01. **Packaging Variations.** (7-1-93)
- a. Variations from Declared Net Quantity. Variations from the declared net weight, measure, or count are permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations are not permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package is permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity must not be unreasonably large. (7-1-93)

b. Variations Resulting from Exposure. Variations from the declared weight or measure are permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce, provided that the phrase “introduced into intrastate commerce” as used in this paragraph must be construed to define the time and the place at which the first sale and delivery of a package is made within the state, the delivery being either: (7-1-93)

i. Directly to the purchaser or to his agent; or (7-1-93)

ii. To a common carrier for shipment to the purchaser, and this paragraph must be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations are not permitted. (7-1-93)

02. Magnitude of Permitted Variations. The magnitude of variations permitted under Section 260 of this rule must, in the case of any shipment, delivery, or lot, be determined by the facts in the individual case. (7-1-93)

261. -- 269. (RESERVED)

270. MISLEADING PACKAGES.

No commodity in package form shall be so wrapped, nor be in a container so made, formed, or filled as to mislead the purchaser as to the quantity of the package, and the contents of a container must not fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the Director. (7-1-93)

271. ADVERTISING PACKAGES FOR SALE.

Whenever a packaged commodity is advertised in any manner with the retail price stated, there must be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or rule to appear on the package. Where a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement. And provided further, that there must not be included as part of the package declaration required under this section such qualifying terms as “when packed,” “minimum,” “not less than,” or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, “jumbo,” “giant,” “full,” and the like) that tends to exaggerate the amount of commodity in the package. (7-1-93)

272. -- 299. (RESERVED)

300. PETROLEUM PRODUCTS.

01. Liquefied Petroleum. Liquefied petroleum gas is considered to be a petroleum product and must be sold only by weight or liquid measure as provided in Sections 71-232 and 71-241, Idaho Code, of the Idaho Weights and Measures Law. (7-1-93)

02. Metering System Installation. A liquefied petroleum gas metering system installation must be complete, that is, so installed to insure that liquefied petroleum gas is maintained in a liquid state while being metered. This includes an adequate means for vapor elimination upstream of meter and a properly installed and functioning differential valve downstream from meter. (7-1-93)

03. Maintaining Scales. Scales used for liquefied petroleum gas bottle filling must be maintained in an adequate and accurate functioning condition. This means the periodic checking by a competent scale repairman, and checked regularly by your company’s serviceman for any foreign material and clearances around lever system and working parts. Scales must be installed so that they are protected against weather effects so that weight value indicating elements can be accurately read. (7-1-93)

04. Gauge Stick Measurement. Petroleum products are not to be sold by gauge stick measurement. (7-1-93)

05. Single Meters. Trucks with a single meter which are used to meter oils and gasolines must be

calibrated and adjusted on one of the following only: furnace or heating oils, diesel fuels, kerosene and/or high flash solvents. (7-1-93)

06. Compressed Natural Gas. All compressed natural gas kept, offered or exposed for sale and sold at retail as a vehicle fuel must be measured in terms of mass, and indicated in gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or mass. (3-28-18)

07. Liquefied Natural Gas. All liquefied natural gas kept, offered, or exposed for sale and sold at retail as a vehicle fuel must be measured in terms of mass, and indicated in diesel gallon equivalent (DGE) units, or mass. (3-28-18)

301. -- 349. (RESERVED)

350. SALE AND LABELING OF GASOLINE WHICH CONTAINS OXYGENATES.

01. Pump Labeling Requirements. (7-1-93)

a. All spark ignition engine fuel kept, offered, or exposed for sale, or sold, at retail containing at least one percent (1%) by volume and not more than ten percent (10%) by volume of any oxygenate or combination of oxygenates must be identified as “with” or “containing” (or similar wording) the specific type of oxygenate(s) in the engine fuel. For example, the label may read “contains ethanol” or “with MTBE/ETBE.” This information must be posted on the upper fifty percent (50%) of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least one half (1/2) inch in height, one-sixteenth (1/16) inch stroke (width of type). (4-11-15)

b. The labels must be furnished by the retail owner or operator. (7-1-93)

02. Oxygenates Content Labels. (10-26-94)

a. The label must have letters in bold face, block not less than one-half (1/2) inch high. The lettering must be in black on a contrasting background. Both colors must be non-fade. (10-26-94)

b. The label must be displayed on both faces of the dispenser on the upper one-half (1/2) of the dispenser as near the unit price display as practical. (10-26-94)

03. Documentation for Dispenser Labeling Purposes. The retailer must be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of any oxygenate or combination of oxygenates present in concentrations of at least one percent (1%) by volume of the fuel. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. (10-26-94)

04. Fuel Specifications for Gasoline and Gasoline-Oxygenate Blends. (5-8-09)

a. The version of ASTM D 4814 “Standard Specification for Automotive Spark-Ignition Engine Fuel” incorporated by reference in this rule is the standard for gasoline and gasoline oxygenate blends, except the volatility standards for unleaded gasoline blended with ethanol must not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency. Gasoline blended with ethanol must be blended under any of the following three (3) options. (5-8-09)

i. The base gasoline used in such blends must meet the requirements of ASTM D 4814, or (5-8-09)

ii. The blend must meet the requirements of ASTM D 4814, or (5-8-09)

iii. The base gasoline used in such blends must meet all the requirements for gasoline of ASTM D 4814 except distillation, and the blend must meet the distillation requirements of the ASTM specification. (5-8-09)

b. Blends of gasoline and ethanol must not exceed the ASTM D 4814 vapor pressure standard by

more than one point zero (1.0) psi. (5-8-09)

351. BIODIESEL.
Identification and labeling requirements for biodiesel. (4-2-08)

01. Identification of Product. Biodiesel and biodiesel blends must be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel. (Examples: B10, B20, B100). (4-2-08)

02. Labeling of Retail Dispensers. Each retail dispenser of biodiesel or biodiesel blend containing more than five percent (5%) must be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with the either "biodiesel" or "biodiesel blend." (Examples: B10 biodiesel, B20 biodiesel blend). (4-2-08)

a. The label must have letters in bold face block not less than one-half (1/2) inch high, with the lettering clearly legible on a contrasting background. (4-2-08)

b. The label must be displayed on both faces of the dispenser on the upper one-half (1/2) of the dispenser as near the unit price display as practical. (4-2-08)

03. Documentation for Dispenser Labeling Purposes. (4-2-08)

a. The retailer must be provided a declaration of the volume percent of the biodiesel on an invoice, bill of lading, shipping paper, or other document, at the time of delivery of the fuel. (4-2-08)

b. This documentation is for dispenser labeling purposes only; it is the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to blending. (4-2-08)

04. Exemption. Biodiesel blends containing five percent (5%) or less biodiesel by volume are exempted from the requirements of Section 351 of this rule. (4-2-08)

352. -- 399. (RESERVED)

400. UNATTENDED VENDING MACHINES.

01. Vending Machine Displays. Any coin or currency operated device which automatically dispenses consumer commodities or consumer packages without a full-time attendant must clearly display a sign or signs showing the following facts: (7-1-93)

a. The name of the commodity or commodities dispensed; (7-1-93)

b. The brand name or names of the commodity or commodities dispensed; (7-1-93)

c. A statement of the quantity of each commodity or package to be dispensed through the device, except that this paragraph does not apply to candy bars, gum, or cigarettes; (7-1-93)

d. The name, city, street address, state, and telephone number of the local distributor or operator of such device. (7-1-93)

02. Units of Measurement. The units of measure used on such sign in the statement of quantity must be the standard units as prescribed by the Idaho Weights and Measures Law and the rules of this chapter. (7-1-93)

401. -- 449. (RESERVED)

450. REGISTRATION OF SERVICEMEN AND SERVICE AGENCIES FOR COMMERCIAL WEIGHING AND MEASURING DEVICES.

01. Policy. It is the policy of the Director of the Department of Agriculture or the Director's duly authorized agent, hereinafter referred to as "Director," to accept voluntary registration of (a) an individual and (b) an agency that provides acceptable evidence that he or it is fully qualified to install, service, repair or recondition a commercial weighing or measuring device; has a thorough working knowledge of all appropriate weights and measures laws, orders, rules; and has possession of, or available for use, weights and measures standards and testing equipment appropriate in design and adequate in amount. (An employee of government shall not be eligible for registration). This policy in no way precludes or limits the right and privilege of any qualified individual or agency not registered with the Director to install, service, repair, or recondition a commercial weighing or measuring device. (7-1-93)

02. Reciprocity. The Director may enter into an informal reciprocal agreement with any other state or states that has or have similar voluntary registration policies. Under such agreement, the registered servicemen and the registered service agencies of the states party to the reciprocal agreement are granted full reciprocal authority, including reciprocal recognition of certification of standards and testing equipment, in all states party to such agreement. (7-1-93)

03. Voluntary Registration. An individual or agency may apply for voluntary registration to service weighing devices or measuring devices on an application form supplied by the Director. Said form, duly signed and witnessed, must include certification by the applicant that the individual or agency is fully qualified to install, service, repair, or recondition whatever devices for the service of which competence is being registered; has in possession, or available for use, all necessary testing equipment and standards; and has full knowledge of all appropriate weights and measures laws, orders, rules and regulations. An applicant must also submit appropriate evidence or references as to qualifications. (7-1-93)

04. Certificate of Registration. Upon receipt and acceptance of a properly executed application form, the Director will issue to the applicant a "Certificate of Registration," including an assigned registration number, which will remain effective until either returned by the applicant or withdrawn by the Director. (7-1-93)

05. Privileges of a Voluntary Registrant. A bearer of a Certificate of Registration has the authority to remove an official rejection tag or mark placed on a weighing or measuring device by the authority of the Director; place in service, until such time as an official examination can be made, a weighing or measuring device that has been officially rejected; and place in service, until such time as an official examination can be made, a new or used weighing or measuring device. (7-1-93)

06. Placed in Service Report. The Director will furnish each registered serviceman and registered service agency with a supply of report forms to be known as "Placed in Service Reports." Such a form will be executed in triplicate, include the assigned registration number, and be signed by a registered serviceman or by a serviceman representing a registered agency for each rejected device restored to service and for each newly installed device placed in service. Within twenty-four (24) hours after a device is restored to service, or placed in service, the original of the properly executed Placed in Service Report, together with any official rejection tag removed from the device, must be mailed to the Director at The Idaho State Department of Agriculture, Bureau of Weights and Measures, PO Box 7249, Boise, Idaho, 83707. The duplicate copy of the report must be handed to the owner or operator of the device, and the triplicate copy of the report must be retained by the registered serviceman or agency. Also, a copy of a test report on the form used by the Bureau of Weights and Measures or a form approved by the Bureau of Weights and Measures must be submitted to the Bureau of Weights and Measures, PO Box 7249, Boise, Idaho, 83707, on livestock, vehicle and mono-rail scales. (7-1-93)

07. Standards and Testing Equipment. A registered serviceman and a registered service agency must submit, at least biennially, or as directed, to the Director, for his examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. A registered serviceman or agency must not use in servicing commercial weighing or measuring devices any standards or testing equipment that have not been certified by the Director. (7-1-93)

08. Revocation of Certificate of Registration. The Director may, for good cause, after careful investigation and consideration, suspend or revoke a Certificate of Registration. (7-1-93)

09. Publication of Lists of Registered Servicemen and Registered Service Agencies. The Director will publish, from time to time as he deems appropriate, and may supply upon request, lists of Registered Servicemen and Registered Service Agencies. (7-1-93)

451. -- 499. (RESERVED)

500. BREAD.

Each loaf of bread kept, offered, or exposed for sale, whether or not the bread is packaged or sliced, must be sold by weight, as per Section 71-236 of Title 71, Chapter 2, Idaho Code. (4-2-08)

501. -- 599. (RESERVED)

600. SINGLE DRAFT VEHICLE WEIGHING.

A highway vehicle or a coupled highway-vehicle or a coupled highway-vehicle combination must be commercially weighed on a vehicle scale only as a single draft. That is, the total weight of such a vehicle or combination must not be determined by adding together the results obtained by separately and not simultaneously weighing each end of such vehicle or individual elements of such coupled combination. However: (7-1-93)

01. Coupled Combination. The weight of a coupled combination may be determined by uncoupling the various elements (tractor, semitrailer, trailer), weighing each unit separately as a single draft, and adding together the results. (7-1-93)

02. Vehicle. The weight of a vehicle or coupled-vehicle combination may be determined by adding together the weights obtained while all individual elements are resting simultaneously on more than one (1) scale platform. (7-1-93)

601. -- 649. (RESERVED)

650. RULE FOR NATIONAL TYPE EVALUATION.

01. Application. This rule applies to all classes of devices and equipment as covered in the National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, and 105-3. (7-1-93)

02. Certificate of Conformance. The Director may require any weight or measure, or any weighing or measuring instrument or device to be issued a Certificate of Conformance prior to use for commercial or law enforcement purposes. (12-22-92)

03. Participating Laboratory. The Director is authorized to operate a participating laboratory as part of the National Type Evaluation Program. (12-22-92)

651. -- 999. (RESERVED)

IDAPA 07 – DIVISION OF BUILDING SAFETY
07.01.01 – RULES OF THE IDAHO ELECTRICAL BOARD
DOCKET NO. 07-0101-1901 (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 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006, 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 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 132 through 154](#).

Because this is a new rule chapter and no changes were made to the pending rule, the text of this chapter is not being republished in this Bulletin. The text of the rule was published using the proper legislative format necessary for legislative review purposes. Please see the September 4, 2019 Bulletin for the full text of the pending rule.

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 Warren Wing, Electrical Program Manager, at (208) 334-3950 or at warren.wing@dbs.idaho.gov.

Dated this 30th day of October, 2019.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
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IDAPA 07 – DIVISION OF BUILDING SAFETY
07.03.01 – RULES OF BUILDING SAFETY
DOCKET NO. 07-0301-1901
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under Docket No. 07-0000-1900F, which will also be filed for review for final approval during the upcoming legislative session.

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 39-4107, 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 2, 2019 Idaho Administrative Bulletin, [Vol. 19-10, pages 24 through 37](#).

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 Jeff Egan, Building Code Program Manager, at (208) 332-7123 or at jeff.egan@dbs.idaho.gov.

Dated this 30th day of October, 2019.

Ron Whitney, Deputy Administrator
Division of Building Safety
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**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 07-0301-1901**

**This rulemaking is being republished in its entirety.
Previously made amendments are shown in **red plain text (non-italicized)**.**

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. Pursuant to Section 39-4109, Idaho Code, the effective date of any edition of the codes adopted in this Section, or any amendments identified thereto, shall be January 1 of the succeeding year following legislative approval of the rulemaking establishing the edition or amendment. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-20-14)

01. International Building Code. 2018 Edition with the following amendments: ()

a. Delete Section 305.2.3 and replace with the following: **305.2.3** Twelve (12) or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. ()

b. Delete Section 308.2.4 and replace with the following: **308.2.4** Five (5) or fewer persons receiving custodial care. A facility with five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. ()

c. Delete Section 308.3.2 and replace with the following: **308.3.2** Five (5) or fewer persons receiving medical care. A facility with five (5) or fewer persons receiving medical care shall be classified as a Group R-3 occupancy. ()

d. Delete Section 308.5.4 and replace with the following: **308.5.4** Persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. ()

e. Delete Section 310.4 and replace with the following: **310.4** Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including: **1. Buildings that do not contain more than two (2) dwelling units. 2. Care facilities that provide accommodations for five (5) or fewer persons receiving personal care, custodial care or medical care. 3. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants, including boarding houses (nontransient), convents, dormitories, fraternities and sororities, and monasteries. 4. Congregate living facilities (transient) with ten (10) or fewer occupants, including boarding houses (transient). 5. Dwelling units providing day care for twelve (12) or fewer children. 6. Lodging houses (transient) with five (5) or fewer guest rooms and ten (10) or fewer occupants.** ()

f. Delete Section 310.4.1 and replace with the following: **310.4.1** Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving **personal care or custodial care** that are within a **one- or two-**family dwelling are permitted to comply with the International Residential Code. ()

g. Delete footnote ^e under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: ^e For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. ()

h. Delete footnote ^f from Table 2902.1 Minimum Number of Required Plumbing Fixtures, add footnote ^f in the header row of the column in Table 2902.1 labeled "Drinking Fountains," and delete footnote ^f under Table 2902.1 and replace with the following: ^f Drinking fountains are not required for an occupant load of thirty (30) or fewer. ()

i. Delete Section 3113.1 and replace with the following: **3113.1** General. The provisions of this Section shall apply to relocatable buildings. Relocatable buildings manufactured after the effective date of this code shall comply with the applicable provisions of this code; title 39, chapter 43, Idaho Code; and IDAPA 07.03.03.

Exception: This Section shall not apply to manufactured housing used as dwellings. ()

02. International Residential Code. 2018 Edition with the following amendments: ()

a. Delete the exception under Section R101.2 Scope, and replace with the following: Exception: The following shall also be permitted to be constructed in accordance with this code: 1. Owner-occupied lodging houses with five (5) or fewer guestrooms and ten (10) or fewer total occupants. 2. A care facility with five (5) or fewer persons receiving custodial care within a dwelling unit or single-family dwelling. 3. A care facility for five (5) or fewer persons receiving personal care that are within a dwelling unit or single-family dwelling. 4. A care facility with twelve (12) or fewer children receiving day care within a dwelling unit or single-family dwelling. ()

b. Delete Section R104.10.1 Flood hazard areas. ()

c. Delete item number 7 under the “Building” subheading of Section R105.2 Work exempt from permit, and replace with the following: 7. Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. ()

d. Add the following as item number 11 under the “Building” subheading of Section R105.2 Work exempt from permit: 11. Flag poles. ()

e. Delete Section R109.1.3 and replace with the following: **R109.1.3** Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in Section R322. ()

f. Delete Section R301.2.1.2 Protection of Openings. ()

g. Delete Table R302.1(1) and replace with the following:

TABLE R302.1(1) - EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour-tested in accordance with ASTM E 119, UL263, or Section 703.3 of the International Building Code with exposure from both sides	< 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Projections	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire retardant-treated wood ^{a,b}	≥ 2 feet to < 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Openings in Walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	≥ 3 feet to < 5 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

For SI: 1 foot = 304.8 mm.
N/A = Not Applicable

^a The fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

^b The fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the rake overhang where gable vent openings are not installed. ()

h. Delete Section R302.13 Fire protection of floors. ()

i. Delete Section R303.4 and replace with the following: R303.4 Mechanical Ventilation. Dwelling units shall be provided with whole-house mechanical ventilation in accordance with Section M1505.4. ()

j. Delete the exception under Section R313.1 Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where either two (2) one (1)-hour fire-resistance-rated walls or a common two (2)-hour fire-resistance rated wall, as specified in item number 2 of Section R302.2.2 is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. ()

k. Delete Section R313.2 One- and two-family dwellings automatic fire sprinkler systems. ()

l. Delete the exceptions under Section R314.2.2 Alterations, repairs and additions, and replace with the following: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section. 2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section. ()

m. Delete the exceptions under Section R315.2.2 Alterations, repairs and additions, and replace with the following: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section. 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. ()

n. Delete Section R322.1.10 As-built elevation documentation. ()

o. Delete Section R322.2.1 and replace with the following: R322.2.1 Elevation requirements. 1. Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation. 2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floors (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM, or not less than two (2) feet (610 mm) if a depth number is not specified. 3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation. Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section R322.2.2. ()

p. Delete subparagraph 2.1 of Section R322.2.2 Enclosed area below design flood elevation, and replace with the following: 2.1. The total net area of all openings shall be at least one (1) square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. ()

q. Delete Tables R403 Minimum Depth (D) and Width (W) of Crushed Stone Footings (inches), R403.1(1) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction (inches), R403.1(2) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction and Brick Veneer (inches), and R403.1(3) Minimum Width and Thickness for Concrete Footings with Cast-In-Place or Fully Grouted Masonry Wall Construction (inches). ()

r. Add the following as Table R403.1:

TABLE R403.1
MINIMUM WIDTH OF CONCRETE, PRECAST, OR MASONRY FOOTINGS (inches)^a

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
Conventional light-frame construction				
1-Story	12	12	12	12
2-Story	15	12	12	12
3-Story	23	17	12	12
4-inch brick veneer over light frame or 8-inch hollow concrete masonry				
1-Story	12	12	12	12
2-Story	21	16	12	12
3-Story	32	24	16	12
8-inch solid or fully grouted masonry				
1-Story	16	12	12	12
2-Story	29	21	14	12
3-Story	42	32	21	16

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kPa.

^aWhere minimum footing width is twelve (12) inches, use of a single wythe of solid or fully grouted twelve (12)-inch nominal concrete masonry units is permitted. ()

s. Delete Section R403.1.1 and replace with the following: R403.1.1 Minimum size. Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width (W) shall be based on the load bearing value of the soil in accordance with Table R401.4.1. Spread footings shall be at least six (6) inches in thickness (T). Footing projections (P) shall be at least two (2) inches and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2 and Figures R403.1(2) and R403.1(3). ()

t. Delete Section R602.10 and replace with the following: R602.10 Wall bracing. Buildings shall be braced in accordance with this Section or, when applicable Section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this Section, those portions shall be designed and constructed in accordance with Section R301.1. ()

03. International Existing Building Code. 2018 Edition. ()

04. International Energy Conservation Code. 2018 Edition with the following amendments: ()

a. Add the following as Section C101.5.2: C101.5.2 Industrial, electronic, and manufacturing equipment. Buildings or portions thereof that are heated or cooled exclusively to maintain the required operating temperature of industrial, electronic, or manufacturing equipment shall be exempt from the provisions of this code. Such buildings or portions thereof shall be separated from connected conditioned space by building thermal envelope assemblies complying with this code. ()

b. Add the following as an exception under Section C402.5 Air leakage—thermal envelope (Mandatory): Exception: For buildings having over fifty thousand (50,000) square feet of conditioned floor area, air leakage testing shall be permitted to be conducted on less than the whole building, provided the following portions of the building are tested and their measured air leakage is area-weighted by the surface areas of the building envelope: 1. The entire floor area of all stories that have any spaces directly under a roof. 2. The entire floor area of all stories that have a building entrance or loading dock. 3. Representative above-grade wall sections of the building totaling at least twenty-five percent (25%) of the above-grade wall area enclosing the remaining conditioned space. Floor area tested under subparagraphs 1. or 2. of this exception shall not be included in the twenty-five percent (25%) of above-grade wall sections tested under this subparagraph. ()

c. Add the following as exception **number 7** under Section C403.5 Economizers (Prescriptive): 7. Unusual outdoor air contaminate conditions – Systems where special outside air filtration and treatment for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible. ()

d. Delete Table C404.5.1 and replace with the following:

TABLE C404.5.1 PIPING VOLUME AND MAXIMUM PIPING LENGTHS			
NOMINAL PIPE SIZE (inches)	VOLUME (liquid ounces per foot length)	MAXIMUM PIPING LENGTH (feet)	
		Public lavatory faucets	Other fixtures and appliances
1/4	0.33	31	50
5/16	0.5	N/A - non-standard size	50
3/8	0.75	17	50
1/2	1.5	10	43
5/8	2	7	32
3/4	3	5	21
7/8	4	N/A - non-standard size	16
1	5	3	13
1 1/4	8	2	8
1 1/2	11	1	6

TABLE C404.5.1 PIPING VOLUME AND MAXIMUM PIPING LENGTHS			
NOMINAL PIPE SIZE (inches)	VOLUME (liquid ounces per foot length)	MAXIMUM PIPING LENGTH (feet)	
		Public lavatory faucets	Other fixtures and appliances
2 or larger	18	1	4

For SI: 1 inch = 25.4 mm; 1 foot = 304.8 mm; 1 liquid ounce = 0.030 L; 1 gallon = 128 ounces. (4-11-19)

e. Delete the rows in Table R402.1.2 for climate zones “5 and Marine 4” and “6” and replace with the following:

TABLE R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT ^a										
Climate Zone	Fenestration U-Factor ^b	Skylight U-factor ^b	Glazed Fenestration SHGC ^{b, c}	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value ⁱ	Floor R-Value	Basement Wall R-Value ^c	Slab ^d R-Value & Depth	Crawlspace ^c Wall R-Value
5	0.32	0.55	NR	38	20 or 13+5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.30	0.55	NR	49	22 or 13+5 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19

()

f. Add the following as footnote ^k to the title of Table R402.1.2 - Insulation and Fenestration Requirements by Component: ^k For residential log home building thermal envelope construction requirements see Section R402.6. ()

g. Delete the rows in Table R402.1.4 for climate zones “5 and Marine 4” and “6” and replace with the following:

TABLE R402.1.4 EQUIVALENT U-FACTORS ^a								
Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling U-factor	Frame Wall U-factor	Mass Wall U-factor ^b	Floor U-factor	Basement Wall U-factor	Crawlspace Wall U-factor
5	0.32	0.55	0.030	0.060	0.082	0.033	0.050	0.055
6	0.30	0.55	0.026	0.057	0.060	0.033	0.050	0.055

()

h. Delete Section R402.4.1 and replace with the following: R402.4.1 Building thermal envelope. 1. Until June 30, 2021, the building thermal envelope shall comply with Sections R402.4.1.1 (Installation) and either Section R402.4.1.2 (Testing) or Section R402.4.1.3 (Visual inspection). 2. Effective July 1, 2021, the building

thermal envelope of a minimum of twenty percent (20%) of all new single-family homes constructed by each builder shall comply with Section R402.4.1.1 (Installation) and Section R402.4.1.2 (Testing). The authority having jurisdiction may: 2.1. Determine how to enforce this requirement, starting with the fifth house and continuing with each subsequent fifth house. 2.2. Waive this requirement if significant testing indicates the five (5) air changes per hour (ACH) requirement is consistently being met or exceeded (resulting in a lower ACH). 2.3. Grant exceptions to this requirement in rural areas where testing equipment is not available or cost effective. 3. Effective July 1, 2021, the building thermal envelope of eighty percent (80%) of all new single-family homes constructed by each builder shall comply with Section R402.4.1.1 (Installation) and either Section R402.4.1.2 (Testing) or Section R402.4.1.3 (Visual inspection). 4. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. ()

i. Delete Section R402.4.1.1 and replace with the following: **R402.4.1.1 Installation.** The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. ()

j. Delete Section R402.4.1.2 and replace with the following: **R402.4.1.2 Testing.** Testing building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than five (5) air changes per hour (ACH) when tested with a blower door at a pressure of 33.5 psf (50 Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. **Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2-inch w.g. (50 Pascals).** During testing: 1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed. 2. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers. 3. Interior doors shall be open. 4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed. 5. Heating and cooling system(s) shall be turned off. 6. HVAC ducts shall not be sealed. 7. Supply and return registers shall not be sealed. ()

k. Add the following as Section R402.4.1.3: **R402.4.1.3 Visual inspection.** Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table R402.4.1.1, applicable to the method of construction, are field verified. Where required by code official an approved party independent from the installer of the insulation shall inspect the air barrier and insulation. ()

l. Add the following as Section R402.6: **R402.6 Residential log home thermal envelope.** Residential log home construction shall comply with Section R401 (*General*), Section R402.4 (*Air leakage*), Section R402.5 (*Maximum fenestration U-factor and SHGC*), Section R403.1 (*Controls*), the mandatory sections of Sections R403.3 through R403.9, Section R404 (*Electrical Power and Lighting Systems*), and either 1., 2., or 3. as follows: 1. Sections R402.2 through R402.3, Section R403.3.1 (*Insulation*), Section R404.1 (*Lightning equipment*), and Table R402.6 (*Log Home Prescriptive Thermal Envelope Requirements by Component*). 2. Section R405 (*Simulated Performance Alternative*). 3. REScheck (U.S. Department of Energy Building Codes Program). ()

m. Add the following as Table R402.6:

TABLE R402.6
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT

For SI: 1 foot = 304.8 mm.

Climate Zone	Fenestration U-factor ^a	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value ^d	Slab R-value & Depth ^b	Crawl Space Wall R-value ^d
5, 6 - High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

^aThe fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

^bR-5 shall be added to the required slab edge R-values for heated slabs.

^c90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).

^d“15/19” means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. “15/19” shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. “10/13” means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

()

n. Delete Section R403.5.3 and replace with the following: **R403.5.3 Hot water pipe insulation (Prescriptive).** Insulation for hot water piping with a thermal resistance, R-value, of not less than R-3 shall be applied to the following: 1. Piping serving more than one (1) dwelling unit. 2. Piping located outside the conditioned space. 3. Piping located under a floor slab. 4. Buried piping. 5. Supply and return piping in recirculation systems other than demand recirculation systems.

()

o. Delete Section R404.1 and replace with the following: **R404.1 Lighting equipment (Mandatory).** A minimum of **seventy-five percent (75%)** of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of **seventy-five percent (75%)** of the permanently installed lighting fixtures shall contain only high efficacy lamps.

()

p. Delete Section R406.3 and replace with the following: **R406.3 Energy Rating Index.** The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301. Energy used to recharge or refuel a vehicle used for transportation on roads that are not on the building site shall not be included in the ERI reference design or the rated design.

()

q. Delete Table R406.4 and replace with the following:

Table R406.4 - Maximum Energy Rating Index

Climate Zone	Energy Rating Index^a
5	68
6	68

^a Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4 of the 2015 International Energy Conservation Code. ()

05. References to Other Codes. Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-29-10)

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.05.01 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 07-0000-1900F, which will also be filed for review for final approval during the upcoming legislative session.

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 54-1904 and 54-1907, 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.

Certain changes to the rule text in the proposed rule made pursuant to the Red Tape Reduction Act ([Executive Order 2019-02](#)) conflict with changes made in Docket No. 07-0000-1900F. Those changes have been removed from this pending 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 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 155 through 157](#).

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 Ron Whitney, Deputy Administrator, at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

Dated this 1st day of November, 2019.

Ron Whitney
Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
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Meridian, ID 83642
Phone: (208) 332-7150
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**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 07-0501-1901**

**This rulemaking is being republished in its entirety.
Previously made amendments are shown in red plain text (non-italicized).**

201. FEES.

01. Public Works Contractor Licensing Fees. In accordance with Section 54-1904, Idaho Code, fees for each class of public works contractor licenses are as provided below.

TABLE 201.01 – INITIAL AND RENEWAL LICENSING FEES		
License Class	Initial Fee	Renewal Fee
Unlimited	\$550	\$440
AAA	\$450	\$360
AA	\$350	\$280
A	\$250	\$160
B	\$150	\$120
CC	\$125	\$100
C	\$100	\$80
D	\$50	\$40

()

02. Construction Manager Licensing Fees. Fees for construction manager licenses are, in accordance with Section 54-4510, Idaho Code, as follows: ()

- a. The fee for initial examination and licensing is two hundred dollars (\$200). (3-19-99)
- b. The fee for license renewal is two hundred dollars (\$200). (3-19-99)
- c. The fee for an inactive license is fifty dollars (\$50). (3-19-99)
- d. The fee for license reinstatement is two hundred dollars (\$200). (3-19-99)
- e. The fee for administering the examination is the standard fee established for taking that examination. (3-19-99)
- f. The fee for issuing and for reinstating a certificate of authority is one hundred dollars (\$100). (3-19-99)

03. Payment of Fees. Fees are payable to “Division of Building Safety -- Public Works Contractors.” (3-20-04)

04. Application Filed With Fees. An application filed without the listed fees is deemed incomplete and returned to the applicant. ()

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.08.01 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING

DOCKET NO. 07-0801-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 07-0000-1900, which will also be filed for review for final approval during the upcoming legislative session.

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 67-2601A, Idaho Code.

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

The changes being made to this docket clarify safety procedures for the operation of swing yarders, correct a typo, and include a requirement regarding the use of sleeve shackles that was discussed during negotiated rulemaking but was inadvertently left out of the rulemaking. These changes are being made pursuant to comments submitted during the twenty-one (21)-day comment period.

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 2, 2019 Idaho Administrative Bulletin, [Vol. 19-10, pages 38 through 77](#).

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 Larry Jeffres, Regional Manager, Division of Building Safety at (208) 277-6526 or at larry.jeffres@dbs.idaho.gov.

Dated this 1st day of November, 2019.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
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h. No employer, owner or lessee of any real property shall construct or cause to be constructed any place of employment that does not meet the minimum safety requirements of these rules. ()

i. No person, employer, employee, other than an authorized person, shall do any of the following: ()

i. Remove, displace, damage, destroy or carry off any safeguard, first aid material, notice or warning, furnished for use in any employment or place of employment, or interfere in any way with the use thereof by any other person. ()

ii. Interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment or place of employment. ()

iii. No person shall fail or neglect to do all other things as required by these rules to protect the life and safety of employees. ()

iv. The use of intoxicants or drugs while on duty is prohibited. Persons reporting for duty while under the influence of or impaired by liquor or other legal or illegal drugs or substances shall not work until completely recovered. ()

j. A procedure for checking the welfare of all workers during working hours shall be instituted and all workmen so advised. The employer shall assume responsibility of work assignments so that no worker shall be required to work in a position or location so isolated or hazardous that he is not within visual or audible signal contact with another person who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these activities are carried on there shall be a minimum crew of two (2) persons who shall work as a team, and shall be in visual or audible signal contact with one another. This does not apply to operators of motorized equipment, watchmen, or certain other jobs which, by their nature are singular workmen assignments. There shall be some method of checking-in **crew members** at the end of the shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of movable equipment. ()

k. Every employer shall keep a record of all cases of injuries his employees receive at their work. This record shall be kept in such manner as to enable representatives of the Division to determine by examining the record, the injury rate of the employee force for the period covered by the report. ()

l. Every employer shall investigate every accident resulting in a disabling injury that his employees suffer in connection with their employment. Employers shall promptly take any required action to correct the situation. Employees shall assist in the investigation by giving any information and facts they have concerning the accident. ()

02. Management Responsibility. ()

a. Management shall take an active and interested part in the development and guidance of the operation's safety program, including fire safety. ()

b. Management shall apply a basic workable safety plan on the same priority as it does to any other work facet of the operation where elimination of all injuries is to be achieved in all phases of the operation. It is the duty of management to assume full and definite responsibility. To attain these safety objectives, management shall have the full cooperation of employers and the Division. ()

c. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish such devices and safeguards and shall adopt and use such practices, means, methods, operation and processes as are adequate to render such employment and places of employment safe to protect the life and safety of employees. The employer shall make available necessary personal protective safety equipment. ()

d. Regular safety inspection of all rigging, logging, machinery, rolling stock, bridges, and other equipment shall be made as often as the character of the equipment requires. Defective equipment or unsafe

conditions found shall be replaced, repaired or remedied. ()

e. All places of employment shall be inspected by a qualified person or persons as often as the type of operation or the character of the equipment requires. Defective equipment or unsafe conditions found by these inspections shall be replaced or repaired or remedied promptly. ()

013. EMPLOYEE'S RESPONSIBILITY.

01. General Requirements. ()

a. Employees shall not indulge in horseplay, scuffling, practical jokes or any activity that creates or constitutes a hazard while on the employer's property or at any time when being transported from or to work in facilities furnished by the employer. ()

b. Employees who are assigned to, or engaged in the operation of any machinery or equipment, shall ensure that all guards, hoods, safety devices, etc., that are provided by the employer are in proper place and properly adjusted. ()

02. Employee Accidents. Each employee shall make it his individual responsibility to keep himself, his coworkers, and his machine or equipment free from accidents to the best of his ability. ()

03. Study Requirements. So that each worker may be better qualified to cooperate with his fellow workmen in preventing accidents, he shall study and observe these and any other safety standards governing his work. ()

04. Employee Responsibilities. Additional responsibilities of an employee insofar as industrial safety is concerned shall be as follows: ()

a. The employee shall report immediately, preferably in writing, to his foreman or safety coordinator for the logging operation, all known unsafe conditions and practices. ()

b. The employee shall ascertain from the foreman where medical help may be obtained if it is needed. ()

c. The employee shall not participate in practical jokes or horseplay. ()

d. The employee shall make a prompt report of every accident regardless of severity to the foreman, first aid attendant, or person in charge. Such reports are required and are necessary in order that there may be a record of his injuries. ()

e. The employee shall at all times apply the principles of accident prevention in his daily work and shall use proper safety devices and protective equipment. No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee in such employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of himself and fellow employees, and by observing safe practice rules shall set a good example for his fellow workmen. ()

f. The employee shall not report to the job impaired by intoxicants or legal or illegal drugs and shall not use intoxicants or such drugs while on the job. The employer shall prohibit any employee from working on or being in the vicinity of any job while under the influence of or impaired by intoxicants or drugs. Employers shall be responsible for the actions of any employee known to be in an intoxicated or impaired condition while on the job. ()

g. The employee shall wear, use and properly care for personal protective safety equipment issued to him. These items shall be returned to the employer upon termination of employment. ()

- h.** Workers exposed to head hazards shall wear approved head protection. ()
- i.** Proper eye protection shall be worn while performing work where a known eye hazard exists. ()
- j.** The employee should consider the benefits of accident prevention to himself and to his job. ()
- k.** The employee should make an effort to understand his job. ()
- l.** The employee should anticipate every way in which a person might be injured on the job, and conduct the work to avoid accidents. ()
- m.** The employee should be on the alert constantly for any unsafe condition or practice. ()
- n.** The employee shall learn first aid. ()
- o.** The employee should keep physically fit, and obtain sufficient rest. ()
- p.** The employee should be certain that all instructions received are understood completely before starting the work. ()
- q.** The employee should actively participate in safety programs. ()
- r.** The employee should study the safety educational material posted on the bulletin boards and distributed by the employer or safety committee. ()
- s.** The employee should advise inexperienced fellow-employees of safe ways to perform their work and warn them of dangers to be guarded against. ()
- t.** It is the employer's responsibility to ensure compliance with the foregoing provisions. ()

014. -- 050. (RESERVED)

SUBCHAPTER B - HEALTH, SAFETY, AND SANITATION
(Rules 051 through 100)

051. FIRST AID.

- 01. Transportation.** ()
 - a.** Suitable means of transportation shall be established and maintained at the site of all operations to be used in the event any employee is seriously injured. ()
 - b.** Transportation shall be of a nature to render reasonable comfort to an injured employee. ()
 - c.** Each crew bus, or similar vehicle, shall be equipped with at least one (1) first aid kit with the required contents as indicated in Subsection 010.06 of these rules. ()
- 02. Communication.** ()
 - a.** Every employer shall arrange suitable telephone or radio communication at the nearest reasonable point, and shall establish an emergency action plan to be taken in the event of serious injury to any employee. ()
 - b.** Instructions covering the emergency action plan shall be made available to all work crews. ()

c. When practicable, a poster shall be displayed on, or near the cover of each first aid cabinet or phone. The poster shall display the phone numbers of applicable emergency services. The use of the Idaho State EMS Communication Center is recommended. The number is 1-800-632-8000 or 208-846-7610. ()

d. Every employer shall obtain their specific job location (longitude and latitude preferred) and furnish such to crew for emergency evacuation. ()

03. Attendance for Seriously Injured. ()

a. Seriously injured employees shall, at all times, be attended by the most qualified available person to care for the injured employees. ()

b. Seriously injured employees shall be carefully handled and removed to a hospital, or given medical attention as soon as possible. ()

c. Caution shall be used in removing a helpless or unconscious person from the scene of an accident to prevent further injury. ()

04. First Aid Training. Any person performing work associated with a logging operation shall be required to complete an approved course in first-aid and have a current card. ()

05. Stretcher or Spine Board. A spine board (designed for or adaptable to the work location and terrain) and two blankets maintained in sanitary and serviceable condition shall be available where such conditions require the use of such to provide for the proper transportation and first aid to an injured workman. ()

06. First Aid Kits. ()

a. The employer shall provide first aid kits at each work site where trees are being felled, at each active landing, and in each employee transport vehicle. ()

b. The following list sets forth the minimally acceptable number and type of first-aid supplies for required first-aid kits. The contents of the first-aid kits shall be adequate for small work sites, consisting of approximately two (2) to three (3) employees. When larger operations or multiple operations are being conducted at the same location, additional first-aid kits shall be provided at the work site or additional quantities of supplies shall be included in the first-aid kits:

TABLE 010.06 REQUIRED CONTENTS	
1.	Gauze pads (at least 4 x 4 inches)
2.	Two (2) large gauze pads (at least 8 x 10 inches)
3.	Box adhesive bandages (band-aids)
4.	One (1) package gauze roller bandage (at least two (2) inches wide)
5.	Two (2) triangular bandages
6.	Wound cleaning agent such as sealed moistened towelettes
7.	Scissors
8.	At least one (1) blanket
9.	Tweezers
10.	Adhesive tape
11.	Latex gloves

TABLE 010.06 REQUIRED CONTENTS	
12.	Resuscitation equipment such as resuscitation bag, airway, or pocket mask
13.	Two (2) elastic wraps
14.	Splint
15.	Directions for requesting emergency assistance

()

c. Special kits, or the equivalent, shall be provided and approved for special hazards peculiar to any given work location. ()

d. All kits, as applicable, shall be readily available and kept supplied. ()

e. First aid kits shall be in metal, or other sanitary containers. Such containers shall be designed and constructed so as to be impervious to conditions of weather, dust, dirt, or other foreign matter. ()

052. SAFETY EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT.

01. General Requirements. ()

a. Special protective equipment or apparel required for safe employment, other than clothing or equipment customarily supplied by employees, shall be furnished by the employer where necessary for the safety of employees. ()

b. Employees are required to utilize all prescribed safety equipment and special protective equipment or apparel, and they shall exercise due care in maintaining it in safe, efficient and sanitary conditions. ()

c. **Employers are required to provide, at no cost to employees, appropriate eye, face, head, hand, and leg protection.** ()

d. Defective safety equipment shall not be used. Where the need for their use is indicated, protective covering, ointments, gloves or other effective protection shall be provided for and used by persons exposed to materials that are irritating to the skin. ()

02. Inspection, Maintenance and Sanitizing. ()

a. Each employer shall maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers. ()

b. Air line equipment shall have a necessary regulator and shall be inspected before each use. ()

c. Workers shall check their equipment at the beginning of each shift. ()

03. Eye Protection. ()

a. Where workers are subject to eye hazards (flying particles, dusts, hazardous liquids, gases, mists or vapors, or injurious light rays) they shall be furnished with and shall wear eye protection suitable for the hazards involved. Such eye protection shall conform to the American National Standard Institute standards for Head, Eyes and Respiratory protection. ()

b. Face shields may be used in lieu of other forms of eye protection where the nature of the operation is such that they will furnish equivalent protection. ()

c. Clean water in ample quantities shall be immediately available where materials are handled that are

caustic or corrosive to the eyes. ()

04. Foot and Leg Protection. ()

a. Employees shall wear footwear suitable for the work conditions. ()

b. Employees shall wear sharp caulk-soled boots or other footwear which will afford maximum protection from slipping. ()

c. Special types or designs of shoes, or foot guards, shall be required to be worn where conditions exist that make their use necessary for the safety of the workers. ()

d. Leggings or high boots of leather, rubber or other suitable material shall be worn by climbers, persons exposed to hot substances, or caustic solutions, etc., or where poisonous snakes may be encountered. ()

e. Each employee who operates a chain saw shall wear leg protection, which meets the requirements of ASTM F 1897 and covers the full length of the thigh to the top of the boot on each leg, except when working as a climber. ()

05. Hand Protection. ()

a. Hand protection suitable for the required usage shall be worn wherever the nature of the work requires extra protection for the hands. ()

b. Gloves shall not be worn where their use would create a hazard. ()

06. Head Protection. ()

a. Persons required to work where falling or flying objects, overhead structures, exposed electrical conductors, equipment or material create a hazard shall wear approved safety hard hats or caps at all times while exposed to such hazards. ()

b. Employees working in locations which present a catching or fire hazard to hair shall wear caps or other head protection that completely covers the hair. ()

07. Life Jackets, Vests and Life Rings.

Where personal buoyancy equipment is provided, it shall be of a design and shall be worn in a manner that will maintain the wearer's face above water. It shall be capable of floating a sixteen (16) pound weight for three (3) hours in fresh water. Such equipment shall not be dependent upon manual or mechanical manipulation or chemical action to secure the buoyant effect. ()

a. Employees shall be provided with, and shall wear, approved buoyant protective equipment at all times while working on or over water, as follows: ()

i. On floating pontoons, rafts and floating stages. ()

ii. On open decks of floating plants (such as dredges, pile-drivers, cranes, pond saws, and similar types of equipment) which are not equipped with bulwarks, guardrails or life lines. ()

iii. During the construction, alteration or repair of structures extending over or adjacent to water, except when guardrails, safety nets, or safety belts and life lines are provided and used. ()

iv. Working alone at night where there are potential drowning hazards regardless of other safeguards provided. ()

v. On floating logs, boom sticks or unguarded walkways. ()

b. Life rings with sufficient line attached to meet conditions shall be located at convenient points along exposed sides of work areas adjacent to water. Such rings, if used at night where a person might be beyond illuminated areas, shall be provided with a means of rendering them visible.

NOTE: Consult U.S. Coast Guard requirements for operations in navigable waters. ()

08. Life Lines -- Safety Belts. ()

a. Each life line and safety belt shall be of sufficient strength to support, without breaking, a weight of two thousand five hundred (2,500) pounds. ()

b. All life lines and safety belts shall be periodically inspected by the supervisor in charge. Employees shall inspect their belts and lines daily. Any defective belts or life lines shall be discarded or repaired before use. ()

c. Life lines shall be safely secured to strong stable supports and maintained with minimum slack. ()

09. Work Clothing. ()

a. Clothing shall be worn which is appropriate to work performed and conditions encountered. ()

b. Loose sleeves, cuffs or other loose or ragged clothing shall not be worn near moving machinery. ()

c. Clothing saturated or impregnated with flammable liquids, corrosive substances, irritants or oxidizing agents shall be removed immediately and not worn again until properly cleaned. ()

d. When it is necessary for workers to wear aprons or similar clothing near moving machines or hazardous materials, such clothing shall be so arranged that it can be instantly removed. ()

e. Clothing with exposed metal buttons, metal visors or other conductive materials shall not be worn around exposed electrical conductors. ()

10. Respiratory Equipment. ()

a. When filter or cartridge-type respirators are required to be used regularly, each employee shall have one such respirator for his own exclusive use. ()

b. Employers and employees shall familiarize themselves with the use, sanitary care and limitations of such respiratory equipment as they may have occasion to use. ()

c. Whenever practical, harmful dusts, fumes, mists, vapors and gases shall be suppressed by water, oil or other means which will minimize harmful exposure and permit employees to work without the use of respiratory equipment. ()

d. Whenever compressed air from an oil-lubricated compressor is used to supply respiratory equipment, a filter shall be inserted in the supply line to remove any oil, sediment or condensation that it may contain. Such filter shall be maintained in efficient working condition. ()

e. When self-contained respiratory equipment is used in hazardous locations, a standby unit shall be maintained for rescue purposes. ()

11. Hearing Protection. Where workers are subject to hazardous noise levels, they shall be furnished with and shall wear hearing protection suitable for the level of hazard involved. ()

12. Additional Information and Requirements. Additional information and requirements for the use of safety equipment and personal protective equipment may be found in the Safety and Health Standards established in IDAPA 07.09.01, "Safety and Health Rules for Places of Public Employment." ()

(BREAK IN CONTINUITY OF SECTIONS)

152. SIGNALING.

- 01. One Worker to Give Signals.** ()
 - a.** The Worker sending drag shall be the only one to give signals. ()
 - b.** Any person is authorized to give a stop signal when a worker is in danger or other emergency conditions are apparent. ()
- 02. Signal Must Be Clear and Distinct.** ()
 - a.** Machine operators shall not move any line unless the signal received is clear and distinct. ()
 - b.** If in doubt the operator shall repeat the signal as understood and wait for confirmation. ()
- 03. Hand Signal Use Restricted.** ()
 - a.** Hand signals are permitted only when in plain sight of the operator. ()
 - b.** Hand signals may be used at any time as an emergency stop signal. ()
- 04. Persons in Clear Before Signal Given.** All persons shall be in the clear before a signal is given to move logs or turns. ()
- 05. Throwing Material Prohibited.** Throwing of any type of material as a signal is prohibited. ()
- 06. Audible Signaling to Be Installed and Used.** A whistle, horn or other audible signaling device, clearly audible to all persons in the affected area, shall be installed and used on all machines operating as yarders. ()
- 07. Audible Signaling Device at the Machine to Be Activated.** When radio or other means of signal transmission is used, an audible signal must be activated at the machine. ()

(BREAK IN CONTINUITY OF SECTIONS)

301. FALLING AND BUCKING.

- 01. General Requirements.** ()
 - a.** There shall be an established method of checking-in workers from the woods. Each supervisor shall be responsible for their crew being accounted for at the end of each shift. ()
 - b.** Cutters not in sight of another employee shall have radio communications with crew members on that job site. ()
 - c.** Common sense and good judgment must govern the safety of cutters as effected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction, ()

or when vision is impaired by weather conditions or darkness. ()

d. All cutters shall have a current first aid certification. Employers shall provide an opportunity for cutters to take a standard first aid course. ()

e. Tools of cutters such as axes, sledges, wedges, saws, etc., must be maintained in safe condition. Battered sledges, and wedges shall not be used. When power saws are used, wedges shall be made of soft material, such as wood or plastic. ()

f. Cutters shall not be placed on hillsides immediately below each other or below other operations where there is possible danger. ()

g. Trees shall not be felled if a falling tree endangers any worker, line, or any unit in operation. ()

h. Before starting to fall or buck any tree or snag, the cutter must survey the area for possible hazards and proceed according to safe practices. Snags, which are unsafe to cut, shall be blown down with explosives, or felled by other methods. ()

i. Dangerous or hazardous snags shall be felled prior to or in the course of cutting a strip. No danger tree shall be felled by one (1) cutter where and when the assistance of a fellow employee is necessary to minimize the danger or hazards involved. In the case that any danger tree or snag cannot be safely felled and must remain standing or unattended, such tree or snag shall be clearly identified and suitably marked, including all surrounding impact area, and the employee's supervisor shall be notified as soon as possible. ()

j. In falling timber, adjacent brush and snow shall be cleared away from and around the tree to be felled to provide sufficient room to use saws and axes and provide an adequate escape path. ()

k. Cutters shall not fall into another strip; leaners on the line shall be traded. Trees shall be felled into the open whenever conditions permit. ()

l. Undercuts and side cuts shall be large enough to safely guide the trees and eliminate the possibility of splitting and barber chairing. Particular care shall be taken to hold enough wood to prevent the tree from prematurely slipping or twisting from the stump. Undercuts shall be cleaned out to the full depth of the saw cut. Especially large undercuts are necessary in heavy leaners. When required to safely fell a tree, mechanical or other means shall be employed to accomplish this objective. Pre-cutting of trees for the purpose of production logging is prohibited.

NOTE: Trees with no perceptible lean having an undercut to a depth of one quarter (1/4) of the diameter of the tree with an undercut height equal to one fifth (1/5) of the diameter of the tree will be assumed to be in reasonable compliance with this rule. ()

m. Back-cuts shall be above the level of the upper horizontal cut of the undercut. ()

n. While wedging, fallers shall watch for limbs or other material which might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited. ()

o. When falling or bucking a tree is completed the power saw motor should be stopped. The power saw motor shall be stopped while the operator is traveling to the next tree. ()

p. Cutters shall not work on the downhill side of the log being bucked unless absolutely unavoidable and only when the log is blocked or otherwise secured to prevent rolling when cut is completed. ()

q. Cutters must give timely warning to all persons within range of any log which may have a tendency to roll or slide after being cut off. ()

r. Logs shall be completely bucked-through whenever possible. If it becomes hazardous to complete a

cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible cutters shall warn rigging crew of locations where such unfinished cuts remain. ()

s. A competent person properly experienced in this type of work shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless under the direction of experienced workers. ()

t. Power saws shall be kept in good repair at all times. All exhaust parts on power chain saws shall be constructed and maintained so the operator is exposed to a minimum amount of fumes and noise. ()

u. Combustion engine driven power saws shall be equipped with an automatic throttle which will return the motor to idling speed upon release of the throttle. ()

v. Power saw motors shall be stopped while being fueled. ()

w. All personnel shall wear approved head protection, proper clothing and footwear. ()

x. Each employee who operates a chain saw shall wear leg protection, which meets the requirements of ASTM F 1897 and covers the full length of the thigh to the top of the boot on each leg, except when working as a climber. ()

(BREAK IN CONTINUITY OF SECTIONS)

351. RIGGING.

01. **General.** The determining factor in rigging-up shall be the amount of rated stump pull which a machine can deliver on each line. ()

02. **Equipment Classification.** ()

a. Equipment shall be classed according to the manufacturer's rating. ()

b. Where lower gear ratios or other devices are installed to increase the power of equipment, the size of the rigging shall be increased proportionately so that it will safely withstand the increased strains to conform to Subsection 010.04 of these rules. ()

03. **Safe Loading.** Rigging, and all parts thereof, shall be of a design and application to safely withstand all expected or potential loading to which it will be subjected. ()

04. **Allowable Loading or Stress.** ()

a. In no case shall the allowable loading or stress be imposed on one half (1/2) of the rated breaking strength of any parts of the rigging. ()

b. This shall not be construed as applying to chokers. ()

05. **Chokers.** Chokers shall be at least one eighth (1/8) inch smaller than the mainline. ()

06. **Placing, Condition, and Operation of Rigging.** The placing, condition and operation of rigging shall be such as to ensure safety to those who will be working in the vicinity. ()

07. **Arrangement and Operation.** Rigging shall be arranged and operated so that rigging or loads will not pound, rub, or saw against lines, straps, blocks, or other equipment. ()

- 08. Line Hazards.** ()
 - a. Running lines and changed settings shall be made in a way to avoid bight of line hazards. ()
 - b. Signals to operator shall be made before moving lines. ()
- 09. Reefing.** Reefing or similar practices to increase line pull shall be prohibited. ()
- 10. Inspection of Rigging.** ()
 - a. A thorough inspection, by the operator or qualified person, of all blocks, straps, guylines, and other rigging shall be made before the rigging is placed in position for use and subsequently repeated every thirty (30) days for as long as the rigging is in position for use. Each rigging inspection shall be documented and kept onsite for review. ()
 - b. This inspection shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, lubrication, condition of straps and guylines. ()
 - c. The repairs or replacements necessary for safe operation shall be made before rigging is used. ()

(BREAK IN CONTINUITY OF SECTIONS)

353. LINES, SHACKLES AND BLOCKS.

- 01. General Requirements.** ()
 - a. All lines, shackles, blocks, etc., should be maintained in good condition and shall be of sufficient size, diameter and material to withstand one and one half (1 1/2) times the maximum stress imposed. ()
 - b. Wire rope or other rigging equipment which shows a fifteen percent (15%) reduction in strength shall be replaced. ()
- 02. Splices.** ()
 - a. Two (2) lines may be connected by a long splice, or by shackles of patent links of the next size larger than the line where practical. ()
 - b. A safe margin of line must be used for making long splices. See Table 012.02-A.

TABLE 012.02-A		
Rope Diameter	Unraveled	Total Length
3/8"	8'	16'
5/8"	13'	20'
3/4"	15'	30'
7/8"	18'	36'
1"	20'	40'

()

03. Wire Rope Clips or Clamps.

()

a. Clips should be spaced at least six (6) rope diameters apart to achieve maximum holding power. See Table 012.03-A

TABLE 012.03-A		
Diameter of Rope	Number of Clips	Required Space Between Clips
1-1/2-inch	8	10 inches
1-3/8-inch	7	9 inches
1-1/4-inch	6	8 inches
1-1/8-inch	5	7 inches
1- inch	5	6 inches
7/8-inch	5	5-1/4 inches
3/4-inch	5	5-1/2 inches
3/8 to 5/8-inch	4	3 inches

()

b. Clips should always be attached with the base or saddle of the clip against the longer or “live” end of the rope. See Figure 012.03-A. This is the only approved method.

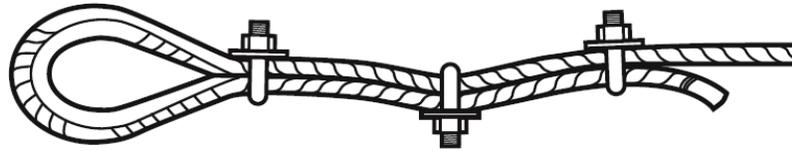
FIGURE 012.03-A



()

c. Do not reverse the clips or stagger them. See Figure 012.03-B. Otherwise the “U” bolt will cut into the live rope when the load is applied.

FIGURE 012.03-B



Wrong



Wrong

()

d. After the rope has been used and is under tension, the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied a clip fastening has only about ninety percent (90%) of the strength of the rope and far less than that when rigged improperly. ()

e. U-bolt wire rope clamps must not be used to form eyes on running lines, skylines, machine guylines, or straps. ()

04. Blocks. All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging. ()

05. Pins. All pins in blocks shall be properly secured by keys of the largest size the pin hole will accommodate ()

06. Shackles. ()

a. Spread in jaws of shackles shall not exceed by more than one (1) inch the size of yoke or swivel of the block to which it is connected. ()

b. All shackles must be made of forged steel or material of equivalent strength and one (1) size larger than the line it connects. ()

07. Cable Cutting. Cable cutters, soft hammers, or a cutting torch shall be available and used for cutting cables. Eye protection must be used when cutting cable. ()

08. Damaged or Worn Wire Rope. Worn or damaged wire rope creating a safety hazard shall be taken out of service or properly repaired before further use. ()

(BREAK IN CONTINUITY OF SECTIONS)

402. TRACTORS AND SIMILAR LOGGING EQUIPMENT.

01. Operating Condition.

a. The general operating condition of a tractor or equipment shall be sufficient to ensure the safety of the driver and other workmen. ()

b. An operating manual shall be readily available in either print or electronic format for each piece of machinery. ()

02. Guards. All guards shall be kept in place and in good repair at all times when the tractor or similar equipment is used. ()

03. Repairs or Adjustments. Repairs or adjustments to clutches, frictions, or other parts of equipment which may cause hazardous movement of equipment shall not be done while engines are running. ()

04. Blades or Similar Equipment. ()

a. Blades or similar equipment shall be blocked or otherwise securely supported when making repairs or performing other work around such equipment when they are elevated from the ground. ()

b. Equipment under repair or adjustment should be tagged out. ()

05. Brakes and Steering. ()

a. All equipment shall be equipped with a braking system capable of stopping and holding the maximum load on all grades at all times. ()

b. Any defect found in the braking system or steering devices of any equipment used in skidding or yarding operations shall not be used until repaired or replaced. ()

06. Starting of Equipment. Equipment shall be started (cranked) only by the operator or other experienced persons. ()

07. Seatbelts. ()

a. Seatbelts shall be installed on all tractors and mobile equipment having roll-over protection or in accordance with a design by a professional engineer which offers equivalent employee protection. ()

b. Seatbelts shall be used when operating any machine equipped with Roll Over Protection Structure (ROPS), Falling Object Protection Structure (FOPS), or overhead guards. ()

08. Pin Connections. ()

a. Pin connections are recommended for joints in the structural frame and especially at connections to the tractor frame or similar equipment frame. ()

b. Gusset plates shall be installed at each place where individual pieces of pipe are joined. ()

09. Sideguards. When practical, sideguards shall be installed to protect the operator from hazards. ()

(BREAK IN CONTINUITY OF SECTIONS)

452. CABLE YARDING.

01. **Safety A.** Personnel shall not ride hooks, lines, rigging, or logs suspended in the air or being moved. ()
02. **Safety B.** Personnel shall not hold on to haywire, running lines, drop lines, or chokers as an assist when walking uphill. ()
03. **Safety C.** Personnel shall not work in the bight of lines under tension. ()
04. **Safety D.** Personnel shall be “in the clear” before any signal to move any lines is given. ()
05. **Safety E.** *All swing yarders shall have the outer swing radius marked with hi-vis tape or cones while skidding is in progress. No tools or supplies may be kept inside that radius outside the machine unless in a locked box. No employee may get inside that radius without first notifying the operator.* ()

(BREAK IN CONTINUITY OF SECTIONS)

454. WIRE ROPE.

01. **General Characteristics.** Wire rope comes in many grades and dimensions, and every rope has its own characteristics with regard to strength and resistance to crushing and fatigue. A larger rope will outlast a smaller rope of the same materials and construction, used in the same conditions, because wear occurs over a larger surface. Similarly, a stronger rope will outlast a weaker rope, because it performs at a lower percentage of its breaking strength, with reduced stress. ()
02. **Wire Rope Terms.** Common grades of wire rope include extra improved plow steel (EIPS) and swaged powerflex, among others. The following terms are commonly used for wire rope: ()
- a. **Abrasion Resistance.** Ability of outer wires to resist wear. Abrasion resistance is greater with larger wires. ()
- b. **Core.** The foundation of a wire rope which is made of materials that will provide support for the strands under normal bending and loading conditions. A fiber core (FC) can be natural or synthetic. If the core is steel, it can be a wire strand core (WSC) or an independent wire rope core (IWRC). ()
- c. **Crushing Resistance.** Ability of the rope to resist being deformed. A rope with an independent wire core is more resistant to crushing than one with a fiber core. ()
- d. **Die-form Line.** Made from strands that are first compacted by drawing them through a drawing die to reduce their diameter. The finished rope is then swaged or further compressed. ()
- e. **Fatigue Resistance.** Ability of the rope to withstand repeated bending without failure (the ease of bending a rope in an arc is called its “bendability”). Fatigue resistance is greater with more wires. ()
- f. **Strength.** Referred to as breaking strength, usually measured as a force in pounds or tons. The breaking strength is not the same as the load limit, which is calculated as a fraction of the breaking strength to ensure safety. ()
- g. **Swaged Line.** Manufactured by running a nominal-sized line through a drawing die to flatten the outer crown and thus reduce the rope diameter. This compacted rope allows for increased drum capacity and increased line strength. ()
03. **Typical Wire Rope Specifications.** The table below lists a few examples of wire-rope breaking strengths. ()

TABLE 012.09-A -- Typical Wire Rope Specifications						
6x26 Improved Plow Steel			6x26 Swaged		Swaged Compact-Strand	
Diameter (inches)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)
1/2	0.46	11.5	0.6	15.2	0.63	18.6
9/16	0.59	14.5	0.75	19	0.78	23.7
5/8	0.72	17.9	0.93	23.6	1.01	28.5
11/16			1.10	28.8	1.18	35.3
3/4	1.04	25.6	1.37	34.6	1.41	42.2
13/16			1.56	39.6	1.63	49.3
7/8	1.42	34.6	1.83	46.5	1.91	56.0
15/16			1.95	53.3	2.20	66.1
1	1.85	44.9	2.42	60.6	2.53	73.7
1-1/8	2.34	56.5	2.93	75.1	2.97	92.9
1-1/4	2.89	69.3	3.52	92.8	3.83	112.1
1-3/8	3.5	83.5	4.28	108.2	4.62	128.6

TABLE 013.03-A						
6x26 Improved Plow Steel			6x26 Swaged		Swaged Compact-Strand	
Diameter (inches)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)
½	0.46	11.5	0.6	15.2	0.63	18.6
9/16	0.59	14.5	0.75	19	0.78	23.7
5/8	0.72	17.9	0.93	23.6	1.01	28.5
11/16			1.10	28.8	1.18	35.3
¾	1.04	25.6	1.37	34.6	1.41	42.2

TABLE 013.03-A						
6x26 Improved Plow Steel			6x26 Swaged		Swaged Compact-Strand	
Diameter (inches)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)
13/16			1.56	39.6	1.63	49.3
7/8	1.42	34.6	1.83	46.5	1.91	56.0
15/16			1.95	53.3	2.20	66.1
1	1.85	44.9	2.42	60.6	2.53	73.7
1-1/8	2.34	56.5	2.93	75.1	2.97	92.9
1-1/4	2.89	69.3	3.52	92.8	3.83	112.1
1-3/8	3.5	83.5	4.28	108.2	4.62	128.6

Source: Cable Yarding Systems Handbook. 2006. Worksafe BC. Table lists typical breaking strengths. See manufacturer’s specifications for specific lines. ()

04. Synthetic Rope. High-tensile strength synthetic lines are considerably lighter than standard wire rope; however, some lines are dimensionally as strong as standard wire rope. Accordingly, high-tensile strength synthetic lines are permitted to be used in appropriate logging applications, including as substitutes for brush straps, tree straps, tail and intermediate support guylines, guyline extensions, skyline extensions, and haywire. Manufacturers’ standards and recommendations for determining usable life or criteria for retirement of such lines shall be followed. Personnel shall examine the lines for broken or abraded strands, discoloration, inconsistent diameter, glossy or glazed areas caused by compression and heat, and other inconsistencies. Rope life is affected by load history, bending, abrasion, and chemical exposure. Most petroleum products do not affect synthetic ropes. ()

05. Inspection and Care. ()

a. Wire rope shall be inspected daily by a qualified individual and repaired or taken out of service when there is evidence of any of the following conditions: ()

i. Twelve and five tenths percent (12.5%) of the wires are broken within a distance of one (1) lay. ()

ii. Evidence of chafing, sawing, crushing, kinking, crystallization, bird-caging, corrosion, heat damage, or other damage that has weakened the rope structure. ()

b. Qualified personnel shall closely inspect those points subject to the most wear, including the knob ends of lines, eye splices, and those sections of line that most often run through blocks or carriages. If there is doubt about the integrity of the line, it is far safer to replace a suspect line, or cut out and resplice a defective area, than risk a failure during operation. Evaluation of the load-bearing yarder lines shall be stringent. A qualified person shall also inspect all other lines used on site and remove any that are unsafe. ()

06. Additional Precautions. The following precautions shall also be observed: ()

a. Ensure the working load limit for any line is adequate for the intended use. ()

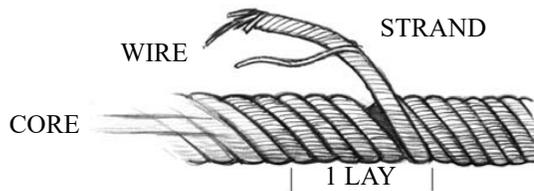
b. The manufacturer’s specifications with regard to assigned breaking strength shall be followed. Such specifications as determined by engineering test results should factor the grade of the wire, number of strands, number of wires per strand, filler wire construction, lay pattern of the wires, and the diameter of the line. ()

07. Safety Factor. Operators shall follow the manufacturer’s specifications in determining load limits. The working load limit is a fraction of a line’s breaking strength – a factor of three (3), or one-third (1/3) the breaking strength, is commonly used as a safety factor for running and standing lines, when workers are not exposed to breaking lines or loads passing overhead. A safety factor of three (3) is commonly used to determine the working load limit for a standing or running line. A standard six (6) x twenty-six (26) IWRC wire rope with a diameter of one (1) inch has a breaking strength of approximately forty-five (45) tons – divide by three (3) – equals fifteen (15) tons working load limit. ()

08. Wire Labeling. ()

a. The elements of a typical wire rope are labeled, for example, six (6) x twenty-five (25) FW PRF RL EIPS IWRC. The label indicates a six (6)-strand rope with twenty-five (25) wires per strand (six (6) x twenty-five (25)), filler-wire construction (FW), strands pre-formed in a helical pattern (PRF), laid in a right-hand lay pattern (RL), using an extra-improved plow steel (EIPS) grade of wire, and strands laid around an independent wire rope core (IWRC). See figure 013.08-A for proper labeling of wire rope. ()

FIGURE 013.08-A



()

b. Out of Service Standard Example. A six (6) x twenty-five (25) IWRC wire rope = six (6) strands in one (1) lay with twenty-five (25) wires per strand = one hundred fifty (150) wires. The rope must be taken out of service when twelve and five tenths percent (12.5%), or one-eighth (1/8), of the wires are broken within the distance of one (1) lay = one hundred fifty (150) divided by eight (8) = eighteen and seventy-five one hundredths (18.75), or nineteen (19) broken wires. ()

09. Wire Line Life. Table 013.08-A provides the allowable life of a line in million board feet in accordance with line size and use. Figure 013.09-A illustrates both the correct and incorrect manner in which to measure line size (diameter). ()

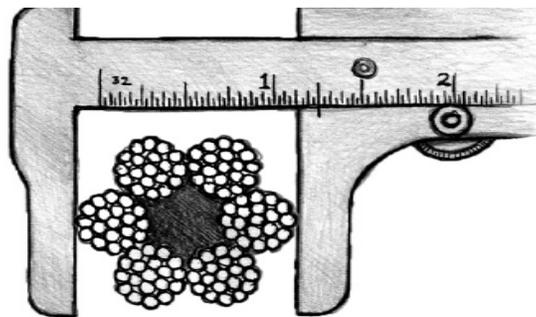
**TABLE 013.08-A
LINE LIFE BY WOOD HAULED**

System	Use	Line Size (inches)	Line Life (million board feet)
--------	-----	--------------------	--------------------------------

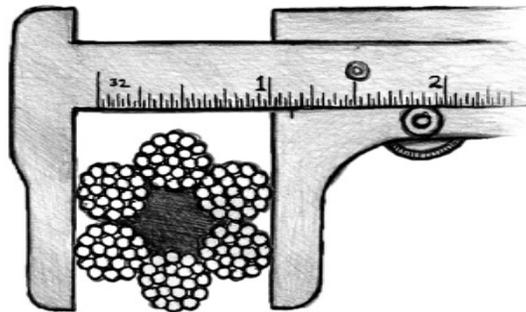
Standing Sky-line	Skyline	1-3/4	20-25
		1-1/2	15-25
		1-3/8	8-15
	Mainline	1 to 1-1/8	15-20
		1	10-15
Haulback	3/4 to 7/8	8-12	
Live Skyline	Skyline	1-1/2	10-20
		1-3/8	8-15
		1	6-10
	Mainline	1	10-15
		3/4	8-12
		5/8	8
	Haulback	3/4 to 7/8	8-12
		1/2	6-10
		Dropline	7/16
High Lead	Mainline	1-3/8	8-15
		1-1/8	6-12

Source: Willamette Logging Specialist's Reference by Keith L McGonagill. 1976. Portland, OR: Willamette National Forest. Calculations of line life refer to EIPS 6x21 wire rope for the skyline, and EIPS 6x26 for other lines. Figures will be different for other classes of wire rope. ()

FIGURE 013.09-A



Correct way to measure line diameter



Incorrect way to measure line diameter

()

10. Dynamic Loads. Operators shall consider high dynamic loads when calculating safe working limits of wire ropes. Wire ropes are often subjected to high dynamic loads, which greatly multiply the force on a line and may exceed the safe working limit. Even a split second of time over the limit can lead to premature failure of a line. Typical dynamic loads occur when a turn hits a stump, a turn comes down off of the back hillside to full suspension, or when excessive force is applied to pulling a turnout of its bed. A high dynamic load or a sudden shock load that exceeds the working limit may not result in immediate failure, but rope strands may stretch and weaken, and may fail at a later time.

()

11. Other Common Wire Rope Considerations.

()

a. Wire Rope Stretching and Line Diameter. A stretched wire rope has a reduced diameter. Operators shall check for stretched lines by measuring the diameter, particularly on older lines and any line used in stressful situations.

()

b. Older Wire Rope. Standing lines and guylines are often kept in service for multiple years (four (4) to five (5), and as long as ten (10) years in some instances) without exhibiting any obvious signs of excessive wear other than rust. Operators shall check date stamps of wire rope and evaluate line life. Operators shall also inspect the core of older lines periodically for a fractured or dry core, which could indicate other deficiencies such as broken wires, excessive wear, or line deformation.

()

c. Hard Use. The life of a wire rope is also affected by hard use. Line life can be measured by the volume of wood hauled (see Table 013.08-A). Line life is reduced when a line exceeds its elastic limits, is heavily shocked, or rubbed against rocks or other lines. As a line wears, the safe working load limit shall be lower and the payload adjusted appropriately.

()

d. Wire Rope endurance and elastic limits. Working within the endurance and elastic limits of lines can help preserve line life. The following principles shall be observed when evaluating the integrity and safe use of wire rope:

()

i. The “endurance limit” for all lines is fifty percent (50%) of the breaking strength. If wire rope tensioning regularly exceeds the endurance limit, the life of the line is reduced through fatigue.

()

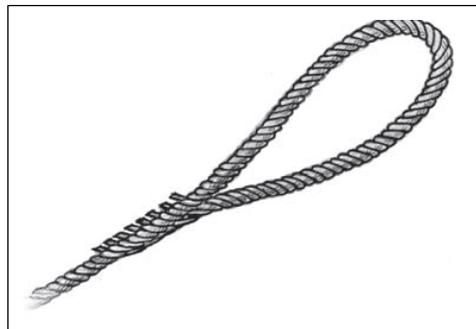
ii. The “elastic limit” for all lines is sixty to sixty-five percent (60-65%) of the breaking strength. When a wire rope is loaded to its normal safe working limit, the line stretches, but then returns to its original size when the load is released. If a load increases past the elastic limit through prolonged exertion or repeated stress, the line will stretch and stay stretched, resulting in a permanent reduction in the breaking strength.

()

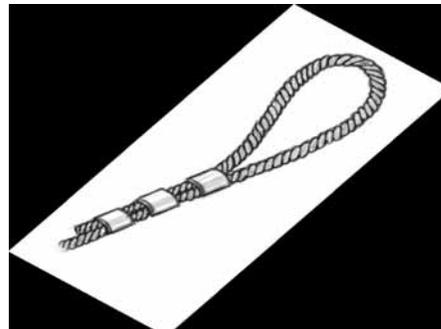
e. Lubrication and Abrasion. Wire rope is lubricated in the factory to reduce internal friction and corrosion, and prolong the life of the rope. Heat from friction causes the internal lubricant to deteriorate. Friction occurs when the rope stretches under load, particularly in places where it bends around sheaves or other objects. An improperly lubricated line can pick up particles of dirt and sand that will increase abrasion. Accordingly, operators

- shall: ()
- i. Check for and ensure the proper lubrication of all lines and wire rope, following the manufacturer's instructions. Commercial wire rope lubricants are available. ()
 - ii. Carefully inspect lines for faults in areas where dust and sand may collect. ()
 - iii. Store all wire rope and lines off the ground. ()
- 12. Line Connections.** ()
- a. **Inspection.** Operators shall regularly inspect shackles, hooks, splices, and other connecting equipment for damage and wear, as well as ensure the connectors are the correct type and size for the line and intended use. ()
 - b. **Wire Splicing.** Splices are used to form an eye at the end of a line, extend the length of a line, or repair a broken or damaged line. The splicing of wire rope requires special skill and shall only be performed under the supervision of a competent person with using the proper tools. Reference materials are available with detailed instructions for numerous types of splices. Individuals splicing wire shall always wear appropriate eye protection while splicing or assisting with a splicing procedure. ()
 - c. The logger's eye splice and three (3)-pressed eye are the most common methods to form an eye for use as a skyline terminal. See Figure 013.12-A. The spliced eye is approximately eighty percent (80%) efficient. A three (3)-pressed eye can reach ninety percent (90%) line strength. The pressed eye is typically performed at the rigging shop. Spliced eyes may be placed in the field, but may require additional time to install. ()

FIGURE 013.12-A



THE LOGGER'S EYE SPLICE



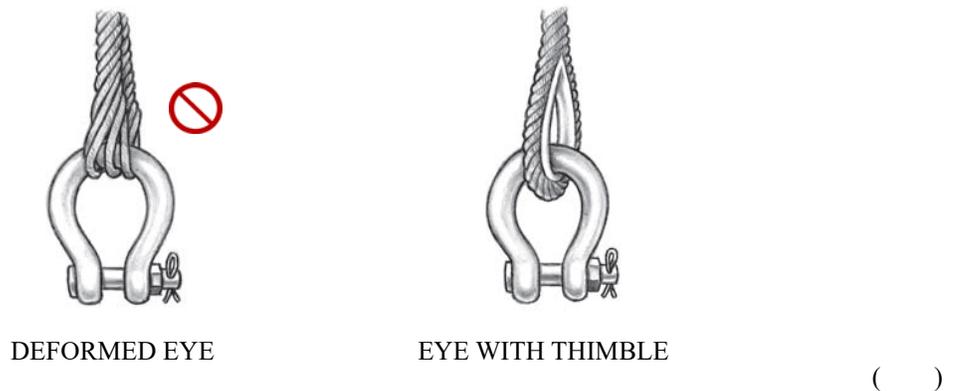
THREE-PRESSED EYE

- ()
- d. **When Flemish (Farmers, Rolled) eye splices are used on load-bearing lines, the strand ends must be secured by:** ()
 - i. Hand tucking each strand three (3) times; or ()
 - ii. Applying a compression (pressed-eye) fitting. ()
 - e. **Guyline Care.** Guylines are a vital link in holding up a tower. Guyline extensions shall not be excessively moved around by dragging on the ground, or left on the ground for long periods of time as they will deteriorate faster. ()
 - f. **Guyline extensions must be connected by:** ()
 - i. A bell shackle using a safety pin to connect spliced eyes or pressed eyes; or ()

- ii. **Poured nubbins (buttons) and a double-ended hook.** ()

g. Line Deformity. A line may deform where it loops around a shackle or pin, producing weakness that may result in line failure. A thimble in the loop protects the line. Thimbles may be used on standing lines, but not on running lines. Examples of the appearance of deformed lines and the use of thimbles in shackles are illustrated in Figure 013.12-B. ()

FIGURE 013.12-B

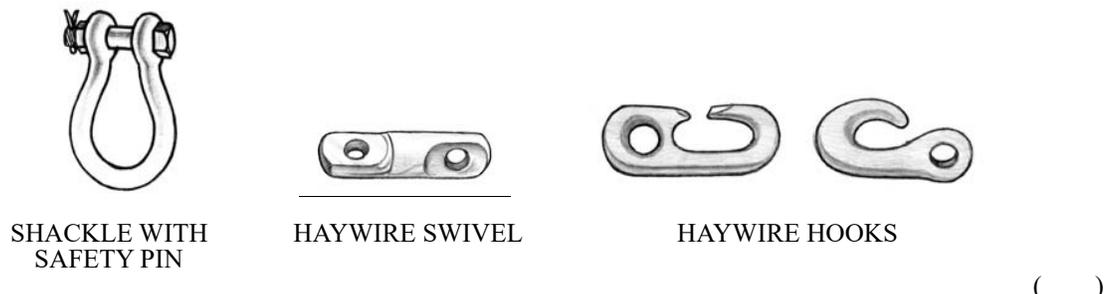


13. Shackles and Hooks. ()

a. Hooks. Hooks shall be inspected to ensure that they have not sprung open. Ensure that shackles are positioned correctly to bear the load. Haywire swivels shall be inspected frequently, due to their susceptibility to wear rapidly. ()

b. Shackle Safety. Proper bells or shackles shall be used to connect the guylines to the stumps, and the guyline lead blocks to the ring at the top of the tower. Connections shall have at least one and a half (1-1/2) times the strength of the guyline. The pins of the shackles must be secured to protect against dislodgement, and a nut and cotter key, or a nut and molly may be used for that purpose. The use of loops or mollies to attach guylines is prohibited. Examples of the appearance of some shackle equipment is illustrated in Figure 013.13-A.

FIGURE 013.13-A



c. The following practices shall be observed in order to ensure the safe use of shackles: ()

i. A shackle must have a rated breaking strength greater than the rated breaking strength of the lines attached to it, and the manufacturer's rated strengths to determine oversized requirements shall be used. Accepted

industry standards shall be utilized and adhered to when determining the correct shackle size based on the type and nature of the logging operation being performed. Examples of the appearance of some shackle equipment for the purposes of proper selection is illustrated in Figure 013.13-B. ()

- ii. Shackles with pins, and securing nuts with mollies or a cotter key shall be used on standing or overhead rigging. ()
- iii. Screw shackle pins shall not be used in any standing or overhead rigging. ()
- iv. Screw shackle pins, where allowed to be used, shall be tightened securely. ()
- v. Shackle pin mollies shall be rolled sufficiently and fit the pin hole fully. Mollies shall be tucked a minimum of three (3) times. ()
- vi. The shackle shall always be placed with the pin nearest to the yarder, so that in the event the shackle fails the least amount of hardware may be thrown at the yarder. ()
- vii. Replace shackles that are bent, broken, or show excess wear on the inner surfaces. Examples of the appearance of some damaged or non-conforming shackles are illustrated in Figure 013.13-A. ()
- viii. *Sleeve shackles or choker bells must be used when choked lines are permitted.* ()

FIGURE 013.13-A



REPLACE SHACKLES THAT ARE BENT, BROKEN, OR SHOW EXCESS WEAR ON THE INNER SURFACES.

FIGURE 013.13-B



SLEEVE WITH KNOCKOUT PIN



BELL WITH KNOCKOUT PIN



SLEEVE WITH
SAFETY PIN



FLUSH PIN
STRAIGHT SIDE

()

14. Knobs, Ferrules, and Eyes.

()

a. Poured nubbins and a double-end hook are acceptable connectors in place of shackles in some instances. The use of quick nubbins (wedge buttons) as guylines and skyline end fittings is prohibited unless attaching guylines to guyline drums. Operators shall follow the manufacturer's recommendations when attaching sockets and similar end fastenings.

()

b. Poured nubbins achieve ninety-nine percent (99%) of line strength and may be used. Quick nubbins only achieve a maximum of sixty-five percent (65%) under ideal conditions, and accordingly operators shall consider whether they are appropriate for safe use in any given application. Pressed ferrules are not certifiable for strength, and shall not be used. Examples of the appearance of some knob, ferrule, and nubbin equipment are illustrated in Figure 013.14-A.

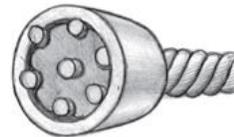
()

c. Operators shall inspect knobs, ferrules, and eyes at cable ends for loose or broken wires, and corroded, damaged, or improperly applied end connections. Poured nubbins shall be date stamped.

FIGURE 013.14-B



BABBITED KNOB & PRESSED FERRULE

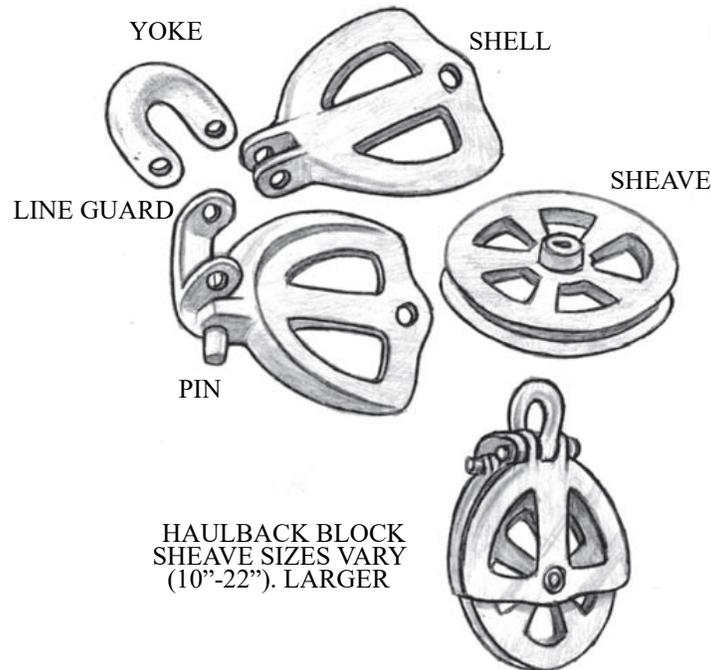


QUICK NUBBIN (WEDGE BUTTON)

()

15. Brush Blocks. Brush blocks shall be thoroughly inspected for cracks, wear, or deterioration. Operators shall closely examine the areas subject to the most wear, including bearings, sheave, frame, yoke, and pins. Defective parts shall be replaced immediately. Blocks shall be greased every time before each use.

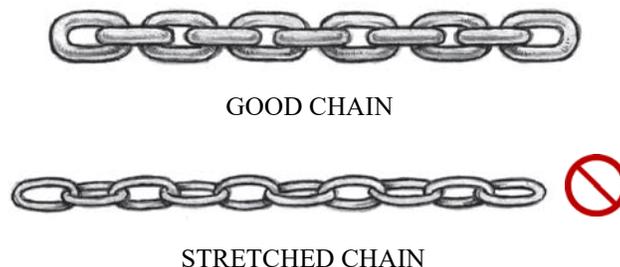
FIGURE 013.15-A

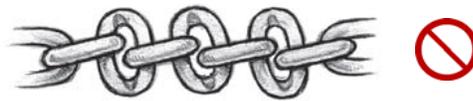


16. Chains and Straps. Chains or straps shall always be sized and used correctly for the intended purpose. Determining which size to use may depend on various factors. Oversized trailer lift straps, for example, shall have a breaking strength equal to five (5) times the load to be lifted. Towing chains shall have a tensile strength equivalent to the gross weight of the towed vehicle. The manufacturer's specifications or other appropriate reference materials shall always be consulted to ensure the right chain or strap is used for a task. ()

a. Operators shall periodically inspect chains for damaged, worn, or stretched links. Chains with more than ten percent (10%) wear at the bearing surface shall be replaced. Operators shall periodically inspect straps, and examine them for broken wires or wear. Examples of the appearance of damaged and safe chains are illustrated in Figure 013.16-A. ()

FIGURE 013.16-A





WORN CHAIN (INSIDE LINKS)

()

(BREAK IN CONTINUITY OF SECTIONS)

501. LOG TRUCK TRANSPORTATION.

01. General. The following requirements are supplemental to any Idaho law governing automobiles, trucks, tractors, trailers, and any combination of these units. If there are any discrepancies in the codes between this section and any federal or Idaho motor vehicle regulations pursuant to title 49, Idaho Code, applicable in the state of Idaho, such federal or other governmental regulations will govern. ()

02. Stopping and Holding Devices for Log Trucks. ()

a. Motor logging trucks and trailers must be equipped with brakes or other control methods which will safely stop and hold the maximum load on the maximum grade. Air or vacuum brake lines shall be of the type intended for such use and shall have fittings which will not be interchangeable with water or other lines. ()

b. Brake Test - A brake test shall be made before and immediately after moving a vehicle. Any defects shall be eliminated before proceeding. ()

03. Lighting Equipment Required. ()

a. Motor vehicles used on roads not under the control of the Idaho Transportation Board, counties or cities, shall have equipment necessary for safe operation, such as head, tail, and stop lights. ()

b. Such lights shall be used during clearance periods of reduced visibility. ()

04. Safe Operating Requirements. ()

a. The driver shall do everything reasonably possible to keep his truck under control at all times and shall not operate in excess of a speed at which he can stop the truck in one-half (1/2) the distance between him and the range of unobstructed vision. ()

b. The driver shall take into consideration the condition of the roadway, weather factors, curves, grades and grade crossings, the mechanical condition of his equipment, and other relevant factors. ()

c. The driver shall clear rocks from between dual tires before driving on multi-lane roads. ()

d. A daily inspection shall be made of trucks and trailers with particular attention to steering apparatus, brakes, boosters, brake hoses and connections, reaches, and couplings. Any defects found shall be corrected before equipment is used. ()

05. Stakes, Bunks, or Chock Blocks. All stakes and bunks, installed on log trucks and trailers, together with the means provided for securing and locking the stakes in a hauling position, shall be designed and constructed of materials of such size and dimensions that will withstand a pressure of fifteen thousand (15,000) pounds applied outward against the tops of the stakes, and, or extensions when used, without yield or permanent set resulting in the stakes, bunks or the means provided for securing and locking the stakes.

NOTE: Test Procedure - A test pressure of fifteen thousand (15,000) pounds is applied to the top of one (1) stake, using the top of the stake opposite as a base for applying pressure. Bunk is not to be secured to floor or other base except in a manner similar to that used to mount it to truck or trailer. Stakes must return to normal upright position at end of test and stakes and all component parts examined and checked with original specifications. If no yield results in any part, the design and construction may be considered as meeting code requirements. ()

06. Stake Extensions. ()

a. Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. ()

b. Truck drivers shall report missing or broken stake extensions to the proper authority. ()

07. Stake and Chock Tripping Mechanisms. Stakes and chocks that trip shall be constructed in such a manner that the tripping mechanism, which releases the stake or chocks, is activated at the opposite side of the load from the stake being tripped. ()

08. Linkage for Stakes or Chocks. ()

a. The linkage used to support the stakes or chock must be of adequate size and strength to withstand the maximum imposed impact load. ()

b. "Molly Hogans" or cold shuts are prohibited in chains or cable used for linkage. ()

09. Notify Engineer When Around Truck. ()

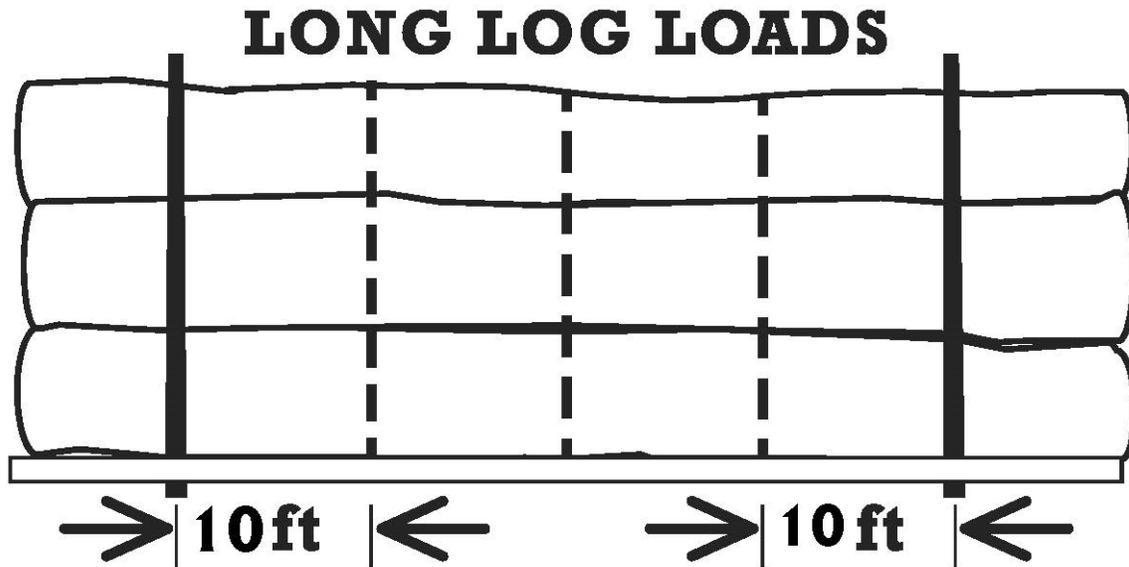
a. Persons shall not walk along side of or be underneath any truck being loaded. ()

b. Prior to performing any duties, such as releasing bunk locks, placing or removing compensating pin, scaling logs, reading scale, chopping limbs or making connections, persons shall notify the loading engineer of their intentions and be acknowledged. ()

10. Number of Wrappers Required. ()

a. Each unit used for hauling logs longer than twenty six (26) feet, shall have the load secured by a minimum of three (3) wrappers. **Wrappers shall be placed in positions that effectively secure the load. One (1) wrapper shall be placed within ten (10) feet of each bunk.** See Figure 010.10-A.

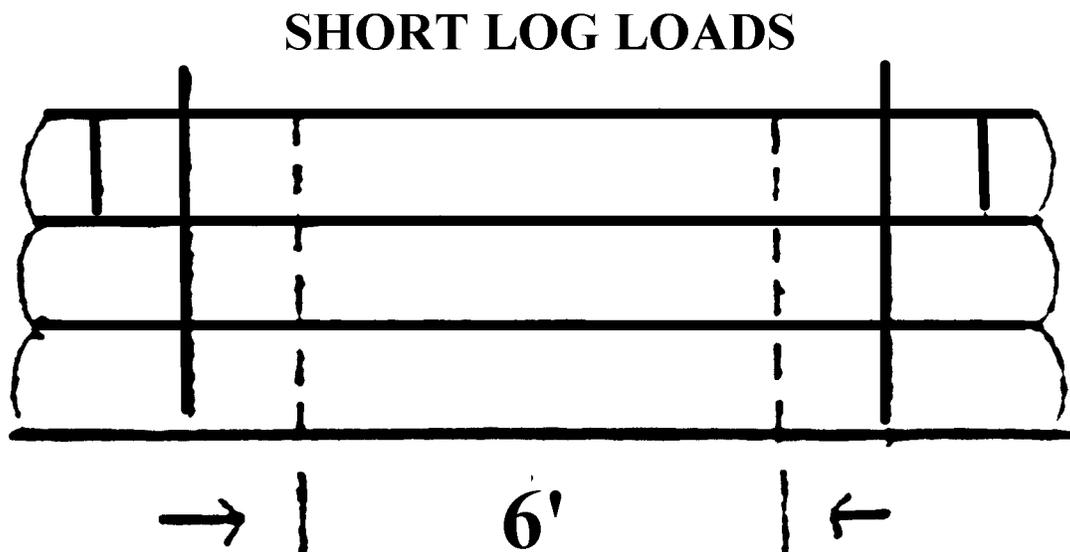
FIGURE 010.10-A



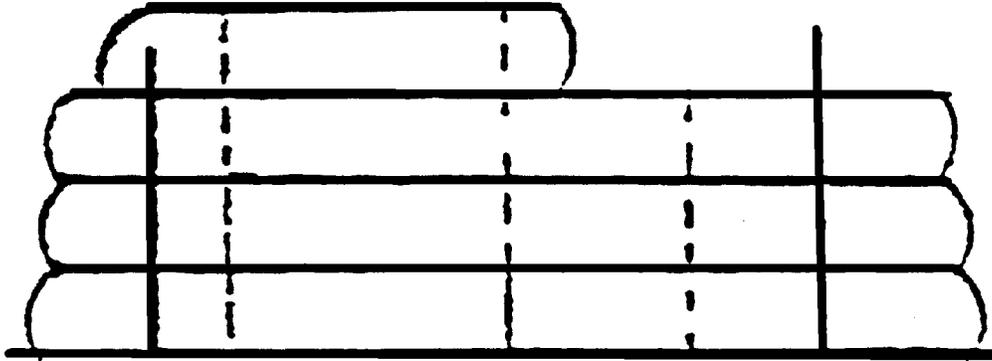
()

b. All exposed outside logs shall be secured by one (1) wrapper passing near each end of the log. See Figure 010.10-A.

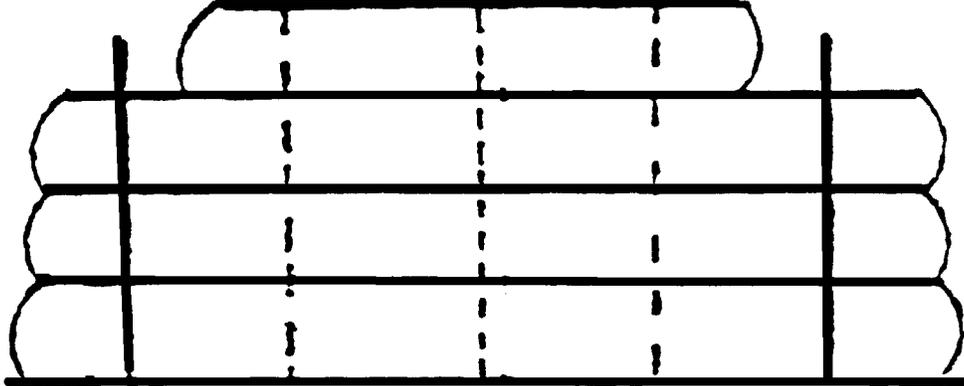
FIGURE 010.10-B



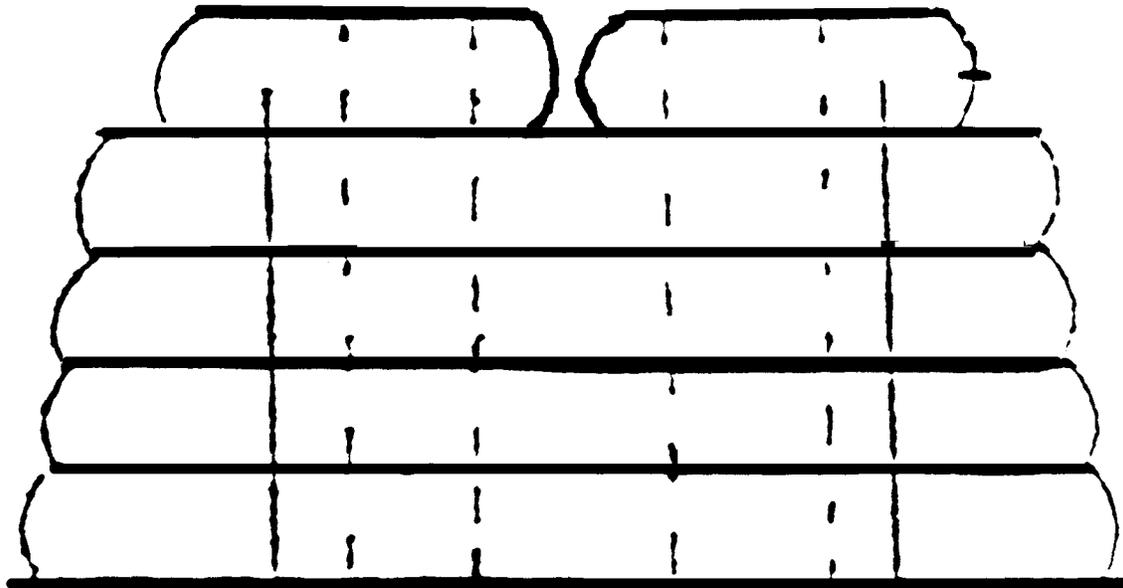
LONG LOG LOAD WITH SHORT LOGS IN REAR OR IN FRONT



LONG LOG LOAD WITH SHORT LOGS IN CENTER



LONG LOG LOAD WITH SHORT LOGS BUTTED



()

c. On one (1) log load where trailer bunk is equipped with cheese blocks, one (1) wrapper securing log to the trailer bunk will be sufficient. Outside wrappers on short logs shall have a minimum of six (6) feet spread. (See Figure 010.10-C.)

NOTE: High loads are defined as logs loaded above bunk stakes.

FIGURE 010.10-C

ONE LOG LOAD



()

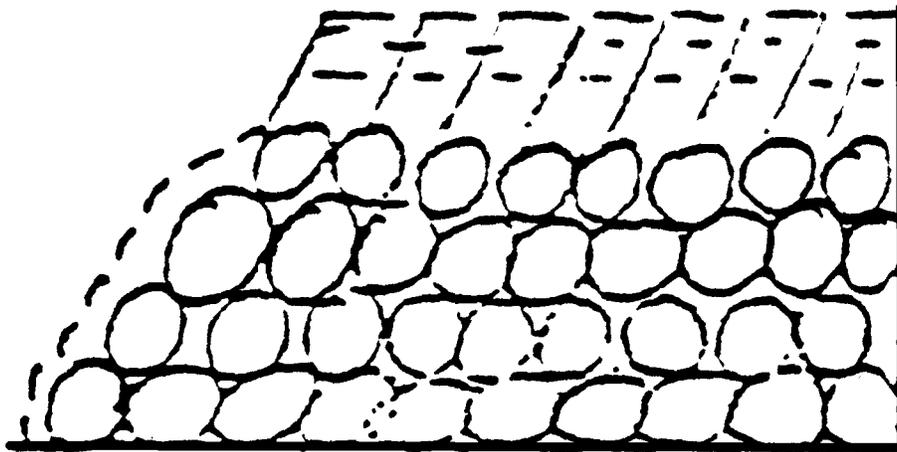
11. Requirements for Crosswise Loaded Trucks.

()

a. When loads of short logs are loaded crosswise, the logs shall be properly contained by use of stake or chock blocks and shall be secured by a minimum of two (2) wrappers. (See Figure 010.11-A.)

FIGURE 010.11-A

CROSSWISE LOADED TRUCK



- b. Binders shall be securely fastened to the vehicle. ()
- 12. Construction of Wrappers and Binders.** ()
- a. Cables shall have a spliced eye or swaged fittings. ()
- b. “Molly Hogans” or cold shuts are prohibited to make splices or connections. ()
- c. Each wrapper shall have a minimum breaking strength of not less than fifteen thousand (15,000) pounds. ()
- d. Binders must be stamped with a working load limit of four thousand (4,000) pounds or greater.** ()
- 13. Binder Placement Requirements.** ()
- a. Binders shall be placed in a manner whereby they will be released on the side opposite the brow log, or on the side where the unloading equipment operator can see the binders. ()
- b. Truck drivers shall be required to stop vehicles, dismount, check and tighten loose load binders, either just before or immediately after leaving a private road to enter the first public road they encounter. ()
- 14. Precautions When Placing or Removing Binders and Wrappers.** ()
- a. Binders and wrappers shall remain on the load until an approved safeguard has been provided to

prevent logs from rolling off the side of truck where binders are being released. ()

b. At least one (1) wrapper shall remain secured while relocating or tightening other binders. ()

15. Binders and Wrappers to Be Placed Before Leaving Landing Area. Binders and wrappers shall be placed and tightened around the completed load before shifting the load for proper balance. Each load must have all required wrappers placed and secured at the loader before the truck is moved. If it is unsafe to do so, the truck may be moved to the nearest safe place in sight of the loader. ()

16. Adequate Reaches Required. ()

a. Log trailers must be connected to tractors by reaches of a size and strength to withstand all imposed stresses. ()

b. Spliced reaches shall not be used. ()

c. Documented reach inspections shall be performed annually. ()

17. Proper Lay of Logs in Stakes or Bunks. ()

a. The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. ()

b. Logs shall be well saddled without crowding so that there will be no excessive strain on the wrappers or stakes. ()

c. No more than one half (1/2) of any log shall extend above the stakes unless properly and securely saddled. ()

d. Bunk logs shall extend not less than twelve (12) inches beyond the bunk, with the exception of non-oscillating bunks. ()

18. Traffic Travel on Right Side of Road Except Where Posted. All trucks shall keep to the right side of the road, except where road is plainly and adequately posted for left side traveling. ()

19. Towing of Trucks. When trucks must be towed on any road, the person guiding the vehicle being towed shall, by prearranged signals, govern the speed of travel. ()

20. Scaling and Branding. When at the dump or reload and where logs are scaled or branded on the truck, the logs shall be scaled or branded before the wrappers are released. ()

21. Metal Parts Between Bunk and Cab to Be Covered. Suitable material shall be used on treading surfaces between the bunk and cab to prevent persons from slipping on the metal parts. ()

22. Bunks to Be Kept in Good Condition and Repair. ()

a. Log bunks or any part of bunk assembly bent enough to cause bunks to bind shall be straightened. ()

b. Bunks shall be sufficiently sharp to prevent logs from slipping. ()

23. Following Other Vehicles. ()

a. A vehicle not intending to pass shall not follow another vehicle closer than one hundred fifty (150) feet. ()

b. Passing shall be done only when it can be done safely. The passing vehicle shall consider all factors

which may be essential, such as condition of the roadway, width of the road, and distance of clear visibility ahead. ()

24. Reaches to Be Clamped When Towing Unloaded Trailer. A positive means, in addition to the clamp, shall be installed on the reach of log truck trailers when the trailers are being towed without a load. ()

25. Inserting of Compensating Pin. ()

a. Persons shall never enter the area below suspended logs or trailers. ()

b. At dumps where the load must remain suspended above the bunks until the truck is moved away and when the trailer is the type with a compensating pin in the reach, a device shall be installed that will allow the trailer to be towed away from the danger area. ()

26. Safety Chains. ()

a. All trailers shall be secured with a safety chain, or chains, which connect the frame of the truck assembly to the trailer unit. ()

b. The chains shall be capable of holding the trailer in line in case of failure of the hitch assembly. ()

(BREAK IN CONTINUITY OF SECTIONS)

551. SPECIFIC REQUIREMENTS.

01. Log Dumps, Landings, Log Handling Equipment, Loading, and Unloading. ()

a. Only authorized persons shall operate log handling equipment. Machine operators shall be capable and experienced personnel. No persons other than the operator may be in the operator's compartment while machinery is operating, except for purposes of operating instructions. Unnecessary talking to the operator of log handling equipment while the machine is in operation is prohibited. ()

b. Machine operators shall make necessary inspection of machines each day before starting work. All repairs or adjustments shall be made before any strain or load is placed upon the equipment. ()

c. Substantial barriers or bulkheads protecting the operator shall be provided for all log handling machines where the design, location, or use of such machines exposes the operator to material or loads being handled. Such barriers or bulkheads shall be of adequate area and capable of withstanding impact of materials handled. ()

d. A safe and adequate means of access to, and egress from, the operator's station shall be provided. Necessary ladders, steps, step plates, foot plates, running boards, walkways, grab irons, handrails, etc., shall be provided and maintained. ()

e. All moving parts shall be guarded in an approved manner to afford complete protection to the operator and other workers. ()

f. Throttles and all power controls shall be maintained in good operating condition. ()

g. Landings shall be prepared and arranged to provide maximum safety for all employees and shall provide ample space for the safe movement of equipment and storage and handling of logs. ()

h. Adequate means shall be used to prevent logs from rolling into the road or against trucks. Workers shall be sure that logs are securely landed before approaching them. While unhooking chokers, workers shall choose

the safest approach. This is usually from the upper side of the log. ()

i. Logs shall not be landed at loading areas until all workers, tractors, trucks, or equipment are in the clear. All persons shall stay in the clear of running lines, moving rigging, and loads until rigging or loads have stopped. ()

j. The loading machine shall be set so that the operator shall have an unobstructed view of the loading area, or a signalman shall be properly placed and his signal shall be followed. Signaling the operator shall be done by standard hand signals, whistles, or other positive means of communication. ()

k. Machines, sleds, or bases shall be of sufficient strength to safely withstand moving, and machines shall be securely anchored to their bases. ()

l. Mufflers shall be installed on all internal combustion engines of log handling equipment and located or guarded in such a manner as to prevent accidental contact with the muffler or exhaust pipes and afford protection from fumes. ()

m. Brakes shall be installed on all machine drums and maintained in effective working condition. ()

n. Brake levers shall be provided with a ratchet or other equally effective means for securely holding the drum. ()

o. Brake bands shall have a safety factor of five (5) times the stress to be imposed and they shall be of a design which will render them impervious to exposure. Operators shall test brakes before lifting any load at the start of each shift. ()

p. In no case shall stresses in excess of the manufacturer's recommendation be permitted. Equipment not carrying a manufacturer's recommendation shall not exceed stresses of more than one half of the yield strength of the material used. Conversion of cranes, shovels, etc., into yarders shall be in conformity with these rules. Necessary guylines or outriggers shall be provided and used to effectively prevent mast, A-frames, etc., from tipping or overturning. ()

q. The manufacturer's recommendations for line sizes, if in compliance with these rules, shall be followed and such line sizes shall not exceed the rated capacity of the machine using it. ()

r. Fork lifts or arms, tongs, clams or grapples shall be lowered to their lowest position and all equipment brakes set before the operator leaves the machine. ()

s. Log unloaders shall not be moved about the premises for distances greater than absolutely necessary with the lift extended or with the loads higher than necessary for clear vision. ()

t. All log handling machines which have lift arms that create a shear point with the driver's cab or position shall be provided sheer guards that will eliminate the operator's exposure to such hazard. Grapple arms or other positive means of keeping logs on the forks shall be required on fork lift-type loading machines. ()

u. All workers shall be in the clear and in view of the machine operator before a lift is made. ()

v. All mobile log handling machines shall be equipped with rearview mirrors, a horn or other audible warning device, and lights front and rear so as to illuminate the entire length of the load being lifted or carried. An automatic warning device that will activate when the vehicle is moved is preferable in areas where other workers are employed. ()

w. Logs or loads shall not be swung over occupied equipment or workers and no person shall ride the load or rigging. ()

x. While logs are being loaded, no person shall remain on the chain deck or behind the truck cab

protector where they could be pinned between the end of a log and cab, tank, or cab protector. Cab protectors shall be cleaned of all loose gear before trucks are moved from the landing. ()

y. An unimpaired clearance of not less than three (3) feet shall be maintained from swinging or moving parts of machines, where such swinging or moving parts create a hazard to personnel. If this clearance cannot be maintained, suitable barricades or safeguards shall be installed to isolate the hazardous area. ()

z. A-frames, towers, masts, etc., shall be designed and constructed to provide adequate structural strength and height for positive control of materials or loads lifted. When in use, they shall be guyed or braced to provide stability and prevent tipping. Their bases shall be secured against possible displacement. ()

aa. All log handling equipment shall be equipped with brakes capable of holding and controlling the vehicle with capacity load. ()

bb. A limit stop which will prevent the lift arms from over-traveling shall be installed on all electric powered log unloaders. ()

cc. Gas powered vehicles shall not be refueled while motor is running nor in the vicinity of smoking or open flames. ()

dd. All log handling equipment shall be equipped with approved fire extinguisher of at least five (5) B.C. rating easily accessible to operator. ()

ee. Methods of unloading logs shall be properly arranged and used in a manner to provide protection to all employees. ()

ff. After cars or trucks are spotted at such dump or landing, no person will be permitted to pass between a brow log and a truck or rail car. ()

gg. Where there is danger of tongs or hooks pulling out of the logs, straps shall be used. ()

hh. All equipment should be so positioned, equipped, or protected so that no part shall be capable of coming within ten (10) feet of any power line. ()

ii. Bunk logs shall extend not less than twelve (12) inches beyond the bunks, with the exception of non-oscillating bunks. ()

jj. The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. Logs shall be well saddled without crowding so that there will be no excessive strain on the binders, bunk chains, or stakes. No more than one half (1/2) of any log shall extend above the stakes unless properly and securely saddled. ()

kk. Binders shall be so placed that they will not be fouled by the unloading machine and that they may be released from the side on which the unloader operates. Proper protection shall be provided for workers while removing wrappers. ()

ll. Truck drivers shall be in the clear and in view of the log unloader operator before forks are moved into the load or against it, before a lift is made. All persons are prohibited from standing under, or near, the ends of logs being lifted or moved. ()

mm. Loads or logs shall not be moved or shifted while binders are being applied or adjusted.

NOTE: For logs in transit see "Log Truck Transportation" (IDAPA 07.08.12, Section 010). ()

nn. All log dumps, trailer loading areas, and landings shall be kept reasonably free from bark and other debris. ()

oo. Logs in storage decks shall be so arranged as to prevent logs from rolling off the face of the deck. ()

pp. All log load wrappers shall be arranged so that they must be released in view of the unloader operator or signal person. When binders are released by remote control devices and when the person releasing the binders is in a safe location, and when in view of the unloading operators, or signal person, the binders may be released from either side. After the unloading machine is in position to hold the load, the binders shall be removed and the person removing them shall be in a safe location in view of the operator. The operator will be given a signal by the person releasing the binders before the machine or load is moved. ()

02. Trailer Loading Hoist/Sawmill Log Dump. ()

a. The hoist shall be designed and constructed in accordance with the National Electrical Code, so as to provide safe loading or unloading of the trailer. ()

b. The hoist shall be equipped with a limiting device to maintain safe take-up limits of line on the hoisting drum. ()

c. Regular service and inspection of the hoist and hoisting equipment shall be made to assure reliable serviceability of the facility. ()

IDAPA 07 – DIVISION OF BUILDING SAFETY
07.11.01 – RULES OF THE DIVISION OF BUILDING SAFETY
DOCKET NO. 07-1101-1901 (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 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-9401 and 67-9407, 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 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 163 through 165](#).

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 Ron Whitney, Deputy Administrator, at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

Dated this 30th day of October, 2019.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840
ron.whitney@dbs.idaho.gov

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.01 – RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1903

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 17, 2019.

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 33-1027, Idaho Code.

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

The temporary rule is required to comply with the requirements of Section 33-1027, Idaho Code. Section 33-1027, Idaho Code was enacted by the Legislature in 2019 and requires the State Board of Education to develop a methodology for determining full-time equivalencies for student enrollment reporting. This rule established that methodology. The temporary rule will identify how school districts will report student enrollment pursuant to the limitation and reporting deadlines established in Section 33-1027 and 33-1028, Idaho Code.

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

This rule is necessary to comply with Section 33-1027, Idaho Code.

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: N/A

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

Dated this 23rd day of October, 2019.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037
Phone: (208) 332-1582
Fax: (208) 334-2632

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0201-1903
(Only Those Sections With Amendments Are Shown.)**

008. DEFINITIONS.

01. Course. A unit of instruction that may be designated based on the amount of instructional time or predetermined level of content and course outcomes. (10-17-19)T

02. Virtual Course. A course where instruction is provided in an on-line or virtual format and does not necessarily include face-to-face instruction. (10-17-19)T

009. -- 049. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

250. PUPIL ACCOUNTING AND REQUIRED INSTRUCTIONAL TIME.

(Section 33-512, Idaho Code)

(4-1-97)

01. Required Instructional Time. Excluding transportation to and from school, lunch periods, passing times, and recess, schools must schedule at least the following instructional times: kindergarten, four hundred fifty (450) hours per year; grades one through three (1-3), eight hundred ten (810) hours per year; grades four through eight (4-8), nine hundred (900) hours per year; and grades nine through twelve (9-12), nine hundred ninety (990) hours per year. (4-1-97)

02. Required Attendance. All pupils will complete four (4) years of satisfactory attendance in grades nine through twelve (9-12) to graduate from an accredited high school, except those who are approved for early graduation. (4-1-97)

03. Day in Session When Counting Pupils in Attendance. (4-1-97)

a. A school day for grades one through twelve (1-12) may be counted as a “day in session” when the school is open and students are under the guidance and direction of teachers in the teaching process for not less than four (4) hours of instruction per day. Lunch periods, breaks, passing time and recess will not be included in the four (4) hours. For kindergarten, each session will be at least two and one-half (2 1/2) hours per day. (4-1-97)

b. Half-day Session. A half-day in session occurs when the students in grades one through twelve (1-12) are under the guidance and direction of teachers in the teaching process for a minimum of two and one-half (2 1/2) hours of instruction or the teachers are involved in staff development activities for not less than two and one-half (2 1/2) hours. (4-1-97)

c. Teacher In-service Activities. For grades one through twelve (1-12), not more than twenty-two (22) hours may be utilized for teacher in-service activities, based on the district approved calendar. In the event a school district chooses to utilize full days instead of half-days, the attendance reported for these full days will be the average of the attendance for the other days of that same week. (4-1-97)

04. Day of Attendance - Kindergarten. A day of attendance for a kindergarten pupil is one in which a pupil is physically present for a period of two and one-half (2 1/2) hours under the direction and guidance of a teacher while school is in session or under homebound instruction. A homebound student is one who is unable to attend school for at least ten (10) consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in half-day increments. Attendance reports for any day in the school year will reflect only those students physically present. Particularly, enrollment figures are not to be used for the beginning nor closing weeks of school. (Section 33-1001(5), Idaho Code.) (4-1-97)

05. Day of Attendance (ADA) - Grades One Through Twelve (1-12). A day of attendance is one in which a pupil is physically present for the full day under the guidance and direction of a teacher or other authorized school district personnel while school is in session or is a homebound student under the instruction of a teacher employed by the district in which the pupil resides, with the exception as stated in “day in session” above. A homebound student is one who is unable to attend school for at least ten (10) consecutive days due to illness, accident

or an unusual disabling condition. Attendance will be reported in full or half-days. Attendance reports for any day in the school year will reflect only those students physically present or under homebound instruction. (Section 33-1001(4), Idaho Code) (4-1-97)

06. Average Daily Attendance. In a given school year, the average daily attendance for a given school is the aggregate days attendance divided by the number of days school was actually in session. (Section 33-1001(2), Idaho Code) (4-1-97)

07. Full-time Equivalent (FTE) Enrollment Reporting. (10-17-19)T

a. Grade 1 through grade 12 students enrolled in one (1) LEA for a total number of courses that equal one thousand two hundred (1,200) or more minutes per week shall equal one (1) FTE. (10-17-19)T

b. Grade 1 through grade 12 students enrolled in one (1) or more LEAs for a total number of courses at all LEAs that equal one thousand two hundred (1,200) minutes per week or less, the FTE shall be based on the percentage of time each student's courses are of one thousand two hundred (1,200) minutes. (10-17-19)T

c. Grade 1 through grade 12 students enrolled in more than one (1) LEA for a total number of courses at all LEAs that equal one thousand two hundred (1,200) or more minutes per week and less than or equal to the respective amounts in the following subsections the FTE shall be fractionalized based on percentage of time for which the student is enrolled: (10-17-19)T

i Grade 1 through grade 3: one thousand three hundred fifty (1,350) minutes. (10-17-19)T

ii. Grade 4 through grade 8: one thousand five hundred (1,500) minutes. (10-17-19)T

iii. Grade 9 through grade 12: one thousand six hundred fifty (1,650) minutes. (10-17-19)T

d. Students enrolled in more than one (1) LEA for a total number of courses at all LEAs that equal more than the following minutes the FTE shall be based on the percentage of time for which the student is enrolled: (10-17-19)T

i. Grade 1 through grade 3: 1,one thousand three hundred fifty (1,350) minutes. (10-17-19)T

ii. Grade 4 through grade 8: one thousand five hundred (1,500) minutes. (10-17-19)T

iii. Grade 9 through grade 12: one thousand six hundred fifty (1,650) minutes. (10-17-19)T

e. Courses in LEAs with block scheduling that results in students attending courses for a period greater than one (1) week in order to encompass all courses the student is enrolled in for the term will use average minutes per week over the applicable time period to determine the courses minutes per week. (10-17-19)T

f. Students enrolled in regional career technical schools, as defined in Section 33-2002G, Idaho Code, will be included in the enrollment FTE of the sending LEA. Course information for these programs must include the school providing the instruction in a way that allows students to be identified as attending the applicable courses through the regional career technical school. (10-17-19)T

g. Students enrolled in an alternative summer school or night school program of two hundred twenty-five (225) or more hours of instruction may be counted as an additional point two five (.25) FTE. (10-17-19)T

h. Students enrolled in an alternative summer school or night school program of less than two hundred twenty-five (225) hours FTE will be determined based on the proportional share of two hundred twenty-five (225) hours the program consists of. (10-17-19)T

i. Students enrolled in more than one LEA in grade 7 through grade 12 shall count enrollment at all LEAs for determining eligibility of overload courses identified in Section 33-4601 and 33-4602, Idaho Code. (10-17-19)T

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1902

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 08-0000-1900, which will also be filed for review for final approval during the upcoming legislative session.

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, 33-1254, and 33-1258, 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 Professional Standards Commission (PSC) follows a strategic plan of annually reviewing 20 percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel, a document incorporated by reference, as well as the corresponding certification and endorsement language within IDAPA. The pending rule reflects a revised State Board of Education adoption date of the Idaho Standards for Initial Certification of Professional School Personnel and certification and endorsement revisions for Exceptional Child Generalist, Blind and Visually Impaired, Deaf/Hard of Hearing, Blended Early Childhood Education/Early Childhood Special Education, School Psychologist, School Counselor, and School Social Worker. Other amendments included revisions to sections for Alternative Authorization to Endorsement and Alternate Routes to Certification to ensure clarity and reflect best practices, and addition of clarifying language addressing Educator/Student Relationship. Technical amendments included corrections to numeric order, alphabetical order, vocabulary consistency, spelling, punctuation, and/or grammar.

Amendments were made to Section 42 to enhance clarity and reflect best practices. In Section 021.02 language made obsolete by the amendment to Section 42 has been removed.

This rulemaking is being republished in its entirety following this notice. Any amendments to this pending rule has been made in accordance with Section 67-5227, Idaho Code. The complete text of the proposed rule published in the August 7, 2019, Idaho Administrative Bulletin, [Volume 19-8, page 22](#).

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 Lisa Colón Durham, Director of Certification and Professional Standards, at (208) 332-6886 or lcolondurham@sde.idaho.gov.

Dated this 17th Day of October, 2019.

Sherri Ybarra, Superintendent of Public Instruction
650 W. State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0027
Office: (208) 332-6800
Fax: (208) 334-2228

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 08-0202-1902

This rulemaking is being republished in its entirety. Amendments made to the proposed rule are published in this pending rule in *red italicized text*. Previously made amendments are shown in **red plain text (non-italicized)**.

004. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates by reference into its rules: (5-8-09)

01. Idaho Standards for the Initial Certification of Professional School Personnel as approved on June 9, 2019. Copies of this document can be found on the Office of the State Board of Education website at <https://boardofed.idaho.gov>. ()

02. Standards for Idaho School Buses and Operations as approved on November 15, 2017. The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <https://boardofed.idaho.gov>. (3-28-18)

03. Operating Procedures for Idaho Public Driver Education Programs as approved on June 16, 2016. The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at <https://boardofed.idaho.gov>. (3-29-17)

(BREAK IN CONTINUITY OF SECTIONS)

007. DEFINITIONS.

01. Clinical Experience. Guided, hands-on, practical applications and demonstrations of professional knowledge of theory to practice, skills, and dispositions through collaborative and facilitated learning in field-based assignments, tasks, activities, and assessments across a variety of settings. Clinical experience includes field experience and clinical practice as defined in this section. (4-11-19)

02. Clinical Practice. Student teaching or internship opportunities that provide candidates with an intensive and extensive culminating field-based set of responsibilities, assignments, tasks, activities, and assessments that demonstrate candidates' progressive development of the professional knowledge, skills, and dispositions to be effective educators. Clinical practice includes student teaching and internship. (4-11-19)

03. Credential. The general term used to denote the document on which all of a person's educational certificates and endorsements are listed. The holder is entitled to provide educational services in any and/or all areas listed on the credential. (3-16-04)

04. Endorsement. Term used to refer to the content area or specific area of expertise in which a holder is granted permission to provide services. (3-16-04)

05. Field Experience. Early and ongoing practice opportunities to apply content and pedagogical knowledge in Pre-K-12 settings to progressively develop and demonstrate knowledge, skills, and dispositions. (4-11-19)

06. Idaho Student Achievement Standards. Standards of achievement for Idaho's K-12 students. See IDAPA 08.02.03, "Rules Governing Thoroughness." (3-16-04)

07. Individualized Professional Learning Plan. An individualized professional development plan

based on the Idaho framework for teaching evaluation as outlined in Section 120 of these rules to include interventions based on the individual's strengths and areas of needed growth. (3-28-18)

08. Institutional Recommendation. Signed form or written verification from an accredited institution with a state board approved educator preparation program stating that an individual has completed the program, received a basic or higher rating in all components of the approved Idaho framework for teaching evaluation, has an individualized professional learning plan, has demonstrated the ability to produce measurable student achievement or student success, has the ability to create student learning objectives, and is now being recommended for state certification. Institutional recommendations must include statements of identified competency areas and grade ranges. Institutional Recommendation for administrators must additionally include a competency statement indicating proficiency in conducting accurate evaluations of instructional practice based upon the state's framework for evaluation as outlined in Section 120 of these rules. (3-28-18)

09. Internship. Full-time or part-time supervised clinical practice experience in Pre-K-12 settings where candidates progressively develop and demonstrate their knowledge, skills, and dispositions. (4-11-19)

10. Local Education Agency (LEA). An Idaho public school district or charter school pursuant to Section 33-5203(8), Idaho Code. (3-29-17)

11. Paraprofessional. A noncertificated individual who is employed by a local education agency to support educational programming. Paraprofessionals must work under the direct supervision of a properly certificated staff member for the areas they are providing support. Paraprofessionals cannot serve as the teacher of record and may not provide direct instruction to a student unless the paraprofessional is working under the direct supervision of a teacher. ()

a. To qualify as a paraprofessional the individual must have a high school diploma or general equivalency diploma (GED) and: (3-29-17)

i. Demonstrate through a state board approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in; or (4-11-19)

ii. Have completed at least two (2) years of study at an accredited postsecondary educational institution; or (3-29-17)

iii. Obtained an associate degree or higher level degree; demonstrate through a state board approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in. (4-11-19)

b. Individuals who do not meet these requirements will be considered school or classroom aides. (3-29-17)

c. Duties of a paraprofessional include, but are not limited to, one-on-one tutoring; assisting in classroom management; assisting in computer instruction; conducting parent involvement activities; providing instructional support in a library or media center; acting as a translator in instructional matters; and providing instructional support services. Non-instructional duties such as providing technical support for computers, personal care services, and clerical duties are generally performed by classroom or school aides, however, this does not preclude paraprofessionals from also assisting in these non-instructional areas. (3-29-17)

12. Pedagogy. Teaching knowledge and skills. (3-16-04)

13. Practicum. Full-time or part-time supervised, industry-based experience in an area of intended career technical education teaching field to extend understanding of industry standards, career development opportunities, and application of technical skills. (4-11-19)

14. Student Learning Objective (SLO). A measurable, long-term academic growth target that a teacher sets at the beginning of the year for all student or for subgroups of students. SLOs demonstrate a teacher's

impact on student learning within a given interval of instruction based upon baseline data gathered at the beginning of the course. (3-25-16)

15. Student Teaching. Extensive, substantive, and supervised clinical practice in Pre-K-12 schools for candidates preparing to teach. (4-11-19)

16. Teacher Leader. A teacher who facilitates the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. (3-25-16)

(BREAK IN CONTINUITY OF SECTIONS)

015. IDAHO EDUCATOR CREDENTIAL.

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (3-25-16)

01. Standard Instructional Certificate. A Standard Instructional Certificate makes an individual eligible to teach all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a baccalaureate degree from an accredited college or university and who meets the following requirements: (3-29-17)

a. Professional education requirements: (3-29-17)

i. Earned a minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter, which shall include at least three (3) semester credit hours, or four (4) quarter credit hours, in reading and its application to the content area; (3-29-17)

ii. The required minimum credit hours must include at least six (6) semester credit hours, or nine (9) quarter credit hours, of student teaching in the grade range and subject areas as applicable to the endorsement; and (3-29-17)

b. Completed an approved educator preparation program and have an institutional recommendation from an accredited college or university specifying the grade ranges and subjects for which they are eligible to receive an endorsement in; (4-11-19)

c. Individuals seeking endorsement must complete preparation in at least two (2) fields of teaching. One (1) of the teaching fields must consist of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours and a second field of teaching consisting of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the two (2) teaching field requirements; ()

d. Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must meet or exceed the state qualifying score on the state board approved content area and pedagogy assessments. (3-29-17)

e. The Standard Instructional Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)

02. Pupil Service Staff Certificate. Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Service Staff Certificate, with the respective endorsement(s) for which they qualify. Persons who serve as an occupational therapist or physical therapist may be required, as determined by the local educational agency, to hold the Pupil Service Staff Certificate with respective endorsements for which they qualify. (3-28-18)

a. School Counselor (K-12) Endorsement. To be eligible for a Pupil Service Staff Certificate - School Counselor (K-12) endorsement, a candidate must have satisfied the following requirements. The Pupil Service Staff Certificate with a School Counselor (K-12) endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (3-28-18)

i. Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling, **including sixty (60) semester credits**, from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and ()

ii. An institutional recommendation is required for a School Counselor (K-12) endorsement. (3-28-18)

b. School Counselor – Basic (K-12) Endorsement. (3-28-18)

i. Individuals serving as a school counselor pursuant to Section 33-1212, Idaho Code, shall be granted a Pupil Service Staff Certificate with a School Counselor – Basic (K-12) endorsement. The endorsement is valid for five (5) years or until such time as the holder no longer meets the eligibility requirements pursuant to Section 33-1212, Idaho Code. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (4-11-19)

ii. Individuals who received their endorsement pursuant to Section 33-1212, Idaho Code, prior to July 1, 2018, will be transitioned into the School Counselor – Basic (K-12) endorsement. Renewal date will remain the same as the initial credential. (3-28-18)

c. School Psychologist Endorsement. This endorsement is valid for five (5) years. In order to renew the endorsement, six (6) professional development credits are required every five (5) years. The renewal credit requirement may be waived if the applicant holds a current valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-25-16)

i. Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a **local education agency** under the supervision of the training institution and direct supervision of a certificated school psychologist; ()

ii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a **local education agency** under the supervision of the training institution and direct supervision of a certificated school psychologist; ()

iii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a **local education agency** under the supervision of the training institution and direct supervision of a certificated school psychologist; and ()

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-25-16)

d. **Interim Endorsement – School Psychologist. This endorsement will be granted for those who do**

not meet the educational requirements but hold a master's degree in school psychology and are pursuing an educational specialist degree. This non-renewable endorsement will be issued for three (3) years while the applicant is meeting the educational requirements. ()

e. School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 015.02.c.i. or 015.02.c.ii. (4-11-19)

i. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing, and a baccalaureate degree in nursing, education, or a health-related field from an accredited institution. (4-11-19)

ii. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing; have two (2) years of full-time (or part-time equivalent) school nursing, community health nursing, or any other area of pediatric, adolescent, or family nursing experience; and have completed six (6) semester credit hours from a university or college in any of the following areas: (4-11-19)

- (1) Health program management. (3-25-16)
- (2) Nursing leadership. (4-11-19)
- (3) Pediatric nursing or child development. (4-11-19)
- (4) Population of community health. (4-11-19)
- (5) Health care policy, ethics, or cultural competency. (4-11-19)
- (6) Research and/or statistics. (4-11-19)

f. Interim Endorsement - School Nurse. This endorsement will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim School Nurse Endorsement will be issued for three (3) years while the applicant is meeting the educational or experience requirements, or both, and it is not renewable. (4-11-19)

g. Speech-Language Pathologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)

h. Interim Endorsement - Speech-Language Pathologist. This endorsement will be granted for those who do not meet the educational requirements but hold a baccalaureate degree in speech-language pathology and are pursuing a master's degree. This endorsement will be issued for three (3) years while the applicant is meeting the educational requirements, and is not renewable. ()

i. Audiology Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)

j. School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement shall be accomplished by meeting the following requirements: ()

i. A master's degree in social work (MSW) from a postsecondary institution accredited by an organization recognized by the State Board of Education. The program must be currently approved by the state

educational agency of the state in which the program was completed; and (3-29-17)

ii. An institution recommendation from an Idaho State Board of Education approved program; and (3-29-17)

iii. The successful completion of a school social work practicum in a preschool through grade twelve 12 (Pre-K-12) setting. Post-LMSW extensive experience working with children and families may be substituted for the completion of a school social work practicum in a Pre-K-12 setting; and ()

iv. A current and valid social work license pursuant to chapter 32, title 54, Idaho Code, and the rules of the State Board of Social Work Examiners. ()

k. Occupational Therapist Endorsement. A candidate with a current and valid Occupational Therapy license issued by the Occupational Therapy Licensure Board of Idaho will be granted an Occupational Therapist endorsement. The Pupil Service Staff Certificate with an Occupational Therapist endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. Candidate must maintain current and valid Occupational Therapy Licensure for the endorsement to remain valid. (4-11-19)

l. Physical Therapist Endorsement. A candidate with a current and valid Physical Therapy license issued by the Idaho Physical Therapy Licensure Board will be granted a Physical Therapist endorsement. The Pupil Service Staff Certificate with a Physical Therapist endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. Candidate must maintain current and valid Physical Therapy Licensure for the endorsement to remain valid. (3-28-18)

03. Administrator Certificate. Every person who serves as superintendent, director of special education, secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or is assigned to conduct the summative evaluation of certified staff is required to hold an Administrator Certificate. The certificate may be endorsed for service as school principal, superintendent, or director of special education. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the School Principal endorsement. Directors of special education are required to hold the Director of Special Education endorsement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. All administrator certificates require candidates to meet the Idaho Standards for School Principals. The Administrator Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. ()

a. School Principal (Pre-K-12) Endorsement. To be eligible for an Administrator Certificate endorsed for School Principal (Pre-K-12), a candidate must have satisfied the following requirements: (3-28-18)

i. Hold a master's degree from an accredited college or university. (3-25-16)

ii. Have four (4) years of full-time certificated experience working with students, Pre-K-12, while under contract in an accredited school setting. (3-25-16)

iii. Have completed an administrative internship in a state-approved program, or have one (1) year of experience as an administrator in grades Pre-K-12. (3-25-16)

iv. Provide verification of completion of a state-approved program of at least thirty (30) semester credit hours, forty-five (45) quarter credit hours, of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the competencies of the Idaho Standards for School Principals. (3-28-18)

v. An institutional recommendation is required for a School Principal (Pre-K-12) Endorsement. (3-28-18)

b. Superintendent (Pre-K-12) Endorsement. To be eligible for an Administrator Certificate with a Superintendent (Pre-K-12) endorsement, a candidate must have satisfied the following requirements: (3-28-18)

- i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-25-16)
- ii. Have four (4) years of full-time certificated/licensed experience working with Pre-K-12 students while under contract in an accredited school setting. (3-25-16)
- iii. Have completed an administrative internship in a state-approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent in grades Pre-K-12. (3-25-16)
- iv. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration and interdisciplinary supporting areas shall include the competencies in Superintendent Leadership, in addition to the competencies in the Idaho Standards for School Principals. (3-28-18)
- v. An institutional recommendation is required for a School Superintendent Endorsement (Pre-K-12). (3-28-18)
- c. Director of Special Education (Pre-K-12) Endorsement. To be eligible for an Administrator Certificate endorsed for Director of Special Education (Pre-K-12), a candidate must have satisfied all of the following requirements: (3-28-18)
 - i. Hold a master's degree from an accredited college or university; (3-25-16)
 - ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-25-16)
 - iii. Obtain college or university verification of demonstrated the competencies of the Director of Special Education in Idaho Standards for Initial Certification of Professional School Personnel; (3-28-18)
 - iv. Obtain college or university verification of demonstrated competencies in the following areas, in addition to the competencies in the Idaho Standards for School Principals: Concepts of Least Restrictive Environment; Post-School Outcomes and Services for Students with Disabilities Ages Three (3) to Twenty-one (21); Collaboration Skills for General Education Intervention; Instructional and Behavioral Strategies; Individual Education Programs (IEPs); Assistive and Adaptive Technology; Community-Based Instruction and Experiences; Data Analysis for Instructional Needs and Professional Training; Strategies to Increase Program Accessibility; Federal and State Laws and Regulations and School District Policies; Resource Advocacy; and Technology Skills for Referral Processes, and Record Keeping; (3-28-18)
 - v. Have completed an administrative internship in the area of administration of special education; and (4-11-19)
 - vi. An institutional recommendation is required for Director of Special Education (Pre-K-12) endorsement. (3-28-18)
- 04. Certification Standards For Career Technical Educators.** Teachers of career technical courses or programs in secondary schools must hold an occupational specialist certificate and an endorsement in an appropriate occupational discipline. All occupational certificates must be approved by the Division of Career Technical Education regardless of the route an individual is pursuing to receive the certificate. (3-28-18)
- 05. Degree Based Career Technical Certification.** (3-25-16)
 - a. Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: agricultural science and technology; business technology education; computer science technology; engineering; family and consumer sciences; marketing technology education; and

technology education. Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and include experiences in the major field. Applicants shall have accumulated one thousand (1,000) clock hours of related work experience or practicum in their respective field of specialization, as approved by the Division of Career Technical Education. The certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to Section 060 of these rules. (3-28-18)

b. The Career Technical Administrator certificate is required for an individual serving as an administrator, director, or manager of career technical education programs at the state Division of Career Technical Education or in Idaho public schools. Individuals must meet one (1) of the two (2) following prerequisites to qualify for the Career Technical Administrator Certificate. The certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to Section 060 of these rules to renew. (3-28-18)

i. Qualify for or hold an Advanced Occupational Specialist certificate or hold an occupational endorsement on a standard instructional certificate; provide evidence of a minimum of four (4) years teaching, three (3) of which must be in a career technical discipline; hold a master's degree; and complete at least fifteen (15) semester credits of administrative course work. (3-28-18)

(1) Applicants must have completed credits in: education finance, administration and supervision of personnel, legal aspects of education; and conducting evaluations using the statewide framework for teacher evaluations. (3-28-18)

(2) Additional course work may be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation. (3-28-18)

ii. Hold a superintendent or principal (Pre-K-12) endorsement on a standard administrator certificate and provide evidence of a minimum of four (4) years teaching, three (3) of which must be in a career technical discipline or successfully complete the Division of Career Technical Education twenty-seven (27) month Idaho career technical education leadership institute. (3-28-18)

c. Work-Based Learning Coordinator Endorsement. Educators assigned to coordinate approved work-based experiences must hold the Work-Based Learning Coordinator endorsement. To be eligible, applicants must hold an occupational endorsement on the Standard Instructional Certificate or qualify for an Occupational Specialist Certificate, plus complete course work in coordination of work-based learning programs. (3-29-17)

d. Career Counselor Endorsement. The endorsement for a Career Counselor may be issued to applicants who hold a current Pupil Service Staff Certificate with a School Counselor (K-12) endorsement, and who have satisfied the following career technical requirement: Career Pathways and Career Technical Guidance; Principles/Foundations of Career Technical Education; and Theories of Occupational Choice. (3-28-18)

06. Industry-Based Occupational Specialist Certificate. The industry-based Occupational Specialist Certificates are industry-based career technical certifications issued in lieu of a degree-based career technical certificate. Certificate holders must meet the following eligibility requirements: (3-28-18)

a. Be at least twenty-two (22) years of age; document recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, industry certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options: (3-28-18)

i. Have six (6) years or twelve thousand (12,000) hours of recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit or up to eight thousand (8,000) hours can be counted toward the six (6) years or twelve thousand (12,000) hours on a month-to-month basis for

journeyman training or completed postsecondary training in a career technical education program; or (3-28-18)

ii. Have a baccalaureate degree in the specific occupation or related area, plus two (2) years or four thousand (4,000) hours of recent, gainful employment in the occupation for which certification is required, at least half of which must have been during the immediate previous five (5) years; or (3-28-18)

iii. Have completed a formal apprenticeship program in the occupation or related area for which certification is requested plus two (2) years or four thousand (4,000) hours of recent, gainful, related work experience, at least half of which must have been completed in the immediate previous five (5) years. (3-28-18)

b. Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching in Idaho public schools or new to teaching in career technical education in Idaho public schools. The certificate is an interim certificate and is valid for three (3) years and is non-renewable. Applicants must meet all of the minimum requirements established in Subsection 015.06.a. of these rules. Individuals on a limited occupational specialist certificate must complete one (1) of the two (2) following pathways during the validity period of the certificate: (3-28-18)

i. Pathway I - Coursework: Within the three-year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete the pre-service training prescribed by the Division of Career Technical Education and demonstrate competencies in principles/foundations of occupational education and methods of teaching occupational education. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: career pathways and guidance; analysis, integration, and curriculum development; and measurement and evaluation. (3-28-18)

ii. Pathway II – Cohort Training: Within the first twelve (12) months, the holder must enroll in the Division of Career Technical Education sponsored two-year cohort training and complete the two (2) training within the three-year validity period of the interim certificate. (3-28-18)

c. Standard Occupational Specialist Certificate. (3-28-18)

i. This certificate is issued to individuals who have held a limited occupational specialist certificate and completed one (1) of the pathways for completions. (3-28-18)

ii. The Standard Occupational Specialist Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to Section 060 of these rules to renew. Credit equivalency will be based on verification of forty-five (45) hours of participation at approved technical conferences, institutes, or workshops where participation is prorated at the rate of fifteen (15) hours per credit; or one hundred twenty (120) hours of approved related work experience where hours worked may be prorated at the rate of forty (4) hours per credit; or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. (3-28-18)

d. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who: (3-29-17)

i. Are eligible for the Standard Occupational Specialist Certificate; (3-28-18)

ii. Provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of Division of Career Technical Education approved education or content-related course work in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and (3-28-18)

iii. Have on file a new professional development plan for the next certification period. (3-28-18)

iv. The Advanced Occupational Specialist Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to Section 060 of these rules to renew. (3-28-18)

07. Postsecondary Specialist. A Postsecondary Specialist certificate will be granted to a current

academic faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate **is** for distance education, virtual classroom programs, and public and postsecondary partnerships. ()

a. Renewal. This certificate is good for five (5) years and is renewable. To renew the certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-25-16)

b. Fees. The fee is the same as an initial or renewal certificate as established in Section 066 of these rules. ()

c. The candidate must meet the following qualifications: (3-25-16)

i. Hold a master's degree or higher in the content area being taught; (3-25-16)

ii. Be currently employed by the postsecondary institution in the content area to be taught; and (3-25-16)

iii. Complete and pass a criminal history background check as required **by** Section 33-130, Idaho Code. ()

08. American Indian Language. Each Indian tribe shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach the tribe's native language in accordance with Section 33-1280, Idaho Code. Individuals identified by the tribe(s) may apply for an Idaho American Indian Certificate as American Indian languages teachers. (3-25-16)

a. The Office of Indian Education at the State Department of Education will process an application that has met the requirements of the Tribe(s) for an American Indian languages teacher. (3-25-16)

b. Once an application with Tribal approval has been received, it will be reviewed and, if approved, it will be forwarded to the Office of Certification for a criminal history background check as required in Section 33-130, Idaho Code. The application must include a ten--finger fingerprint card or scan and a fee for undergoing a background investigation check pursuant to Section 33-130, Idaho Code. (3-28-18)

c. The Office of Certification will review the application and verify the applicant is eligible for an Idaho American Indian Certificate. The State Department of Education shall authorize an eligible applicant as an American Indian languages teacher. An Idaho American Indian Certificate is valid for not more than five (5) years. Individuals may apply for a renewal certificate. (3-25-16)

09. Junior Reserved Officer Training Corps (Junior ROTC) Instructors. (3-25-16)

a. Each **local education agency** with a Junior ROTC program shall provide the State Department of Education a list of individuals who have completed an official armed forces training program to qualify as Junior ROTC instructors in high schools **and** a notarized copy of their certificate(s) of completion. ()

b. Authorization Letter. Upon receiving the items identified in Subsection 015.09.a., the State Department of Education shall issue a letter authorizing these individuals as Junior ROTC instructors. ()

10. Additional Renewal Requirements. In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-25-16)

a. Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to Section 33-1204, Idaho Code. Credits must be earned through an approved educator preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. The approved course must include the following competencies: (3-28-18)

i. Understanding professional practice in Idaho evaluation requirements, including gathering accurate evidence and artifacts, understanding and using the state framework for evaluation rubric with fidelity, proof of calibration and interrater reliability, ability to provide effective feedback for teacher growth, and understanding and advising teachers on individualized learning plan and portfolio development. (3-28-18)

ii. Understanding student achievement and growth in the Idaho evaluation framework, including understanding how measurable student achievement and growth measures impact summative evaluation ratings and proficiency in assessment literacy. (3-28-18)

016. IDAHO INTERIM CERTIFICATE.

The State Department of Education or the Division of Career Technical Education, as applicable to the certificate, is authorized to issue a three-year interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement pursuant to Section 33-4104, Idaho Code, or engaged in **non-traditional** route to **teacher** certification as prescribed herein. ()

01. Interim Certificate Not Renewable. Interim certification is only available on a one-time basis except under extenuating circumstances approved by the State Department of Education. It will be the responsibility of the individual to meet the requirements of the applicable alternate authorization route and to obtain a full Idaho Educator Credential during the term of the interim certificate. ()

02. Non-Traditional Route to Teacher Certification. An individual may acquire interim certification through a state board approved non-traditional route to teacher certification program. ()

a. Individuals who possess a baccalaureate degree or higher from an accredited institution of higher education may utilize this non-traditional route to an interim instructional certificate. To complete this non-traditional route, the individual must: ()

i. Complete a state board approved program; ()

ii. Pass the state board approved pedagogy and content area assessment; and ()

iii. Complete the Idaho Department of Education background investigation check. ()

b. Interim Certificate. Upon completion of this certification process, the individual will be awarded an interim certificate from the State Department of Education. During the term of the interim certificate, the individual must teach and complete a two (2) year state board approved teacher mentoring program and receive two (2) years of successful evaluations per Section 33-1001 (14), Idaho Code. ()

c. Interim Certificate Not Renewable. This interim certification is available on a one (1) time basis. The individual is responsible for obtaining a valid renewable standard instructional certificate during the three (3) year interim certification term. ()

d. Types of Certificates and Endorsements. The non-traditional route may be used for first-time certification, subsequent certificates, and additional endorsements. ()

03. Idaho Comprehensive Literacy Course. For all Idaho teachers working on interim certificates, (alternate authorizations, nontraditional routes, reinstatements or coming from out of the state), completion of a state board approved Idaho Comprehensive Literacy course or assessment, or approved secondary equivalent shall be a one-time requirement for full certification. (4-11-19)

a. Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable interim certificate to allow time to meet the Idaho Comprehensive Literacy Course requirement. (3-25-16)

04. Mathematical Thinking for Instruction. For all Idaho teachers or administrators working on

interim certificates (alternate authorizations, nontraditional routes, reinstatements or coming from out of the state), with an All Subjects (K-8) endorsement, any mathematics endorsement, Exceptional Child Generalist endorsement, Blended Early Childhood/Early Childhood Special Education endorsement, or Administrator certificate must complete a state board approved Mathematical Thinking for Instruction, or another State Department of Education approved alternative course, as a one-time requirement for full certification. (4-11-19)

05. Technology. Out-of-state applicants may be reviewed by the hiring local education agency for technology deficiencies and may be required to take technology courses to improve their technology skills. ()

06. Reinstatement of Expired Certificate. An individual holding an expired Idaho certificate may be issued a nonrenewable three-year interim certificate. During the validity period of the interim certificate, the applicant must meet the following requirements to obtain full certification during the term of the interim certificate: ()

- a. Two (2) years of successful evaluations as per Section 33-1001(14), Idaho Code. (3-28-18)
- b. Measured annual progress on specific goals identified on Individualized Professional Learning Plan. (3-28-18)
- c. Six (6) credit renewal requirement. (3-28-18)
- d. Any applicable requirement for Idaho Comprehensive Literacy Course or Mathematical Thinking for Instruction as indicated in Subsections 016.02 and 016.03. (3-28-18)

07. Foreign Institutions. An educator having graduated from a foreign institution may be issued a non-renewable, three-year interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. (3-28-18)

08. Codes of Ethics. All laws and rules governing standard certificated staff with respect to conduct, discipline, and professional standards shall apply to all certified staff serving in an Idaho public school, including those employed under an interim certificate. (3-28-18)

017. CONTENT, PEDAGOGY AND PERFORMANCE ASSESSMENT FOR CERTIFICATION.

01. Assessments. State Board of Education approved content, pedagogy and performance area assessments shall be used to ensure qualified teachers are employed in Idaho's classrooms. The Professional Standards Commission shall recommend assessments and qualifying scores to the State Board of Education for approval. ()

02. Out-of-State Waivers. An out-of-state applicant for Idaho certification holding a current certificate may request a waiver from the above requirement. The applicant shall provide evidence of passing a state board approved content, pedagogy and performance area assessment(s) or hold current National Board for Professional Standards Teaching Certificate. (4-11-19)

03. Idaho Comprehensive Literacy Assessment. All applicants for initial Idaho certification (K-12) from a state board-approved educator preparation program must demonstrate competency in comprehensive literacy. Areas to be included in the assessment are: phonological awareness, phonics, fluency, vocabulary, comprehension, writing, and assessments and intervention strategies. Each Idaho public higher education institution shall be responsible for the assessment of teacher candidates in its educator preparation program. The assessment must measure teaching skills and knowledge congruent with current research on best literacy practices for elementary students or secondary students (adolescent literacy) dependent upon level of certification and English Language Learners. In addition, the assessment must measure understanding and the ability to apply strategies and beliefs about language, literacy instruction, and assessments based on current research and best practices congruent with International Reading Association/National Council of Teachers of English standards, National English Language Learner's Association professional teaching standards, National Council for Accreditation of Teacher Education standards, and state accreditation standards. ()

018. -- 020. (RESERVED)

021. ENDORSEMENTS.

Holders of an Instructional Certificate or Occupational Specialist Certificate may be granted endorsements in areas as provided herein. Instructional staff are eligible to teach in the grades and content areas of their endorsements. Idaho preparation programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement from the college of education of competency in a teaching area or field is acceptable in lieu of required credits if such statements are created in consultation with the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. Statements must include the number of credits the competency evaluation is equivalent to. To add an endorsement to an existing certificate, an individual shall complete the credit hour requirements as provided herein and also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. ()

01. **Clinical Experience Requirement.** All endorsements require supervised clinical experience in the relevant content area, or a State Department of Education or Division of Career Technical Education approved alternative clinical experience as applicable to the area of endorsement. (4-11-19)

02. **Alternative Authorization - Teacher to New Endorsement.** This alternative authorization allows a local education agency to request additional endorsement for a candidate. This authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress. The candidate shall provide evidence of pursuing one of the following options: ()

a. Option I -- An official statement of competency in a teaching area or field from the college of education of an accredited college or university is acceptable in lieu of courses if the statement is created in consultation with the department or division in which the competency is established and is approved by the director of teacher education of the recommending college or university. ()

b. Option II -- National Board. By earning National Board Certification in content specific areas, teachers may gain endorsement in a corresponding subject area. (3-29-17)

c. Option III -- Master's degree or higher. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid instructional certificate. (3-28-18)

d. Option IV -- Content area assessment and mentoring. An endorsements may be added by successfully completing a state board-approved content areas assessment within the first year of authorization and a one-year, state board-approved mentoring. ()

022. INSTRUCTIONAL CERTIFICATE ENDORSEMENTS A - D.

01. **All Subjects (K-8).** Allows one to teach in any educational setting (K-8). Twenty (20) semester credit hours, or thirty (30) quarter credit hours in the philosophical, psychological, methodological foundations, instructional technology, and professional subject matter must be in elementary education including at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading. This endorsement must be accompanied by at a minimum one (1) additional subject area endorsement allowing teaching of that subject through grade 9 or kindergarten through grade 12. (3-29-17)

02. **American Government /Political Science (5-9 or 6-12).** Twenty (20) semester credit hours to include: a minimum of six (6) semester credit hours in American government, six (6) semester credit hours in U.S. history survey, and a minimum of three (3) semester credit hours in comparative government. Remaining course work must be selected from political science. Course work may include three (3) semester credit hours in world history survey. (3-28-18)

03. **Bilingual Education (K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Bilingual Education Teachers to include all of the following: upper division coursework in one (1) modern language other than English, including writing and literature, and advanced

proficiency according to the American Council on the Teaching of Foreign Languages guidelines; cultural diversity; ESL/bilingual methods; linguistics, second language acquisition theory and practice; foundations of ESL/bilingual education, legal foundations of ESL/bilingual education, identification and assessment of English learners, biliteracy; at least one (1) semester credit hour in bilingual clinical field experience. (4-11-19)

04. Biological Science (5-9 or 6-12). Twenty (20) semester credit hours including coursework in each of the following areas: molecular and organismal biology, heredity, ecology and biological adaptation. (3-29-17)

05. Blended Early Childhood Education/Early Childhood Special Education (Birth - Grade 3). The Blended Early Childhood Education/Early Childhood Special Education (Birth - Grade 3) endorsement allows one to teach in any educational setting birth through grade three (3). To be eligible, a candidate must have satisfied the following requirements a minimum of thirty (30) semester credit hours in the philosophical, psychological, and methodological foundations, in instructional technology, and in the professional subject matter of early childhood and early childhood-special education. The professional subject matter shall include course work specific to the child from birth through grade three (3) in the areas of child development and learning; curriculum development and implementation; family and community relationships; assessment and evaluation; professionalism; **clinical experience including a combination of general and special education in the following settings: birth to age three (3), ages three to five (3-5), and grades K-3 general education.** ()

06. Blended Elementary Education/Elementary Special Education (Grade 4 - Grade 6). The Blended Elementary Education/Elementary Special Education (Grade 4 - Grade 6) endorsement allows one to teach in any grade four (4) through grade six (6) education setting, except in a middle school setting. This endorsement may only be issued in conjunction with the Blended Early Childhood Education/Early Childhood Special Education (Birth - Grade 3) endorsement. To be eligible for a Blended Elementary Education/Elementary Special Education (Grade 4 - Grade 6) endorsement, a candidate must have satisfied the following requirements: Completion of a program of a minimum of twenty (20) semester credit hours in elementary education **and special education** coursework to include: methodology **and** content knowledge (mathematics, literacy, science, health, **physical education art**), technology, assessment, **and clinical** experiences in grades four (4) through six (6). ()

07. Chemistry (5-9 or 6-12). Twenty (20) semester credit hours in the area of chemistry, to include coursework in each of the following areas: inorganic and organic chemistry. (3-29-17)

08. Communication (5-9 or 6-12). Follow one (1) of the following options: (3-29-17)

a. Option I -- Twenty (20) semester credit hours to include methods of teaching speech/communications plus course work in at least four (4) of the following areas: interpersonal communication/human relations; argumentation/personal persuasion; group communications; nonverbal communication; public speaking; journalism/mass communications; and drama/theater arts. (3-29-17)

b. Option II -- Possess an English endorsement plus at least twelve (12) semester credit hours distributed among the following: interpersonal communication/human relations, public speaking, journalism/mass communications, and methods of teaching speech/communication. (3-29-17)

09. Computer Science (5-9 or 6-12). (3-29-17)

a Twenty (20) semester credit hours of course work in computer science, including course work in the following areas: data representation and abstraction; design, development, and testing algorithms; software development process; digital devices systems network; and the role of computer science and its impact on the modern world; or (3-29-17)

b. Occupational teacher preparation pursuant to Subsections 015.04 through 015.06. (3-29-17)

10. Deaf/Hard of Hearing (Pre-K-12). Completion of a minimum of thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use sign language or completion of a minimum thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use listening and spoken language. **Coursework to include: American Sign Language, listening and spoken language development, hearing assessment, hearing assistive technology, students with**

disabilities, pedagogy for teaching students who are deaf or hard of hearing, assessments, and clinical practice. ()

023. INSTRUCTIONAL CERTIFICATE ENDORSEMENTS E - L.

01. Early Childhood Special Education (Pre-K-3). The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. This endorsement may only be added to the Exceptional Child Generalist (K-8 or K-12) endorsement. To be eligible a candidate must have satisfied the following requirements: (3-28-18)

a. Completion of a program of a minimum of twenty (20) semester credit hours in the area of early childhood education to include course work in each of the following areas: child development and behavior with emphasis in cognitive-language, physical, social and emotional areas, birth through age eight (8); curriculum and program development for young children ages three to eight (3-8); **transitional services**; methodology: planning, implementing and evaluating environments and materials for young children ages three to eight (3-8); guiding young children's behavior: observing, assessing and individualizing ages three to eight (3-8); identifying and working with atypical young children ages three to eight (3-8) parent-teacher relations; and **clinical practice** at the Pre-K - 3 grades. ()

02. Earth and Space Science (5-9 or 6-12). Twenty (20) semester credit hours including course work in each of the following areas: earth science, astronomy, and geology. (3-29-17)

03. Economics (5-9 or 6-12). Twenty (20) semester credit hours to include a minimum of three (3) semester credit hours of micro-economics, a minimum of three (3) semester credit hours of macro-economics, and a minimum of six (6) semester credit hours of personal finance/consumer economics/economics methods. Remaining course work may be selected from business, economics, or finance course. (3-28-18)

04. Engineering (5-9 or 6-12). Twenty (20) semester credit hours of engineering course work. ()

05. English (5-9 or 6-12). Twenty (20) semester credit hours, including coursework in all of the following areas: grammar, American literature, British literature, multicultural/world literature, young adult literature, and literary theory. Additionally, a course in advanced composition, excluding the introductory sequence designed to meet general education requirements, and a course in secondary English language arts methods are required. (4-11-19)

06. English as a Second Language (ESL) (K-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for ESL Teachers to include all of the following: a modern language other than English; cultural diversity; ESL methods; linguistics; second language acquisition theory and practice; foundations of ESL/bilingual education, legal foundations of ESL/bilingual education, identification and assessment of English learners; and at least one (1) semester credit in ESL clinical field experience. (4-11-19)

07. Exceptional Child Generalist (K-8, 6-12, or K-12). The Exceptional Child Generalist endorsement is non-categorical and allows one to teach in any special education setting, applicable to the grade range of the endorsement. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed, with **clinical experience** to include student teaching in an elementary or secondary special education setting. To be eligible, a candidate must **complete thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program.** ()

08. Geography (5-9 or 6-12). Twenty (20) semester credit hours including course work in cultural geography and physical geography, and a maximum of six (6) semester credit hours in world history survey. The remaining semester credit hours must be selected from geography. (3-29-17)

09. Geology (5-9 or 6-12). Twenty (20) semester credit hours in the area of geology. (3-29-17)

10. Gifted and Talented (K-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Teachers of Gifted and Talented Students, to include coursework in the following

areas of gifted and talented education: foundations, creative and critical thinking, social and emotional needs, curriculum, instruction, assessment and identification, differentiated instruction, program design, and clinical practice. (4-11-19)

11. Health (5-9, 6-12, or K-12). Twenty (20) semester credit hours to include course work in each of the following areas: organization/administration/planning of a school health program; health, wellness, and behavior change; secondary methods of teaching health, to include field experience in a traditional classroom; mental/emotional health; nutrition; human sexuality; substance use and abuse. Remaining semester credits must be in health-related course work. To obtain a Health K-12 endorsement, applicants must complete an elementary health methods course. (3-29-17)

12. History (5-9 or 6-12). Twenty (20) semester credit hours to include a minimum of six (6) semester credit hours of U.S. history survey and a minimum of six (6) semester credit hours of world history survey. Remaining course work must be in history. Course work may include three (3) semester credit hours in American government. (3-29-17)

13. Humanities (5-9 or 6-12). An endorsement in English, history, music, visual art, drama, or foreign language and twenty (20) semester credit hours in one of the following areas or ten (10) semester credit hours in each of two (2) of the following areas: literature, music, foreign language, humanities survey, history, visual art, philosophy, drama, comparative world religion, architecture, and dance. (3-29-17)

14. Journalism (5-9 or 6-12). Follow one (1) of the following options: (3-29-17)

a. Option I -- Twenty (20) semester credit hours to include a minimum of fourteen (14) semester credit hours in journalism and six (6) semester credit hours in English and/or mass communication. (3-29-17)

b. Option II -- Possess an English endorsement with a minimum of six (6) semester credit hours in journalism. (3-16-04)

15. Literacy (K-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Literacy Teachers to include the following areas: foundations of literacy (including reading, writing, listening, speaking, viewing, and language); development and diversity of literacy learners; literacy in the content area; literature for youth; language development; corrective/diagnostic/remedial reading; writing methods; and reading methods. To obtain a Literacy endorsement, applicants must complete the Idaho Comprehensive Literacy Course or the Idaho Comprehensive Literacy Assessment. (4-11-19)

024. INSTRUCTIONAL CERTIFICATE ENDORSEMENTS M - Z.

01. Mathematics (6-12). Twenty (20) semester credit hours including course work in each of the following areas: Euclidean and transformational geometry, linear algebra, discrete mathematics, statistical modeling and probabilistic reasoning, and the first two (2) courses in a standard calculus sequence. A minimum of two (2) of these twenty (20) credits must be focused on secondary mathematics pedagogy. Statistics course work may be taken from a department other than the mathematics department. ()

02. Mathematics - Middle Level (5-9). Twenty (20) semester credit hours in Mathematics content course work in algebraic thinking, functional reasoning, Euclidean and transformation geometry and statistical modeling and probabilistic reasoning. A minimum of two (2) of these twenty (20) credits must be focused on secondary mathematics pedagogy. Six (6) semester credit hours of computer programming may be substituted for six (6) semester credits in mathematics content. ()

03. Music (5-9 or 6-12 or K-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Music Teachers to include course work in the following: theory and harmony; aural skills, music history; conducting; applied music; and piano proficiency (class piano or applied piano), and secondary music methods/materials. To obtain a Music K-12 endorsement, applicants must complete an elementary music methods course. (3-29-17)

04. Natural Science (5-9 or 6-12). Follow one (1) of the following options: (3-29-17)

- a.** Option I -- Must hold an existing endorsement in one of the following areas: biological science, chemistry, Earth science, geology, or physics; and complete a total of twenty-four (24) semester credit hours as follows: (4-7-11)
- i.** Existing Biological Science Endorsement. Eight (8) semester credit hours in each of the following areas: physics, chemistry, and Earth science or geology. (3-29-17)
 - ii.** Existing Physics Endorsement. Eight (8) semester credit hours in each of the following areas: biology, chemistry, and Earth science or geology. (3-29-17)
 - iii.** Existing Chemistry Endorsement. Eight (8) semester credit hours in each of the following areas: biology, physics, and Earth science or geology. (3-29-17)
 - iv.** Existing Earth science or Geology Endorsement. Eight (8) semester credit hours in each of the following areas: biology, physics, and chemistry. (3-29-17)
- b.** Option II -- Must hold an existing endorsement in Agriculture Science and Technology; and complete twenty-four (24) semester credit hours with at least six (6) semester credit hours in each of the following areas: biology, chemistry, Earth science or geology, and physics. (3-29-17)
- 05. Online-Teacher (K-12).** To be eligible for an Online-Teacher (K-12) endorsement, a candidate must have satisfied the following requirements: (3-28-18)
- a.** Meets the state's professional teaching and/or licensure standards and is qualified to teach in his/her field of study. (3-25-16)
 - b.** Provides evidence of online course time as a student and demonstrates online learning experience. (4-11-19)
 - c.** Has completed an eight (8) week online clinical practice in a K-12 program, or has one (1) year of verifiable and successful experience as a teacher delivering curriculum online in grades K-12 within the past three (3) years. (4-11-19)
 - d.** Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study in online teaching and learning at an accredited college or university or a state-approved equivalent. (3-25-16)
 - e.** Demonstrates proficiency in the Idaho Standards for Online Teachers. (4-11-19)
- 06. Physical Education (PE) (5-9 or 6-12 or K-12).** Twenty (20) semester credit hours to include course work in each of the following areas: personal and teaching competence in sport, movement, physical activity, and outdoor skills; secondary PE methods; administration and curriculum to include field experiences in physical education; student evaluation in PE; safety and prevention of injuries; fitness and wellness; PE for special populations; exercise physiology; kinesiology/biomechanics; motor behavior; and current CPR and first aid certification. To obtain a PE K-12 endorsement, applicants must complete an elementary PE methods course. (3-29-17)
- 07. Physical Science (5-9 or 6-12).** Twenty (20) semester credit hours in the area of physical science to include a minimum of eight (8) semester credit hours in each of the following: chemistry and physics. (3-29-17)
- 08. Physics (5-9 or 6-12).** Twenty (20) semester credit hours in the area of physics. (3-28-18)
- 09. Psychology (5-9 or 6-12).** Twenty (20) semester credit hours in the area of psychology. (3-29-17)
- 10. Science – Middle Level (5-9).** Twenty-four (24) semester credit hours in science content coursework including at least eight (8) credits in each of the following: biology, earth science, and physical science to include lab components. Science foundation standards must be met. (4-11-19)

11. Social Studies (6-12). Must have an endorsement in history, American government/political science, economics, or geography plus a minimum of twelve (12) semester credit hours in each of the remaining core endorsements areas: history, geography, economics, and American government/political science. (4-11-19)

12. Social Studies – Middle Level (5-9). Twenty (20) Semester credit hours in social studies content coursework including at least five (5) credits in each of the following: history, geography, and American government/political science or economics. Social studies foundations must be met. (4-11-19)

13. Sociology (5-9 or 6-12). Twenty (20) semester credit hours in the area of sociology. (3-29-17)

14. Sociology/Anthropology (5-9 or 6-12). Twenty (20) semester credit hours including a minimum of six (6) semester credit hours in each of the following: anthropology and sociology. (3-29-17)

15. Teacher Leader. Teacher leaders provide technical assistance to teachers and other staff in the local education agency with regard to the selection and implementation of appropriate teaching materials, instructional strategies, and procedures to improve the educational outcomes for students. Candidates who hold this endorsement facilitate the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. ()

a. Teacher Leader – Instructional Specialist – Eligibility of Endorsement. To be eligible for a Teacher Leader – Instructional Specialist endorsement on the Standard Instructional Certificate, a candidate must have satisfied the following requirements: (4-11-19)

i. Education requirement: Hold a Standard Instructional Certificate. Content within coursework to include clinical supervision, instructional leadership, and advanced pedagogical knowledge, and have demonstrated competencies in the following areas: providing feedback on instructional episodes; engaging in reflective dialogue centered on classroom instruction, management, and/or experience; focused goal-setting and facilitation of individual and collective professional growth; understanding the observation cycle; and knowledge and expertise in data management platforms. (4-11-19)

ii. Experience: Completion of a minimum of three (3) years' full-time certificated teaching experience while under contract in an accredited school setting. (4-11-19)

iii. Provides verification of completion of a state-approved program of at least twenty (20) post baccalaureate semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include ninety (90) supervised contact hours to include a combination of face-to-face and field-based professional development activities and evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards. (4-11-19)

b. Teacher Leader – Literacy – Eligibility for Endorsement. To be eligible for a Teacher Leader – Literacy endorsement on the Standard Instructional Certificate, a candidate must have satisfied the following requirements: (4-11-19)

i. Education Requirements: Hold a Standard Instructional Certificate and have demonstrated content competencies in the Idaho Literacy Standards. Coursework and content domains required include foundational literacy concepts; fluency, vocabulary development, and comprehension; literacy assessment concepts; and writing process, which are all centered on the following emphases: specialized knowledge of content and instructional methods; data driven decision making to inform instruction; research-based differentiation strategies; and culturally responsive pedagogy for diverse learners. (4-11-19)

ii. Experience: Completion of a minimum of three (3) years' full-time certificated experience while under contract in an accredited school setting. (4-11-19)

iii. Provides verification of completion of a state-approved program of at least twenty (20) post baccalaureate semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include ninety (90) supervised contact hours to include a combination of face-to-face and field-based

professional development activities and evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards. The candidate must meet or exceed the state qualifying score on appropriate state approved literacy content assessment. (4-11-19)

c. Teacher Leader – Mathematics – Eligibility for Endorsement. To be eligible for a Teacher Leader – Mathematics endorsement on the Standard Instructional Certificate, a candidate must have satisfied the following requirements: (4-11-19)

i. Education Requirements: Hold a Standard Instructional Certificate and have demonstrated content competencies. Coursework and content domains required include number and operation, geometry, algebraic reasoning, measurement and data analysis, and statistics and probability, which are centered on the following emphases: structural components of mathematics; modeling, justification, proof, and generalization; and specialized mathematical knowledge for teaching. (4-11-19)

ii. Experience: Completion of a minimum of three (3) years' full-time certificated teaching experience while under contract in an accredited school setting. (4-11-19)

iii. Provides verification of completion of a state-approved program of at least twenty (20) post baccalaureate semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include ninety (90) supervised contact hours to include a combination of face-to-face and field-based professional development activities and evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards. The candidate must meet or exceed the state qualifying score on appropriate state approved math content assessment. (4-11-19)

d. Teacher Leader – Special Education – Eligibility for Endorsement. To be eligible for a Teacher Leader – Special Education endorsement on the Standard Instructional Certificate, a candidate must have satisfied the following requirements: (4-11-19)

i. Education Requirements: Hold a Standard Instructional Certificate endorsed Generalist K-12, K-8, or 5-9 and have demonstrated content competencies in the following areas: assessment of learning behaviors; individualization of instructional programs based on educational diagnosis; behavioral and/or classroom management techniques; program implementation and supervision; use of current methods, materials, and resources available and management and operation of special education management platforms; identification and utilization of community or agency resources and support services; counseling, guidance, and management of professional staff; and special education law, including case law. (4-11-19)

ii. Experience: Completion of a minimum of three (3) years' full-time certificated experience, at least two (2) years of which must be in a special education classroom setting, while under contract in an accredited school setting. (4-11-19)

iii. Provides verification of completion of a state-approved program of at least twenty (20) post baccalaureate semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include ninety (90) supervised contact hours to include a combination of face-to-face and field-based professional development activities and evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards. (4-11-19)

16. Teacher Librarian (K-12). Twenty (20) semester credit hours of coursework leading toward competency as defined by Idaho Standards for Teacher Librarians to include the following: collection development/materials selection; literature for children and/or young adults; organization of information to include cataloging and classification; school library administration/management; library information technologies; information literacy; and reference and information service. (4-11-19)

17. Theater Arts (5-9 or 6-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Theater Arts Teacher, including coursework in each of the following areas: acting and directing, and a minimum of six (6) semester credits in technical theater/stagecraft. To obtain a Theater Arts (6-12) endorsement, applicants must complete a comprehensive methods course including the pedagogy of acting, directing and technical theater. (3-29-17)

18. Visual Arts (5-9, 6-12, or K-12). Twenty (20) Semester credit hours leading toward competency as defined by Idaho Standards for Visual Arts Teachers to include a minimum of nine (9) semester credit hours in: foundation art and design. Additional course work must include secondary arts methods, 2-dimensional and 3-dimensional studio areas. To obtain a Visual Arts (K-12) endorsement, applicants must complete an elementary art methods course. (3-29-17)

19. Visual Impairment (Pre-K-12). Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. To be eligible for a Visually Impaired endorsement, a candidate must have satisfied the following requirements: ()

20. World Language (5-9, 6-12 or K-12). Twenty (20) semester credit hours to include a minimum of twelve (12) intermediate or higher credits in a specific world language. Course work must include two (2) or more of the following areas: grammar, conversation, composition, culture, or literature; and course work in foreign language methods. To obtain an endorsement in a specific foreign language (K-12), applicants must complete an elementary methods course. To obtain an endorsement in a specific foreign language, applicants must complete the following: (3-28-18)

a. Score an intermediate high (as defined by the American Council on the Teaching of Foreign Languages or equivalent) on an oral proficiency assessment conducted by an objective second party; and (3-28-18)

b. A qualifying score on a state approved specific foreign language content assessment, or if a specific foreign language content assessment is not available, a qualifying score on a state approved world languages pedagogy assessment) (3-28-18)

(BREAK IN CONTINUITY OF SECTIONS)

042. ALTERNATIVE AUTHORIZATION – CERTIFICATION.

Alternative *authorization* – certification *allows a local education agency to request certification for a candidate when a professional position cannot be filled with someone who has the correct certification in an area of need identified by the local education agency. This authorization grants an interim certificate that* allows individuals to serve as the *educator* of record *while pursuing* certification. The *educator* of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. *Alternative authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress. Interim certification is valid for no more than three (3) years total.* Individuals who are currently certificated to teach but who are in need of an endorsement in another area may obtain an endorsement through an *alternative authorization – teacher to new endorsement* as described in Subsection 021.02 of these rules. ()

01. Alternative Authorization – Teacher To New Certification. This alternative authorization allows a *local education agency* to request additional certification *for a candidate who already holds a current and valid Idaho instructional certificate* when a professional position cannot be filled with someone who has the correct certification. ()

a. Prior to application, a candidate must hold a baccalaureate degree and a *current and valid Idaho instructional certificate*. The *local education agency* must attest to the candidate's *ability* to fill the position. ()

b. A candidate must participate in a *state board-* approved *educator* preparation program. ()

i. The candidate will work toward completion of a *state board-approved educator preparation* program. The candidate must complete a minimum of nine (9) semester credits annually to maintain eligibility for renewal; and ()

ii. The participating *educator preparation program* shall provide procedures to assess and credit

equivalent knowledge, dispositions, and relevant life/work experiences. ()

02. Alternative Authorization -- Content Specialist. This alternative authorization allows a local education agency to request an instructional certificate for an individual who possesses distinct content knowledge and skills to teach in an area of need identified by the local education agency. ()

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

i. A candidate must hold a baccalaureate degree or have completed all of the requirements of a baccalaureate degree except the student teaching portion; and (4-11-19)

ii. Prior to entering the classroom, the local education agency shall ensure the candidate is qualified to teach in the area of identified need. The candidate shall meet or exceed the state qualifying score on the appropriate state board-approved content or pedagogy assessment, or the candidate shall demonstrate content knowledge through a combination of employment experience and education. ()

b. State Board Approved Education Preparation Program. ()

i. Prior to authorization, a consortium comprised of a state board-approved educator preparation program representative, a local education agency representative, and the candidate shall determine the preparation needed and develop a plan to meet the Idaho Standards for Initial Certification of Professional School Personnel. The educator preparation program shall provide procedures to assess and credit: equivalent knowledge, dispositions, and relevant life/work experiences. The plan must include a state board-approved mentoring program. While teaching under the alternative authorization, the mentor shall provide a minimum of one (1) classroom observation per month, which will include feedback and reflection. The plan must include annual progress goals that must be met for annual renewal; ()

ii. The candidate must complete a minimum of nine (9) semester credit hours or its equivalent of accelerated study in education pedagogy prior to the end of the first year of authorization. The number of required credits will be specified in the consortium developed plan; and ()

iii. At the time of authorization the candidate must enroll in and work toward completion of the plan. The candidate must complete a minimum of nine (9) semester credits annually to maintain eligibility for renewal. The candidate must complete the plan to receive a certificate of completion. ()

03. Alternative Authorization - Pupil Service Staff. This alternative authorization allows a local education agency to request endorsement/certification when a position requiring the Pupil Service Staff Certificate cannot be filled with someone who has the school counselor or school social worker endorsement. ()

a. Initial Qualifications. The applicant must complete the following: (4-2-08)

i. Prior to application, a candidate must hold a baccalaureate degree or higher; and ()

ii. The local education agency must attest to the ability of the candidate to fill the position. ()

b. Educator Preparation Program. ()

i. At the time of authorization the candidate must enroll in and work toward completion of a state board approved educator preparation program through a participating college/university and the local education agency. The educator preparation program must include annual progress goals. ()

ii. The candidate must complete a minimum of nine (9) semester credits annually to maintain eligibility for renewal. ()

iii. The participating educator preparation program will provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. ()

- iv. The candidate must meet all requirements for the endorsement/certificate as provided herein. (4-2-08)

04. Alternative Authorization Renewal. Annual renewal will be based on the school year and satisfactory progress toward completion of the applicable alternate authorization requirements. (3-25-16)

043. -- 059. (RESERVED)

060. APPLICATION PROCEDURES / PROFESSIONAL DEVELOPMENT.

To obtain a new, renew, or reinstate an Idaho Educator Credential, the applicant must submit an application on a form supplied by the State Department of Education or the Division of Career Technical Education as applicable to the type of certificate. All applications for new, renewed, or reinstated occupational specialist certificates must be submitted to the Division of Career Technical Education. The following requirements must be met to renew or reinstate an Idaho Educator Credential. (3-29-17)

01. State Board of Education Requirements for Professional Growth. (4-1-97)

a. Credits taken for recertification must be educationally related to the individualized professional learning plan or related to the professional practice of the applicant. (3-28-18)

i. Credits must be specifically tied to content areas and/or an area of any other endorsement; or (5-8-09)

ii. Credits must be specific to pedagogical best practices or for administrative/teacher leadership; or (4-2-08)

iii. Credits must be tied to a specific area of need designated by local education agency administration. ()

iv. Credits must be taken during the validity period of the certificate. (3-28-18)

b. Graduate or undergraduate credit will be accepted for recertification. Credit must be transcribed and completed through a college or university accredited by an entity recognized by the State Board of Education. For pupil service staff, continuing education units completed and applied to the renewal of an occupational license issued by the appropriate Idaho state licensing board will be accepted for recertification. The continuing education units must be recognized by the appropriate Idaho state licensing board. ()

c. Credits and continuing education units must be taken during the validity period of the certificate. (4-11-19)

d. All requests for equivalent in-service training to apply toward recertification, except occupational specialist certificates, must be made through the State Department of Education upon recommendation of the board of trustees consistent with the State Department of Education guidelines. Individuals holding Occupational Specialist Certificates must be made through the Division of Career Technical Education. Applicants must receive prior approval of in-service training and course work prior to applying for renewal. All in-service training must be aligned with the individual's individualized professional learning plan or related to professional practice. (3-28-18)

e. At least fifteen (15) hours of formal instruction must be given for each hour of in-service credit granted. (4-1-97)

f. Recertification credits may not be carried over from one (1) recertification period to the next. (4-1-97)

g. An appeals process, developed by the State Department of Education in conjunction with the Professional Standards Commission or the Division of Career Technical Education, as applicable to the certificate type, shall be available to applicants whose credits submitted for recertification, in part or as a whole, are rejected for any reason if such denial prevents an applicant from renewing an Idaho certificate. An applicant whose credits

submitted for recertification are rejected, in part or as a whole, within six (6) months of the expiration of the applicant's current certification shall be granted an automatic appeal and a temporary certification extension during the appeal or for one (1) year, whichever is greater. (3-29-17)

02. State Board of Education Professional Development Requirements. (4-1-97)

a. Local education agencies will have professional development plans. ()

b. All certificated personnel will be required to complete at least six (6) semester credits or the equivalent within the five (5) year period of validity of the certificate being renewed. (4-11-19)

c. At least three (3) semester credits will be taken for university or college credit. Verification may be by official or unofficial transcript. Individuals found to have intentionally altered transcripts used for verification, who would have not otherwise met this renewal requirement, will be investigated for violations of the Code of Ethics for Idaho Professional Educators. Any such violations may result in disciplinary action. (3-28-18)

d. Pupil Service Staff Certificate holders who hold a professional license through the **appropriate** Idaho **state licensing board** may use continuing education units applied toward the renewal of their professional license toward the renewal of the Pupil Service Staff Certificate. Fifteen (15) contact hours are equivalent to one (1) semester credit. ()

(BREAK IN CONTINUITY OF SECTIONS)

076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. (3-20-04)

01. Aspirations and Commitments. (3-20-04)

a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-20-04)

b. The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen. (3-20-14)

c. The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs. (3-20-14)

d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (4-11-06)

e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (4-11-06)

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (4-11-06)

02. Principle I - Professional Conduct. A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense set forth in Section 33-1208, Idaho Code. (3-20-14)

03. Principle II - Educator/Student Relationship. A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to: (3-20-14)

- a. Committing any act of child abuse, including physical or emotional abuse; (3-20-04)
- b. Committing any act of cruelty to children or any act of child endangerment; (3-20-04)
- c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-20-04)
- d. Committing any act of harassment as defined by local education agency policy; ()
- e. Soliciting, encouraging, or consummating a romantic relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; ()
- f. Soliciting or encouraging any form of personal relationship with a student that a reasonable educator would view as undermining the professional boundaries necessary to sustain an effective educator-student relationship; ()
- g. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendos or sexual idiomatic phrases); (3-20-04)
- h. Taking or possessing images (digital, photographic, or video) of students of a harassing, confidential, or sexual nature; (4-11-15)
- i. Inappropriate contact with any minor or any student regardless of age using electronic or social media; ()
- j. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; (3-20-14)
- k. Conduct that is detrimental to the health or welfare of students; and (3-20-14)
- l. Deliberately falsifying information presented to students. (3-20-14)

04. Principle III - Alcohol and Drugs Use or Possession. A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-14)

- a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-20-04)
- b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-20-04)
- c. Inappropriate or illegal use of prescription medications on school premises or at any school-

- sponsored events, home or away; (4-11-06)
- d. Inappropriate or illegal use of drugs or alcohol that impairs the individual’s ability to function; and (4-11-06)
 - e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. (3-20-04)
- 05. Principle IV - Professional Integrity.** A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-14)
- a. Fraudulently altering or preparing materials for licensure or employment; (3-20-04)
 - b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-20-04)
 - c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-20-04)
 - d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification; (3-20-14)
 - e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (4-11-06)
 - f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-20-04)
 - g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; (3-20-14)
 - h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and (3-20-14)
 - i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification. (3-20-14)
- 06. Principle V - Funds and Property.** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-20-14)
- a. Misuse, or unauthorized use, of public or school-related funds or property; (3-20-04)
 - b. Failure to account for school funds collected from students, parents, patrons, or other donors from all sources, including online donation platforms; ()
 - c. Submission of fraudulent requests for reimbursement of expenses or for pay; (3-20-04)
 - d. Co-mingling of public or school-related funds in personal bank account(s); (3-20-04)
 - e. Use of school property for private financial gain; (3-20-14)
 - f. Use of school computers to deliberately view or print pornography; and, (3-20-04)
 - g. Deliberate use of poor budgeting or accounting practices. (3-20-04)

07. Principle VI - Compensation. A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-20-14)

a. Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit; (3-20-14)

b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-20-04)

c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, (3-20-04)

d. Soliciting, accepting, or receiving a financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. (3-20-14)

e. Keeping for oneself donations, whether money or items, that were solicited or accepted for the benefit of a student, class, classroom, or school. (3-28-18)

08. Principle VII - Confidentiality. A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-20-14)

a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-20-04)

b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-20-04)

09. Principle VIII - Breach of Contract or Abandonment of Employment. A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-20-14)

a. Abandoning any contract for professional services without the prior written release from the contract by the employing local education agency; ()

b. Willfully refusing to perform the services required by a contract; and, (3-20-04)

c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04)

10. Principle IX - Duty to Report. A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: (3-20-14)

a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); (3-20-04)

b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); (4-11-06)

c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and (4-11-06)

d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-20-04)

- 11. Principle X - Professionalism.** A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to: (3-20-14)
- a.** Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-20-04)
 - b.** Committing any act of harassment toward a colleague; (4-11-06)
 - c.** Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-20-04)
 - d.** Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (4-11-06)
 - e.** Willfully interfering with the free participation of colleagues in professional associations; and (4-11-06)
 - f.** Taking, possessing, or sharing images (digital, photographic, or video) of colleagues of a harassing, confidential, or sexual nature. ()

077. DEFINITIONS FOR USE WITH THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

- 01. Administrative Complaint.** A document outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators. ()
- 02. Allegation.** A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. (3-20-04)
- 03. Certificate Denial.** The refusal of the state to grant a certificate. ()
- 04. Certificate Suspension.** A time-certain invalidation of any Idaho certificate. ()
- 05. Conditioned Certificate.** Stated Certificate conditions as determined by the Professional Standards Commission (Section 33-1209(02), Idaho Code). ()
- 6. Educator.** A person who held, holds, or applies for an Idaho Certificate (Section 33-1201, Idaho Code). ()
- 07. Education Official.** An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO). (3-20-04)
- 08. Executive Committee.** A decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission. A prime duty of the Committee is to review alleged violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and recommend possible disciplinary action. ()
- 09. Hearing.** A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers. (3-20-04)
- 10. Hearing Panel.** A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint. (3-20-04)
- 11. Investigation.** The process of gathering factual information concerning a valid, written complaint

in preparation for review by the Professional Standards Commission Executive Committee, or following review by the Executive Committee at the request of the deputy attorney general assigned to the **Professional Standards Commission**. ()

12. No Probable Cause. A determination by the Executive Committee that there is not sufficient evidence to take action against an educator's certificate. ()

13. Principles. Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators in both the private and public sectors. (3-20-04)

14. Probable Cause. A determination by the Executive Committee that sufficient evidence exists to issue an administrative complaint. ()

15. Reprimand. A written letter admonishing the Certificate holder for **their** conduct. ()

16. Respondent. The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators. (3-20-04)

17. Revocation. The invalidation of any Certificate held by the educator. (3-20-04)

18. Stipulated Agreement. A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms. ()

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1903

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 08-0000-1900, which will also be filed for review for final approval during the upcoming legislative session.

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 and 33-1612, Idaho Code, and ESEA Section 1111(b)1 and (2) and 34 CFR Sections 200.1-200.8.

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 adoption of pending rule ensures students with the most significant cognitive disabilities will receive instruction and assessment aligned with general education standards as required by the Individuals with Disabilities Education Act and Elementary and Secondary Education Act (ESEA). Additionally, a science assessment aligned to Idaho science content standards administered in grades 5, 8, and 11 ensures Idaho's comprehensive assessment program is compliant with ESEA. No changes were made to the pending rule as has been adopted as originally proposed.

This rulemaking is being republished in its entirety following this notice. Any amendments to this pending rule has been made in accordance with Section 67-5227, Idaho Code. The complete text of the proposed rule was published in the August 7, 2019 Idaho Administrative Bulletin, [Vol. 19-8, pages 56-64](#).

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 Karlynn Laraway, Director of Assessment and Accountability, at klaraway@sde.idaho.gov or (208)332-6976.

Dated this 16th Day of October, 2019.

Sherri Ybarra
Superintendent of Public Instruction
650 W State Street, 2nd Floor
PO Box 83720
Boise ID 83720-0027
Office: (208) 332-6800
Fax: (208) 334-2228

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 08-0203-1903

This rulemaking is being republished in its entirety. Previously made
amendments are shown in **red plain text (non-italicized)**.

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-10)

- a. Arts and Humanities Categories: (3-24-17)
 - i. Dance, as revised and adopted on August 11, 2016; (3-24-17)
 - ii. Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
 - iii. Media Arts, as adopted on August 11, 2016. (3-24-17)
 - iv. Music, as revised and adopted on August 11, 2016; (3-24-17)
 - v. Theater, as revised and adopted on August 11, 2016; (3-24-17)
 - vi. Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
 - vii. World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b. Computer Science, adopted on November 28, 2016. (3-24-17)
- c. Driver Education, as revised and adopted on August 10, 2017. (3-28-18)
- d. English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e. Health, as revised and adopted on August 11, 2016. (3-24-17)
- f. Information and Communication Technology, as revised and adopted on August 10, 2017. (3-28-18)
- g. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h. Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i. Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j. Science, as revised and adopted on August 10, 2017. (3-28-18)
- k. Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l. College and Career Readiness Competencies adopted on June 15, 2017. (3-28-18)
- m. Career Technical Education Categories: (3-29-17)

- i. Agricultural and Natural Resources, as revised and adopted on August 16, 2018. (4-11-19)
- ii. Business and Marketing Education, as revised and adopted on August 31, 2017. (3-28-18)
- iii. Engineering and Technology Education, as revised and adopted on August 16, 2018. (4-11-19)
- iv. Health Sciences, as adopted on August 16, 2018. (4-11-19)
- v. Family and Consumer Sciences, as revised and adopted on August 16, 2018. (4-11-19)
- vi. Skilled and Technical Sciences, as revised and adopted on August 16, 2018. (4-11-19)
- vii. Workplace Readiness, as adopted on June 16, 2016. (3-29-17)

02. The English Language Development (ELD) Standards. The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at www.wida.us/standards/eld.aspx. (4-4-13)

03. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-28-18)

04. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors. Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

05. The Idaho Content Standards Core Content Connectors. The Idaho Content Standards Core Content Connectors as adopted by the State Board of Education. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. ()

- a. English Language Arts, as adopted by the State Board of Education on August 10, 2017. (3-28-18)
- b. Mathematics, as adopted by the State Board of Education on August 10, 2017. (3-28-18)
- c. Science, as adopted by the State Board of Education on June 19, 2019. ()

06. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-28-18)

07. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

09. The Idaho Special Education Manual. The Idaho Special Education Manual as adopted by the State Board of Education on October 17, 2018. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-11-19)

(BREAK IN CONTINUITY OF SECTIONS)

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

01. Philosophy. Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. The State Board of Education will provide oversight for all components of the comprehensive assessment program. (4-2-08)

- 02. Purposes.** The purpose of assessment in the public schools is to: (3-15-02)
- a.** Measure and improve student achievement; (3-15-02)
 - b.** Assist classroom teachers in designing lessons; (3-15-02)
 - c.** Identify areas needing intervention and remediation, and acceleration; (3-15-02)
 - d.** Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-02)
 - e.** Inform parents and guardians of their child's progress; (3-15-02)
 - f.** Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-02)
 - g.** Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-02)
 - h.** Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-02)

03. Content. The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, the Idaho Standards Achievement Tests (ISAT), the Idaho Alternate Assessment, and a college entrance exam. (3-29-12)

04. Testing Population. All students in Idaho public schools, grades kindergarten through twelve (K-12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. (4-2-08)

a. All students who are eligible for special education shall participate in the statewide assessment program. (4-6-05)

b. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. (4-6-05)

c. Limited English Proficient (LEP) students, as defined in Subsection 112.05.g.iv., may receive designated supports or accommodations, or both, for the ISAT assessment if need has been indicated by the LEP student's Educational Learning Plan (ELP) team. The team shall outline the designated supports or accommodations, or both, in an ELP prior to the assessment administration. Designated supports or accommodations, or both, shall be familiar to the student during previous instruction and for other assessments. LEP students who are enrolled in their first year of school in the United States may take Idaho's English language assessment in lieu of the English language ISAT, but will still be required to take the ISAT (Mathematics and Science). Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.05.e. However, such LEP students are not required to be counted for accountability purposes as described in Subsection 112.05.i.

(3-29-17)

05. Scoring and Report Formats. Scores will be provided for each subject area assessed and reported in standard scores, benchmark scores, or holistic scores. Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels as appropriate. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students. (4-7-11)

a. Effective April 1, 2009, all students taking the Idaho Standards Achievement Test (ISAT) must have a unique student identifier. (4-7-11)

b. Districts must send all assessment results and related communication to parents within three (3) weeks of receipt from the state. (4-7-11)

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.n. Each assessment will be comprehensive of and aligned to the Idaho State Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. (3-29-17)

a. Kindergarten - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

b. Grade 1 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

c. Grade 2 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-11-15)

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)

e. Grade 4 - National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)

f. Grade 5 - Grade 5 Idaho Standards Achievement Tests in English language usage, mathematics, and science; Idaho Alternate Assessment; Idaho English Language Assessment. (3-29-17)

g. Grade 6 - Grade 6 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. ()

h. Grade 7 - Grade 7 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. ()

i. Grade 8 - National Assessment of Educational Progress; Grade 8 Idaho Standards Achievement Tests in English language usage, mathematics, and science; Idaho Alternate Assessment; Idaho English Language Assessment. ()

j. Grade 9 - High School Idaho Standards Achievement Tests (optional at the discretion of the school district or charter school), Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)

k. Grade 10 - High School Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. ()

l. Grade 11 - High School Idaho Standards Achievement Test in science, Idaho Alternate Assessment, ()

Idaho English Language Assessment, college entrance exam. ()

- m.** Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (4-2-08)
- 07. Comprehensive Assessment Program Schedule.** (5-3-03)
- a.** The Idaho Reading Indicator will be administered in accordance with Section 33-1615, Idaho Code. (3-29-17)
- b.** The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. (3-15-02)
- c.** The Idaho Standards Achievement Tests will be administered in the Spring in a time period specified by the State Board of Education. (4-11-15)
- d.** The Idaho Alternate Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)
- e.** Idaho's English Language Assessment will be administered in a time period specified by the State Board of Education. (3-29-17)
- 08. Costs Paid by the State.** Costs for the following testing activities will be paid by the state: (4-1-97)

 - a.** All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-02)
 - b.** Statewide distribution of all assessment materials; and (3-29-12)
 - c.** Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program. (3-29-12)
- 09. Costs of Additional Services.** Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-02)
- 10. Services.** The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (3-15-02)
- 11. Test Security, Validity and Reliability.** (4-2-08)

 - a.** Test security is of the utmost importance. To ensure integrity of secure test items and protect validity and reliability of test outcomes, test security must be maintained. School districts will employ security measures in protecting statewide assessment materials from compromise. Each individual who has any opportunity to see test items must sign a state-provided confidentiality agreement, which the district must keep on file in the district for at least two (2) years. Documentation of security safeguards must be available for review by authorized state and federal personnel. (4-2-08)
 - b.** Any assessment used for federal reporting shall be independently reviewed for reliability, validity, and alignment with the Idaho Content Standards. (4-2-08)
- 12. Demographic Information.** Accurate demographic information must be submitted as required for each test to assist in interpreting test results. It may include but is not limited to race, sex, ethnicity, and special programs, (Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status). (4-2-08)

13. Dual Enrollment. For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-02)

a. The Idaho Standards Achievement Tests (grades 3-8 and High School). (3-29-17)

b. A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.13.b.i. through 111.13.b.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where dual enrollment is desired. (4-6-05)

i. Language Arts/Communications. (3-15-02)

ii. Math. (3-15-02)

iii. Science. (3-15-02)

iv. Social Studies. (3-15-02)

v. Health. (3-15-02)

vi. Humanities. (3-15-02)

IDAPA 12 – DEPARTMENT OF FINANCE

12.01.08 – RULES PURSUANT TO THE UNIFORM SECURITIES ACT (2004)

DOCKET NO. 12-0108-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 12-0000-1900F, which will also be filed for review for final approval during the upcoming legislative session.

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 30-14-605, and 30-14-608, 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 2, 2019 Idaho Administrative Bulletin, [Vol. 19-10, pages 106 - 110](#).

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Patricia Highley at (208) 332-8077.

Dated this 28th day of October, 2019.

Patricia Highley
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Idaho Department of Finance
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P.O. Box 83720
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THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 12-0108-1901

This rulemaking is being republished in its entirety. Previously made amendments are shown in **red plain text (non-italicized)**.

053. FEDERAL COVERED SECURITIES (RULE 53).

01. Investment Company Notices. (3-24-05)

a. Notice Requirement. Pursuant to Section 30-14-302, Idaho Code, prior to the offer in this state of a series or portfolio of securities of an investment company that is registered, or that has filed a registration statement, under the Investment Company Act of 1940, that is not otherwise exempt under Sections 30-14-201 through 30-14-203, Idaho Code, the issuer must file a notice with the Administrator relating to such series or portfolio of securities. (3-24-05)

b. Content of Notice. Each required notice shall include the following: (3-24-05)

i. A properly completed Form NF; (3-24-05)

ii. A consent to service of process (Form U-2); (3-24-05)

iii. A filing fee of three hundred dollars (\$300) for mutual funds and one hundred dollars (\$100) for unit investment trusts; and (3-29-17)

iv. Notification of SEC effectiveness. (3-24-05)

c. Renewal of Notice. The effectiveness of a notice required pursuant to Subsection 053.01.a. of this rule may be renewed each year for an additional one (1) year period of effectiveness by filing on or before the expiration of the effectiveness of such notice: (3-24-05)

i. A properly completed Form NF clearly indicating the state file number of the Notice to be renewed; (3-24-05)

ii. A consent to service of process (Form U-2) in accordance with Section 30-14-611, Idaho Code; and (3-24-05)

iii. A renewal fee of three hundred dollars (\$300) for mutual funds and one hundred dollars (\$100) for unit investment trusts. (3-24-05)

d. Amendments. Amendment filings are required for the following: (3-24-05)

i. Issuer name change; (3-24-05)

ii. Address change for contact person; and (3-24-05)

iii. Notification of termination or completion. (3-24-05)

e. Other Documents. Documents other than those required in Subsections 053.01.b., 053.01.c., and 053.01.d. of this rule, unless specifically requested by the Department, should not be filed with the Department. Documents that should be filed with the Department only if specifically requested include, but are not limited to, registration statements, prospectuses, amendments, statements of additional information, quarterly reports, annual reports, and sales literature. (3-29-17)

02. Regulation D Rule 506 Notice Filing. (3-24-05)

a. Notice Requirement. Issuers offering a security in this state in reliance upon Section 30-14-301, Idaho Code, by reason of compliance with Regulation D, Rule 506, adopted by the United States Securities and Exchange Commission, are required to file a notice with the Department or with EFD pursuant to the authority of Section 30-14-302(c), Idaho Code, if a sale of a security in this state occurs as a result of such offering. ()

b. Terms of Notice Filing. The issuer shall file with the Department or with EFD no later than fifteen

(15) days after the first sale of a security in this state for which a notice is required under Subsection 053.02.a. of this rule: (3-29-17)

- i. One (1) copy of the SEC-filed Form D; and (3-29-17)
- ii. The notice filing fee of fifty dollars (\$50). (3-24-05)
- iii. A cover letter should be included in the notice filing which states the date in which the first sale of securities occurred in Idaho. (3-24-05)

c. Terms of Late Notice Filing. An issuer failing to file with the Administrator as required by Subsection 053.02.b. of this rule may submit its notice filing with an additional fifty dollars (\$50) late filing payment within thirty (30) days after the first sale of a security in this state. Failure to file a notice on or before the thirtieth day after the first sale of a securities in Idaho will result in the inability of the issuer to rely on Section 30-14-302(c), Idaho Code, for qualification of the offering in Idaho. ()

d. Issuer Agent Registration. Pursuant to Section 30-14-402(b)(5), Idaho Code, an individual who represents an issuer who effects transactions in a federal covered security under Section 18(b)(4)(F) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)(F)) is not exempt from the registration requirements of Section 30-14-402(a), Idaho Code, if the individual is compensated in connection with the agent's participation by the payment of commissions or other remuneration based, directly or indirectly, on transactions in those securities. In addition, if such person is registered as a broker-dealer or agent in another state or with FINRA, or affiliated with a broker-dealer registered in another state, with the SEC or FINRA, then such person must also be similarly registered in Idaho. ()

(BREAK IN CONTINUITY OF SECTIONS)

083. BROKER-DEALER AGENT/ISSUER AGENT REGISTRATION (RULE 83).

01. Broker-Dealer Agents. Agents of broker-dealers applying for initial registration in the state of Idaho pursuant to Section 30-14-406, Idaho Code, shall file the following: (3-24-05)

- a. With CRD, a completed Form U-4; (3-24-05)
- b. With CRD, the filing fee specified in Section 30-14-410, Idaho Code; (3-24-05)
- c. With CRD, proof of successful completion of the applicable examinations specified in Section 103 of these rules; (3-24-05)
- d. With the Department, any additional documentation, supplemental forms and information as the Administrator may deem necessary; (3-24-05)
- e. With the Department, Subsections 083.01.a. through 083.01.d. of this rule, for any agent of a non-FINRA member. (3-29-17)

02. Agents of Issuer. (3-24-05)

- a. Agents of issuers applying for initial registration in the state of Idaho pursuant to Section 30-14-406, Idaho Code, shall file the following with the Department: (3-24-05)
 - i. A completed Form U-4; (3-24-05)
 - ii. The fee specified in Section 30-14-410, Idaho Code; (3-24-05)
 - iii. Proof of successful completion of the applicable examination(s) specified in Section 103 of these rules; (3-24-05)

iv. Proof of a bond of a surety company duly authorized to transact business in this state, said bond to be in the sum of ten thousand dollars (\$10,000) and conditioned upon faithful compliance with the provisions of the Act by the agent, such that upon failure to so comply by the agent, the surety company **is** liable to any and all persons who may suffer loss by reason thereof. Provided, however, that the obligation of the surety bond must be maintained at all times in the amount therein provided; and provided further, that a certificate of deposit issued by any bank in the state of Idaho and assigned to the Administrator in an amount equal to the bond which would otherwise be required may be accepted by the administrator in lieu of a bond, if the certificate of deposit is maintained at all times in the amount and manner herein provided during the term for which the registration is effective and for three (3) years thereafter; ()

v. Any additional documentation, supplemental forms and information as the Administrator may deem necessary. (3-24-05)

b. An individual who represents an issuer that effects transactions in a federal covered security under Section 18(b)(3) (transactions relating to “qualified purchasers” as that term may be defined by the SEC), **18(b)(4)(D) (commonly known as Regulation A, Tier 2)**, or 18(b)(4)(F) (commonly known as Regulation D, Rule 506) of the Securities Act of 1933 is not exempt from the registration requirements of Section 30-14-402(a), Idaho Code, if the individual is compensated, directly or indirectly, for participation in the specified securities transactions. ()

c. Exceptions for officers. If there are not more than two (2) officers of an issuer, such officers may be registered as agents for a particular original offering of the issuer’s securities without **having** to pass such written examination or file an agent’s bond as required by Subsection 083.02.a.iii. and 02.a.iv. of this rule, unless such person has registered under this rule within the prior five (5) years. ()

03. Incomplete Applications. After a period of six (6) months from date of receipt, an incomplete application will automatically be considered abandoned and withdrawn if the requirements have not been fulfilled. (3-24-05)

04. Annual Renewal. (3-24-05)

a. Broker-Dealer Agent. Agents of FINRA members shall renew their registrations by submitting the renewal fee specified in Section 30-14-410, Idaho Code, to the CRD. Agents of non-FINRA members shall renew their registrations by submitting a completed renewal application and a renewal fee as specified in Section 30-14-410, Idaho Code. (3-29-17)

b. Issuer Agent. Issuer agents shall renew their registrations by submitting a completed renewal application and a renewal fee as specified in Section 30-14-410, Idaho Code. (3-24-05)

05. Updates and Amendments. (3-24-05)

a. A broker-dealer agent or agent of issuer must file with CRD, or with this Department, in accordance with the instructions in Form U-4, any amendments to the broker-dealer agent’s or issuer agent’s Form U-4. It is the responsibility of each broker-dealer agent or issuer agent to assure that current and accurate information is on file with the Department at all times. If information in an application for registration becomes inaccurate or incomplete, additional information must be submitted through updates on the Form U-4 or by direct notice to the Department. (3-24-05)

b. An amendment will be considered to be filed promptly if the amendment is filed within thirty (30) days of the event that requires the filing of the amendment. (3-29-17)

c. Litigation Notice. Any broker-dealer agent or issuer agent shall notify the Administrator in writing or through the CRD of any civil, administrative, or criminal complaint, petition, or pleading issued or filed against him and of any bankruptcy proceeding filed by or against him within thirty (30) days of his receipt of the initial pleading. This requirement shall not include minor traffic violations or minor civil actions unrelated to the registrant’s business as a broker-dealer. (3-24-05)

d. Notice of Address. Every broker-dealer agent and issuer agent shall provide the Department with an address sufficiently descriptive to allow service of process pursuant to the Idaho Rules of Civil Procedure. (3-24-05)

e. Change of Name. If a registered broker-dealer agent or issuer agent changes his or her name, notice of such must be submitted to the CRD or this Department within a reasonable time after the effective date of the change. The name change will not be effective in this state until the notice is received. (3-24-05)

06. Completion of Filing. An application for initial or renewal registration is not considered complete for purposes of Section 30-14-406(c), Idaho Code, until the required fee and all amendments, including submissions requested by the Department, have been received by the Department. ()

07. Deferral of Effectiveness. The Administrator may defer the effective date of any registration until noon on the forty-fifth day after the filing of any amendment completing the application. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

095. INVESTMENT ADVISER BROCHURE RULE (RULE 95).

An investment adviser registered or required to be registered under the Act shall, in accordance with 17 CFR 275.204-3 under the Investment Advisers Act of 1940, deliver to each advisory client and prospective advisory client with a written disclosure statement that may be either a copy of Part 2 of its Form ADV which complies with 17 CFR 275.204-1(b) of the Investment Advisers Act of 1940, or a written document containing at least the information then so required by Part 2 of Form ADV. ()

IDAPA 12 – DEPARTMENT OF FINANCE
12.01.09 – RULES PURSUANT TO THE IDAHO CREDIT CODE
DOCKET NO. 12-0109-1901
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 12-0000-1900, which will also be filed for review for final approval during the upcoming legislative session.

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 28-46-104(1)(e), 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 2, 2019 Idaho Administrative Bulletin, [Vol. 19-10, pages 111 - 113](#).

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anthony Polidori at (208) 332-8060.

Dated this 31st day of October, 2019.

Anthony Polidori
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Idaho Department of Finance
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**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 12-0109-1901**

**This rulemaking is being republished in its entirety. Previously made
amendments are shown in **red plain text (non-italicized)**.**

005. INCORPORATION BY REFERENCE (RULE 5).

For the purpose of the Act and the “Rules Pursuant to the Idaho Credit Code,” the full text of the federal Consumer Credit Protection Act, 15 U.S.C., Chapter 41, et seq., and regulations issued pursuant to that act, are incorporated by reference as follows: ()

01. The Truth in Lending Act. Consumer Credit Cost Disclosure Act or “The Truth in Lending Act.” As set forth in 15 U.S.C. 1601, et seq., as amended to and including January 1, 2020. The Truth in Lending Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapI.htm>. ()

02. Regulation Z. As issued by the federal Bureau of Consumer Financial Protection and codified at 12 CFR 1026, et seq., as amended to and including January 1, 2020. Regulation Z is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol9/xml/CFR-2018-title12-vol9-part1026.xml>. ()

03. Restrictions on Garnishment Act. As set forth in 15 U.S.C. 1671, et seq., as amended to and including January 1, 2020. The Restrictions on Garnishment Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapII.htm>. ()

04. Credit Repair Organizations Act. As set forth in 15 U.S.C. 1679, et seq., as amended to and including January 1, 2020. The Credit Repair Organizations Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapII-A.htm>. ()

05. Credit Reporting Agencies Act or “Fair Credit Reporting Act.” As set forth in 15 U.S.C. 1681, et seq., as amended to and including January 1, 2020. The Fair Credit Reporting Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapIII.htm>. ()

06. Regulation V. As set forth in 12 CFR 1022, et seq., as amended to and including January 1, 2020. Regulation V is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol8/xml/CFR-2018-title12-vol8-part1022.xml>. ()

07. Equal Credit Opportunity Act. As set forth in 15 U.S.C. 1691, et seq., as amended to and including January 1, 2020. The Equal Credit Opportunity Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapIV.htm>. ()

08. Regulation B. As set forth in 12 CFR 1002, et seq., as amended to and including January 1, 2020. Regulation B is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol8/xml/CFR-2018-title12-vol8-part1002.xml>. ()

09. Debt Collection Practices Act or “Fair Debt Collection Practices Act.” As set forth in 15 U.S.C. 1692, et seq., as amended to and including January 1, 2020. The Fair Debt Collection Practices Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapV.htm>. ()

10. Electronic Funds Transfer Act. As set forth in 15 U.S.C. 1693, et seq., as amended to and including January 1, 2020. The Electronic Funds Transfer Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapVI.htm>. ()

11. Regulation E. As set forth in 12 CFR 1005, et seq., as amended to and including January 1, 2020. Regulation E is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol8/xml/CFR-2018-title12-vol8-part1005.xml>. ()

12. Availability of Documents. Unless otherwise unavailable, the documents incorporated by reference may be viewed at the central office of the Idaho Department of Finance. ()

IDAPA 12 – DEPARTMENT OF FINANCE

12.01.10 – RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 12-0000-1900, which will also be filed for review for final approval during the upcoming legislative session.

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 26-31-103(2)(b), 26-31- 204(5), 26-31-302(1)(a), and 26-31-302(2), 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 2, 2019 Idaho Administrative Bulletin, [Vol. 19-10, pages 114 - 115](#).

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anthony Polidori at (208) 332-8060.

Date this 31st day of October, 2019.

Anthony Polidori
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**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 12-0110-1901**

**This rulemaking is being republished in its entirety. Previously made
amendments are shown in red plain text (non-italicized).**

005. INCORPORATION BY REFERENCE (RULE 5).

For the purposes of the Act and the “Rules Pursuant to the Idaho Residential Mortgage Practices Act,” the full text of the following are incorporated by reference: ()

01. The Real Estate Settlement Procedures Act. As set forth in 12 U.S.C. 2601, et seq., as amended to and including January 1, 2020. The Real Estate Settlement Procedures Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title12/html/USCODE-2016-title12-chap27.htm>. ()

02. Regulation X. As issued by the federal Bureau of Consumer Financial Protection and codified at 12 CFR 1024, et seq., as amended to and including January 1, 2020. Regulation X is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol8/xml/CFR-2018-title12-vol8-part1024.xml>. ()

03. The Truth in Lending Act. As set forth in 15 U.S.C. 1601, et seq., as amended to and including January 1, 2020. The Truth in Lending Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41.htm>. ()

04. Regulation Z. As issued by the federal Bureau of Consumer Financial Protection and codified at 12 CFR 1026, et seq., as amended to and including January 1, 2020. Regulation Z is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol9/xml/CFR-2018-title12-vol9-part1026.xml>. ()

05. Availability of Documents. Unless otherwise available, the documents incorporated by reference may be viewed at the central office of the Idaho Department of Finance. ()

(BREAK IN CONTINUITY OF SECTIONS)

050. WRITTEN DISCLOSURES (RULE 50).

01. Receipt of an Application. Upon receipt of an application as defined in Subsection 006.02 of these rules, and before receipt of any moneys from a borrower, a licensee or person required to be licensed under the Act shall make available to each borrower information, in a manner acceptable to the Director, about the services authorized under the Act that he may provide to a borrower. (3-25-16)

02. Loan Modification Confirmation. Within three (3) business days, including Saturdays, of receipt of a notice from a creditor or its agent of a loan modification offer, a licensee or person required to be licensed under the Act shall deliver or send by first-class mail to the borrower a written confirmation of the terms of the loan modification offer. Such confirmation shall include information regarding proposed rates, payments, and loan balance. (3-29-10)

IDAPA 12 – DEPARTMENT OF FINANCE

12.01.11 – RULES PURSUANT TO THE IDAHO COLLECTION AGENCY ACT

DOCKET NO. 12-0111-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 12-0000-1900, which will also be filed for review for final approval during the upcoming legislative session.

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 26-2228(4) and 26-2248, 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 2, 2019 Idaho Administrative Bulletin, [Vol. 19-10, pages 116 and 117](#).

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anthony Polidori at (208) 332-8060.

Dated this 31st day of October, 2019.

Anthony Polidori
Consumer Finance Bureau Chief
Idaho Department of Finance
800 Park Blvd., Suite 200
P.O. Box 83720
Boise, Idaho 83720-0031
Office: (208) 332-8060
Fax: (208) 332-8099

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 12-0111-1901

This rulemaking is being republished in its entirety. Previously made amendments are shown in **red plain text (non-italicized)**.

005. INCORPORATION BY REFERENCE (RULE 5).

For the purposes of the Act and the “Rules Pursuant to the Idaho Collection Agency Act,” the full text of the following is incorporated by reference: ()

01. Fair Debt Collection Practices Act. As set forth in 15 U.S.C. 1692, et seq., as amended to and including January 1, 2020. Fair Debt Collection Practices Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapV.htm>. ()

02. Availability of Documents. Unless otherwise available, the documents incorporated by reference may be viewed at the central office of the Idaho Department of Finance. ()

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1901AAAP

NOTICE OF AMENDED PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that at a November 14, 2019 quarterly meeting the Commission amended by proclamation the 2020 Idaho Spring Steelhead Seasons, establishing seasons and limits for fishing in Idaho. The following areas will continue to be closed to steelhead fishing.

1. **Clearwater River** – from its mouth upstream to the confluence of the Middle Fork Clearwater and South Fork Clearwater rivers;
2. **North Fork Clearwater River** – from mouth to Dworshak Dam;
3. **South Fork Clearwater River** – from the mouth to the confluence of American and Red rivers;
4. **Middle Fork Clearwater River** – from the mouth to Clear Creek; and
5. **Snake River** – From the Washington State line at the confluence of the Snake and Clearwater Rivers upstream to Couse Creek Boat Ramp.

The amendments also include reducing the limit to one steelhead per day and the possession limit to no more than three steelhead in possession.

Anglers are advised that they must consult the text of the Commission's official proclamation before fishing as this notice is merely meant to advise that changes have been made. This notice is not an exhaustive list of those changes.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proclamation, contact Owen Moroney at (208) 334-3715.

IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY
19.01.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY
DOCKET NO. 19-0101-1901
NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 19-0101-1900F, which will also be filed for review for final approval during the upcoming legislative session.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-912, Idaho Code.

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

Legislation enacted on July 1, 2019 authorized the practice of dental therapy under Title 54, Chapter 9, Idaho Code. The Board of Dentistry is mandated to promulgate rules for the licensure and regulation of dental therapists. The Board of Dentistry conducted two negotiated rulemaking meetings, held a public comment hearing on the temporary and proposed rule, and considered broad comments/materials from affected parties prior to the adoption of this pending rule.

Changes between the text of the proposed rule and text of the pending rule include a requirement for the supervising dentist and the dental therapist to submit to the board an attestation upon entering into a collaborative practice agreement, and the addition of three procedures under prohibited practice. These changes are a result of the board's discussions around the comments received during the proposed rulemaking.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The text of the pending rule is being published in its entirety following this notice. The complete text of the proposed rule was published in the September 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 306-316](#).

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

Sections 54-916, 54-916B, and 54-920, Idaho Code, impose fees for application and licensure of dental therapists. This rule sets the one-time application fee at \$200, and the biennial license fee at \$250.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking has no fiscal impact on the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending fee rule, contact Susan Miller (208) 334-2369.

Dated this 31th day of October, 2019.

Susan Miller
Executive Director Idaho State Board of Dentistry
350 N. 9th Street, Suite M100
P.O. Box 83720, Boise, ID 83720-0021
Phone: (208) 334-2369 / Fax: (208) 334-3247

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 19-0101-1901

This rulemaking is being republished in its entirety. Amendments made to the proposed rule are published in this pending rule in *red italicized text*. Previously made amendments are shown in **red plain text (non-italicized)**.

001. TITLE AND SCOPE.

These rules are titled IDAPA 19.01.01, "Rules of the Idaho State Board of Dentistry." These rules constitute the minimum requirements for licensure and regulation of dentists, dental hygienists, and dental therapists. ()

(BREAK IN CONTINUITY OF SECTIONS)

011. APPLICATION AND LICENSE FEES.

Application fees are not refunded. A license shall not be issued or renewed unless fees have been paid. License fees are prorated from date of initial licensure to the next successive license renewal date. The application fees and license fees are as follows:

License/Permit Type	Application Fee	License/Permit Fee
Dentist/Dental Specialist	\$300	Active Status: \$375 Inactive Status: \$160
Dental Hygienist	\$150	Active Status: \$175 Inactive Status: \$85
Dental Therapist	\$200	Active Status: \$250 Inactive Status: \$125
Sedation Permit	\$300	\$300

()

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. 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 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 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 to the Board completion of verifiable CE or volunteer practice which meets the following requirements: ()

01. Number of Credits.

License/Endorsement Type	Requirements
Dentist/Dental Specialist	30 credits - one of the credits must be related to opioid prescribing
Dental Hygienist	24 credits
Dental Hygienist with Extended Access License Endorsement	28 credits - four of the credits must be in the specific practice areas of medical emergencies, local anesthesia, oral pathology, care and treatment of geriatric, medically compromised or disabled patients and treatment of children.
Dental Therapist	30 credits

()

02. Nature of Education. Continuing education must be oral health/health-related for the licensee's professional development. ()

03. Volunteer Practice. Licensees are allowed one (1) credit of continuing education for every two (2) hours of verified volunteer practice performed during the biennial renewal period up to a maximum of ten (10) credits. ()

04. Prorated Credits. Any person who is granted a license with active during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of continuing education credits as specified by the Board. ()

05. Documentation. In conjunction with license renewal, the licensee shall provide a list of continuing education credits obtained and verification of hours of volunteer practice performed and certify that the minimum requirements were completed in the biennial renewal period. ()

(BREAK IN CONTINUITY OF SECTIONS)

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 Centers for Disease Control and Prevention. Additionally, licensees and dental assistants must comply with the following requirements: ()

01. Gloves. Disposable gloves shall be worn whenever placing fingers into the mouth of a patient or when handling blood or saliva contaminated instruments or equipment. Appropriate hand hygiene shall be performed prior to gloving. ()

02. Masks and Eyewear. Masks and protective eyewear or chin-length shields shall be worn when spattering of blood or other body fluids is likely. ()

03. Instrument Sterilization. Between each patient use, instruments and other equipment that come in contact with body fluids shall be sterilized. ()

04. Sterilizing Devices Testing. Heat sterilizing devices shall be tested for proper function by means of a biological monitoring system that indicates micro-organisms kill. Devices shall be tested each calendar week in

which scheduled patients are treated. Testing results shall be retained by the licensee for the current calendar year and the two (2) preceding calendar years. ()

05. Non-Critical Surfaces. Environmental surfaces that are contaminated by blood or saliva shall be disinfected with an EPA registered hospital disinfectant. ()

06. 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 shall be replaced between patients. If barriers are not used, surfaces shall be cleaned and disinfected between patients by using an EPA registered hospital disinfectant. ()

07. Disposal. All contaminated wastes and sharps shall be disposed of according to any governmental requirements. ()

(BREAK IN CONTINUITY OF SECTIONS)

035. DENTAL THERAPISTS – PRACTICE.

Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, dental therapists are hereby 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. The dental therapist and the supervising dentist must sign and maintain a copy of the agreement and provide attestation to the board in writing when entering into a written collaborative practice agreement. Such attestation need only be submitted once each renewal period thereafter.* ()

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. ()

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.

- 01. Direct Supervision.** A dental assistant may perform specified duties under direct supervision as follows: ()
- a.** Recording the oral cavity (existing restorations, missing and decayed teeth); ()
 - b.** Placement of topical anesthetic agents (prior to administration of a local anesthetic by a dentist or dental hygienist); ()
 - c.** Removal of excess bonding material from temporary and permanent restorations and orthodontic appliances (using hand instruments or contra-angle handpieces with disks or polishing wheels only); ()
 - d.** Expose and process radiographs; ()
 - e.** Make impressions for preparation of diagnostic models, bleach trays, fabrication of night guards, temporary appliances, temporary crowns or bridges; ()
 - f.** Record diagnostic bite registration; ()
 - g.** Record bite registration for fabrication of restorations; ()
 - h.** Provide patient education and instruction in oral hygiene and preventive services; ()
 - i.** Placement of cotton pellets and temporary restorative materials into endodontic access openings; ()
 - j.** Placement and removal of arch wire; ()
 - k.** Placement and removal of orthodontic separators; ()
 - l.** Placement and removal of ligature ties; ()
 - m.** Cutting arch wires; ()
 - n.** Removal of loose orthodontic brackets and bands to provide palliative treatment; ()
 - o.** Adjust arch wires; ()
 - p.** Etching of teeth prior to placement of restorative materials; ()
 - q.** Etching of enamel prior to placement of orthodontic brackets or appliances by a Dentist; ()
 - r.** Placement and removal of dental dam; ()
 - s.** Placement and removal of matrices; ()
 - t.** Placement and removal of periodontal pack; ()
 - u.** Removal of sutures; ()
 - v.** Application of cavity liners and bases; ()
 - w.** Placement and removal of gingival retraction cord; and ()
 - x.** Application of topical fluoride agents. ()
- 02. Prohibited Duties.** A dental assistant is prohibited from performing the following duties: ()

- a. Definitive diagnosis and treatment planning. ()
 - b. The intraoral placement or carving of permanent restorative materials. ()
 - c. Any irreversible procedure using lasers. ()
 - d. The administration of any sedation or local injectable anesthetic. ()
 - e. Any oral prophylaxis (removal of stains and plaque biofilm and if present, supragingival and/or subgingival calculus). ()
 - f. Use of an air polisher. ()
 - g. Any intra-oral procedure using a high-speed handpiece, except to the extent authorized by a Certificate of Registration or certificate or diploma of course completion issued by an approved teaching entity. ()
 - h. Any dental hygiene prohibited duty. ()
 - i. The following expanded functions, unless authorized by a Certificate of Registration or certificate or diploma of course completion issued by an approved teaching entity and performed under direct supervision: ()
 - i. Fabrication and placement of temporary crowns; ()
 - ii. Perform the mechanical polishing of restorations; ()
 - iii. Initiating, regulating and monitoring the administration of nitrous oxide/oxygen to a patient; ()
 - iv. Application of pit and fissure sealants; ()
 - v. Coronal polishing (removal of plaque biofilm and stains from the teeth using an abrasive agent with a rubber cup or brush). ()
 - vi. Use of a high-speed handpiece only for the removal of orthodontic cement or resin. ()
- 03. Expanded Functions Qualifications.** A dental assistant may be considered Board qualified in expanded functions, authorizing the assistant to perform any or all of the expanded functions described in Subsection 035.02.h. upon satisfactory completion of the following requirements: ()
- a. Completion of Board-approved training in each of the expanded functions with verification of completion of the training to be provided to the Board upon request by means of a Certificate of Registration or other certificate evidencing completion of approved training. The required training shall include adequate training in the fundamentals of dental assisting, which may be evidenced by: ()
 - i. Current certification by the Dental Assisting National Board; or ()
 - ii. Successful completion of Board-approved curriculum in the fundamentals of dental assisting; or ()
 - iii. Successfully challenging the fundamentals course. ()
 - b. Successful completion of a Board-approved competency examination in each of the expanded functions. There are no challenges for expanded functions. ()
- 04. Curriculum Approval.** Any school, college, institution, university or other teaching entity may apply to the Board to obtain approval of its course curriculum. Before approving such curriculum, the Board may require satisfactory evidence of the content of the instruction, hours of instruction, content of examinations or faculty credentials. ()

05. Other Credentials. Assistants, who have completed courses or study programs in expanded functions that have not been previously approved by the Board, may submit evidence of the extent and nature of the training completed, and, if in the opinion of the Board the same is at least equivalent to other Board-approved curriculum, and demonstrates the applicant's fitness and ability to perform the expanded functions, the Board may consider the assistant qualified to perform any expanded function(s). ()

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 certified in accordance with these rules may administer nitrous oxide/oxygen to patients. Nitrous oxide/oxygen when used in combination with other sedative agents may 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 first qualify for and obtain the appropriate permit from the Board of Dentistry to be authorized to sedate patients to the level of moderate sedation, general anesthesia, or deep sedation. ()

01. Patient Safety. In connection with the administration of nitrous oxide/oxygen, a dentist shall: ()

a. Evaluate the patient to insure that the patient is an appropriate candidate for nitrous/oxygen; and ()

b. Insure that any patient under nitrous/oxygen be continually monitored; and ()

c. Insure that a second person be in the practice setting who can immediately respond to any request from the person administering the nitrous/oxygen. ()

02. Required Facilities and Equipment. Dental offices in which nitrous oxide/oxygen is administered to patients shall, at a minimum and in addition to emergency medications, maintain appropriate facilities and have equipment on site for immediate use as follows: ()

a. A nitrous oxide delivery system with a fail-safe system that is maintained in working order: ()

i. A functioning device that prohibits the delivery of less than thirty percent (30%) oxygen; or ()

ii. An appropriately calibrated and functioning in-line oxygen analyzer with audible alarm; and ()

b. An appropriate scavenging system must be available; and ()

c. A positive-pressure oxygen delivery system suitable for the patient being treated. ()

03. Personnel. For nitrous oxide/oxygen administration, personnel shall include: ()

a. An operator; and ()

b. An assistant currently certified in BLS. ()

c. Auxiliary personnel must have documented training in BLS, have specific assignments, and have current knowledge of the emergency cart inventory. The dentist and all office personnel must participate in periodic reviews of office emergency protocol. ()

(BREAK IN CONTINUITY OF SECTIONS)

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) 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. ()

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. ()

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 current recommendations of the American Dental Association and the Centers for Disease Control as referred to in Section 004. ()

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. ()

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 a patient or committing any lewd or lascivious act upon or with a patient. ()

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, 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 legible copies of dental records. Failure to provide a patient or patient's legal guardian with records under Subsection 040.26 within five (5) business days shall be considered unprofessional conduct. 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. ()

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.03 – RULES GOVERNING ADMINISTRATION OF THE RECLAMATION FUND

DOCKET NO. 20-0303-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under Docket No. 20-0000-1900F, which will also be filed for review for final approval during the upcoming legislative session.

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 58-104(6) and 58-105, 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 text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The pending rule was modified to correct a misspelling, provide more clarity, and further shorten the rule in compliance with the Red Tape Reduction Act.

The pending rule text is being republished in its entirety following this notice. The text of the proposed rule was published in the September 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 359-366](#).

The pending rule adopts the changes initially proposed by IDL that update definitions and terminology to comport with the 2019 changes to Title 47, Chapter 15, Idaho Code. IDL also proposed to remove mandatory participation for operators with less than 40 acres of disturbance and less than \$100,000 of reclamation liability and to allow operators to provide an alternative type of financial assurance if it satisfies a minimum reclamation dollar per acre and is on an IDL form. Changes also raise the maximum limitations on participation in the Reclamation Fund to 80 acres or \$440,000 of reclamation liability. The Land Board would establish by policy the actual allowed acres and amount of reclamation liability per operator based on the fund's required minimum balance and updated actuarial analysis. This will allow the Land Board to expand access for participants when it becomes financially prudent.

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 Todd Drage at (208) 334-0247 or tdrage@idl.idaho.gov.

Dated this 17th day of October, 2019.

Todd Drage
Minerals Regulatory Program Manager
Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, Idaho 83720-0050
Phone: (208) 334-0247 / Fax: (208) 334-3698

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 20-0303-1901**

This rulemaking is being republished in its entirety. Amendments made to the proposed rule are published in this pending rule in *red italicized text*. Previously made amendments are shown in **red plain text (non-italicized).**

000. LEGAL AUTHORITY.

These rules are promulgated by the Idaho State Board of Land Commissioners **under** Sections 58-104(3) and (6), Idaho Code, and Title 47, Chapter 18, Idaho Code. The Board has delegated to the **D**irector of the Idaho Department of Lands the duties and powers under Title 47, Chapter 18, Idaho Code and these rules, **except** that the Board retains responsibility for administrative review. ()

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 20.03.03, “Rules Governing Administration of the Reclamation Fund,” IDAPA 20, Title 03, Chapter 03. (3-16-04)

02. Scope. These rules constitute the Department’s administrative procedures **and participation criteria** for the Reclamation Fund, **which is** an alternative form of financial assurance for **certain mines** in Idaho. These rules **are to** be construed in a manner consistent with the duties and responsibilities of the Board **and of operators, permit holders, or lessees** as set forth in Title 47, Chapter 7, **Idaho Code, “Mineral Rights in State Lands;” Title 47, Chapter 13, Idaho Code, “Dredge Mining;” Title 47, Chapter 15, Idaho Code, “Mined Land Reclamation;” Title 47, Chapter 18, Idaho Code, “Financial Assurance;” IDAPA 20.03.01, “Dredge and Placer Mining Operations in Idaho;” IDAPA 20.03.02, “Rules Governing Mined Land Reclamation;” and IDAPA 20.03.05, “Riverbed Mineral Leasing In Idaho.”** ()

002. ADMINISTRATIVE APPEALS.

Any person aggrieved by a final agency action or a party aggrieved by a final order of the Board arising from its administration of the Reclamation Fund Act is entitled to judicial review pursuant to the provisions of Title 67, Chapter 52, Idaho Code, “Administrative Procedure Act,” and IDAPA 20.01.01, “Rules of Practice and Procedure Before the State Board of Land Commissioners.” ()

003. -- 009. (RESERVED)

010. DEFINITIONS.

Except as provided in these rules, the Board adopts the definitions set forth in the Mineral Leasing Act, the Dredge Mining Act, and the Mined Land Reclamation Act. As used in these rules: ()

01. Actual Allowable Cost. The allowable total reclamation cost as set by the Board to allow participation in the Reclamation Fund. ()

02. Actual Allowable Disturbance. The area of disturbed acres or affected land as set by the Board to allow participation in the Reclamation Fund. ()

03. Board. The Idaho State Board of Land Commissioners or **its authorized representative.** ()

04. Department. The Idaho Department of Lands. (3-16-04)

05. Disturbed Acres; Affected Lands. **Any** land, natural watercourses, or existing stockpiles or waste piles affected by placer or dredge mining, remining, exploration, stockpiling of ore, waste from placer or dredge mining, or construction of roads, settling ponds, structures, or facilities appurtenant to a placer or dredge mine. The land area included in overburden disposal areas, mined areas, mineral stockpiles, roads, tailings ponds, and other

areas disturbed at a mine. The land area disturbed by motorized exploration of state land under a mineral lease. ()

06. Dredge Mining Act. Title 47, Chapter 13, Idaho Code, and IDAPA 20.03.01, “Dredge and Placer Mining Operations in Idaho.” (3-16-04)

07. Financial Assurance. Cash, corporate surety bond, collateral bond, or letter of credit as described in the Dredge Mining Act, the Mineral Leasing Act, or a mineral lease. Financial assurance as defined in the Mined Land Reclamation Act. ()

08. Mine; Mine Panel. All areas designated by the operator on the map or plan submitted pursuant to Section 47-703A, Idaho Code, or Section 47-1506, Idaho Code, or as an identifiable portion of a placer or dredge mine on the map submitted under Section 47-1317, Idaho Code. ()

09. Mined Land Reclamation Act. Title 47, Chapter 15, Idaho Code, and IDAPA 20.03.02, “Rules Governing Mined Land Reclamation.” ()

10. Mineral Lease. Lease executed by the Board and the mineral lessee pursuant to the Mineral Leasing Act. ()

11. Mineral Lessee. The lessee of a mineral lease. ()

12. Mineral Leasing Act. Title 47, Chapter 7, Idaho Code. (3-16-04)

13. Mining Reclamation Plan. Any reclamation plan approved pursuant to the Mined Land Reclamation Act. ()

14. Motorized Exploration. Exploration which may appreciably disturb or damage the land or resources thereon. Motorized exploration includes, but is not limited to, drilling, trenching, dredging, or other techniques which employ the use of earth moving equipment, seismic operations using explosives, and includes sampling with a suction dredge having an intake diameter greater than two (2) inches when operated in a perennial stream. When operated in an intermittent stream, suction dredges shall be considered motorized exploration regardless of intake size. ()

15. Operator. Any person or entity authorized to conduct business in Idaho, partnership, joint venture, or public or governmental agency required to have any reclamation plan under the Mined Land Reclamation Act or the Mineral Leasing Act, or a permit under the Dredge Mining Act, whether individually or jointly through subsidiaries, agents, employees, or contractors. ()

16. Permit. Dredge or placer mining permit issued pursuant to the Dredge Mining Act. ()

17. Reclamation Fund. The interest-bearing dedicated fund authorized pursuant to the Reclamation Fund Act. ()

18. Reclamation Fund Act. Title 47, Chapter 18, Idaho Code, and IDAPA 20.03.03, “Rules Governing Administration of the Reclamation Fund.” ()

011. -- 015. (RESERVED)

016. REQUIRED PARTICIPANTS. Any operator, with the exception of the mines and operators listed in Section 017 of these rules, shall be required to provide alternative financial assurance through the Reclamation Fund to assure the reclamation of disturbed acres or affected lands. Alternative financial assurance pursuant to the Reclamation Fund Act is in lieu of other types of financial assurance as set forth in the Mined Land Reclamation Act, the Mineral Leasing Act, or the Dredge Mining Act. ()

017. INELIGIBLE MINES OR OPERATORS.

The following types of mines and operators are not allowed to participate in the Reclamation Fund and must file proof of other acceptable financial assurance as required by the Department. ()

01. Disturbed Acres Limit. A mine or mineral lease with un-reclaimed disturbed acres in excess of the actual allowable disturbance may not provide alternative financial assurance through the Reclamation Fund. Un-reclaimed disturbance is that which does not meet the final financial assurance release criteria in the Dredge Mining Act, the Mined Land Reclamation Act or a mineral lease. ()

02. Reclamation Cost Limit. Operators with an estimated reclamation cost in excess of the actual allowable reclamation cost, regardless of the disturbed acres. ()

03. Phosphate Mines. Operators or mineral lessees of phosphate mines. ()

04. Hardrock Mines. Operators or mineral lessees of hardrock mines such as gold, silver, molybdenum, copper, lead, zinc, cobalt, and other precious metal mines. ()

05. Potential Heavy Metal Releases. Operators of mines with a reasonable potential to release heavy metals or other substances harmful to human health or the environment, but not including substances such as fuels and other materials commonly used in excavation or construction. (3-16-04)

06. Oil and Gas Conservation. Oil and gas exploration and development under Title 47, Chapter 3, Idaho Code. ()

07. Oil and Gas Leasing. Oil and gas leases and associated exploration and development under Title 47, Chapter 8, Idaho Code. ()

08. Geothermal. Operators or mineral lessees of geothermal wells and development under Title 47, Chapter 16, Idaho Code. ()

09. Off Lease Exploration. Motorized exploration on state lands that are not under a mineral lease or exploration location. (3-16-04)

10. Violators. Mines or operators in violation of the Reclamation Fund Act, Dredge Mining Act, Mined Land Reclamation Act, Mineral Leasing Act, or a mineral lease. ()

11. Reclamation Fund Forfeitures. Operators, permittees or lessees who have not reimbursed the Reclamation Fund for a forfeiture from the Reclamation Fund due to their violations of the Reclamation Fund Act, Dredge Mining Act, Mined Land Reclamation Act, Mineral Leasing Act, or a mineral lease. ()

12. Other Forfeitures. An operator who has forfeited any financial assurance. ()

13. Operators Providing Acceptable Financial Assurance. An operator who provides proof of financial assurance accepted by the Department that is greater than or equal to the minimum dollar per acre for each acre of affected land at a mine. ()

018. ACREAGE AND RECLAMATION COST LIMITATIONS.

01. Actual Allowable Participation. The Board will establish by policy the actual allowable disturbance, actual allowable reclamation cost, and the minimum dollar per acre of disturbance in order to provide financial assurance to opt out of participation in the Reclamation Fund. ()

02. Maximum Disturbance and Reclamation Cost. The maximum disturbance and maximum reclamation costs in these rules are maximums. The maximum allowable disturbance is eighty (80) acres; the maximum allowable reclamation cost is four hundred forty thousand dollars (\$440,000). ()

03. Multiple Plans or Permits. An operator who has multiple mining reclamation plans or permits that have a total disturbance in excess of the actual allowable disturbance, or with total reclamation costs in excess of the

actual allowable reclamation cost, may participate in the Reclamation Fund with one (1) or more sites that together contain less than both of the Board-established actual allowable limits. ()

019. OPTIONAL PARTICIPATION.

Operators who have one (1) or more mines or mineral leases that are ineligible to participate in the Reclamation Fund as set forth in Section 017 or 018 of these rules may choose to not participate in the Reclamation Fund with respect to all other eligible mines or mineral leases in their name. An operator who does not participate in the Reclamation Fund must secure all mines with other types of financial assurance approved by the Department. ()

020. FEDERAL AGENCY NON-ACCEPTANCE OF RECLAMATION FUND.

If a federal agency will not accept an operator's participation in the Reclamation Fund as proof of reclamation security, the operator will be required to provide the Department with proof of other types of financial assurance acceptable to the Department. ()

021. -- 025. (RESERVED)

026. PAYMENT.

01. Board Approved Payment Schedule. The Board will adopt a payment schedule that determines the annual Reclamation Fund payment for each operator participating in the Reclamation Fund. Any changes to the payment schedule will be approved by the Board. Participating operators shall pay all required payments annually. ()

02. Acreage Calculation. The annual payment for each participant in the Reclamation Fund will be established based upon the number of disturbed acres at each mine. The acres used to calculate the annual payment will include the total current disturbed acres of affected lands and the acres planned to be disturbed or affected during the next twelve (12) months. The total acreage calculation will not be rounded when determining annual payments. ()

03. Annual Payments Non-Refundable. Payments to the Reclamation Fund are non-refundable. Payments will be billed annually and, if not timely paid, will accrue late fees and interest as established by the Board. New participants will be assessed a pro-rated payment based on the Department's established billing cycle. ()

04. Supplemental Payments. If an operator affects more acreage than the acreage secured through the Reclamation Fund for a current period, the Department may require supplemental Reclamation Fund payments. ()

05. Assignment. When a mineral lease, mining reclamation plan, or permit is assigned, all financial assurance requirements must be assumed by the new operator. No Reclamation Fund payments will be refunded following an assignment. If the new operator is ineligible to participate in the Reclamation Fund, the new operator must provide proof of other acceptable financial assurance before the assignment may be approved. ()

06. Non-Payment Constitutes Lack of Bonding. For any operator participating in the Reclamation Fund, non-payment of the annual payment shall be considered a failure to provide financial assurance as required by the Dredge Mining Act, the Mined Land Reclamation Act, Mineral Leasing Act, or a mineral lease. ()

027. -- 030. (RESERVED)

031. ENFORCEMENT AND FAILURE TO COMPLY.

01. Forfeiture. Prior to withdrawing monies from the Reclamation Fund due to a violation of the Dredge Mining Act, the Mined Land Reclamation Act, Mineral Leasing Act, or a mineral lease, the Department will comply with the respective financial assurance forfeiture procedures. ()

02. Penalties. If an operator fails to provide financial assurance as required by these rules or has forfeited monies from the Reclamation Fund and has not repaid those monies, the Board shall be authorized to file liens against personal property and equipment of the operator to recover costs. The operator shall be liable for actual

costs of **all unpaid annual payments, interest, and late payment charges, the actual** reclamation costs, and administrative costs incurred by the Department in reclaiming the disturbed or affected lands. Authorization to obtain a lien under **these rules** and Section 47-1804, Idaho Code, shall be in addition to, not in lieu of, any other legal remedy available to the Board and the Department pursuant to the Dredge Mining Act, **Mined Land Reclamation Act**, Mineral Leasing Act, or a mineral lease. ()

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.04 – RULES FOR THE REGULATION OF BEDS, WATERS, AND AIRSPACE OVER NAVIGABLE LAKES IN THE STATE OF IDAHO

DOCKET NO. 20-0304-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2020 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under Docket No. 20-0000-1900F, which will also be filed for review for final approval during the upcoming legislative session.

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 58-104(6), 58-105, and 58-1304, 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.

All funding used to manage the beds of navigable waterways comes from the fees and rent collected from the use of these lands; no general fund dollars support this work. The costs for processing encroachment permit applications for single-family docks, two-family docks, water-intake lines, and assignments exceed the current application fees collected. Increased fees for these four types of applications are necessary to ensure fees cover the respective processing costs within the limitations provided in Section 58-1307, Idaho Code. Further, Section 58-1305, Idaho Code, does not specify who should provide notice of application to adjacent property owners for all noncommercial navigational encroachments, and the pending rule prescribes that the department shall provide notice.

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 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 367-372](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 58-1307, Idaho Code.

This pending rule changes the fees charged for encroachment permit applications for single-family docks, two-family docks, and water-intake lines from \$300 to \$425 and the application fee for an encroachment permit assignment from \$150 to \$300.

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 impact to the general fund is expected. Revenue and expenses associated with administering the Lake Protection Act come from a dedicated fund, and the proposed fee increases are estimated to increase revenue to the dedicated fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Andrew Smyth at (208) 334-0248 or asmith@idl.idaho.gov.

Dated this 17th day of October, 2019.

Andrew Smyth, Public Trust Program Manager
Idaho Department of Lands
P.O. Box 83720
Boise, Idaho 83720-0050
Phone: (208) 334-0248
Fax: (208) 334-3698

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 20-0304-1901**

**This rulemaking is being republished in its entirety. Previously made
amendments are shown in red plain text (non-italicized).**

020. APPLICATIONS.

01. Encroachment Applications. No person shall hereafter make or cause to be made any encroachment on, in or above the beds or waters of any navigable lake in the state of Idaho without first making application to and receiving written approval from the department. The placing of dredged or fill material, refuse or waste matter intended as or becoming fill material, on or in the beds or waters of any navigable lake in the state of Idaho shall be considered an encroachment and written approval by the department is required. If demolition is required prior to construction of the proposed encroachment, then the application must describe the demolition activities and the steps that will be taken to protect water quality and other public trust values. No demolition activities may proceed until the permit is issued. (4-2-08)

02. Signature Requirement. Only persons who are littoral owners or lessees of a littoral owner shall be eligible to apply for encroachment permits. A person who has been specifically granted littoral rights or dock rights from a littoral owner shall also be eligible for an encroachment permit; the grantor of such littoral rights, however, shall no longer be eligible to apply for an encroachment permit. Except for waterlines or utility lines, the possession of an easement to the shoreline does not qualify a person to be eligible for an encroachment permit. (4-2-08)

03. Other Permits. Nothing in these rules shall excuse a person seeking to make an encroachment from obtaining any additional approvals lawfully required by federal, local or other state agencies. (9-13-90)

04. Repairs, Reinstallation of Structures. No permit is required to clean, maintain, or repair an existing permitted encroachment, but a permit is required to completely replace, enlarge, or extend an existing encroachment. Replacement of single-family and two-family docks may not require a permit if they meet the criteria in Section 58-1305(e), Idaho Code. Reinstalling the top or deck of a dock, wharf or similar structure shall be considered a repair; reinstallation of winter damaged or wind and water damaged pilings, docks, or float logs shall be considered a repair. Repairs, or replacements under Section 58-1305(e), Idaho Code, that adversely affect the bed of the lake will be considered a violation of these rules. (4-7-11)

05. Dock Reconfiguration. (4-2-08)

a. Rearrangement of single-family and two-family docks will require a new application for an encroachment permit. (4-2-08)

b. Rearrangement of community docks and commercial navigational encroachments may not require a new application for an encroachment permit if the changes are only internal. The department shall be consulted prior to modifications being made, and shall use the following criteria to help determine if a new permit must be submitted: (4-2-08)

- i. Overall footprint does not change in dimension or orientation; (4-2-08)
- ii No increase in the square footage, as described in the existing permit and in accordance with Paragraph 015.13.a., occurs. This only applies to community docks; (3-29-10)
- iii. The entrances and exits of the facility do not change. (4-2-08)

06. Redredging. Redredging a channel or basin shall be considered a new encroachment and a permit is required unless redredging is specifically authorized by the outstanding permit. Water quality certification from the Idaho Department of Environmental Quality is required regardless of how redredging is addressed in any existing or future permit. (4-2-08)

07. Forms, Filing. Applications and plans shall be filed on forms provided by the Department together with filing fees and costs of publication when required by these rules. Costs of preparation of the application, including all necessary maps and drawings, shall be paid by the applicant. (4-11-19)

a. Plans shall include the following information at a scale sufficient to show the information requested: (4-11-19)

i. Lakebed profile in relationship to the proposed encroachment. The lakebed profile shall show the summer and winter water levels. (4-2-08)

ii. Copy of most recent survey or county plat showing the full extent of the applicant's lot and the adjacent littoral lots. (4-2-08)

iii. Proof of current ownership or control of littoral property or littoral rights. (4-2-08)

iv. A general vicinity map. (4-2-08)

v. Scaled air photos or maps showing the lengths of adjacent docks as an indication of the line of navigability, distances to adjacent encroachments, and the location and orientation of the proposed encroachment in the lake. (4-2-08)

vi. Total square footage of proposed docks and other structures, excluding pilings, that cover the lake surface. (4-2-08)

vii. Names and current mailing addresses of adjacent littoral landowners. (4-2-08)

b. Applications must be submitted or approved by the littoral owner or, if the encroachment will lie over or upon private lands between the natural or ordinary high water mark and the artificial high water mark, the application must be submitted or approved by the owner of such lands. When the littoral owner is not the applicant, the application shall bear the owner's signature as approving the encroachment prior to filing. (4-2-08)

c. If more than one (1) littoral owner exists, the application must bear the signature of all littoral owners, or the signature of an authorized officer of a designated homeowner's or property management association. (4-2-08)

d. Applications for noncommercial encroachments intended to improve waterways for navigation, wildlife habitat and other recreational uses by members of the public must be filed by any municipality, county, state, or federal agency, or other entity empowered to make such improvements. Application fees are not required for these encroachments. (4-2-08)

e. The following applications shall be accompanied by the respective nonrefundable filing fees together with a deposit toward the cost of newspaper publication, which deposit shall be determined by the director at the time of filing: (4-2-08)

- i. Nonnavigational encroachments require a fee of one thousand dollars (\$1,000); except that nonnavigational encroachments for bank stabilization and erosion control require a fee of five hundred fifty dollars (\$550). (4-11-19)
- ii. Commercial navigational encroachments require a base fee of two thousand dollars (\$2,000). If the costs of processing an application exceed this amount, then the applicant may be charged additional costs as allowed by Title 58, Chapter 13, Section 58-1307, Idaho Code; (4-2-08)
- iii. Community navigational encroachments require a fee of two thousand dollars (\$2,000); and (4-2-08)
- iv. Navigational encroachments extending beyond the line of navigability require a fee of one thousand dollars (\$1,000). (4-2-08)
- f. Applicants shall pay any balance due on publication costs before written approval will be issued. The Department shall refund any excess at or before final action on the application. (9-13-90)
- g. Application for a single-family or two-family dock not extending beyond the line of navigability or a nonnavigational encroachment for a buried or submerged water intake line serving four or less households shall be accompanied by a nonrefundable filing fee of **four hundred twenty-five dollars (\$425)**. ()
- h. No publication cost is required for application for noncommercial navigational encroachment not extending beyond the line of navigability or for application for installation of buried or submerged water intake lines and utility lines. (9-13-90)
- i. Applications and plans shall be stamped with the date of filing. (7-1-98)
- j. Applications that are incomplete, not in the proper form, not containing the required signature(s), or not accompanied by filing fees and costs of publication when required, shall not be accepted for filing. The department shall send the applicant a written notice of incompleteness with a listing of the application's deficiencies. The applicant will be given thirty (30) days from receipt of the notice of incompleteness to resubmit the required information. The deadline may be extended with written consent of the department. If the given deadline is not met, the department will notify the applicant that the application has been denied due to lack of sufficient information. The applicant may reapply at a later date, but will be required to pay another filing fee and publication fee, if applicable. (4-2-08)

021. -- 024. (RESERVED)

025. PROCESSING OF APPLICATIONS FOR SINGLE-FAMILY AND TWO-FAMILY NAVIGATIONAL ENCROACHMENTS WITHIN LINE OF NAVIGABILITY.

01. Single-Family and Two-Family Navigational Encroachments. Applications for single-family and two-family navigational encroachments not extending beyond the line of navigability will be processed with a minimum of procedural requirements and shall not be denied except in the most unusual of circumstances. No newspaper publication, formal appearance by the applicant, or hearing is contemplated. (4-2-08)

02. Notification of Adjacent Littoral Owners. The department will provide a copy of the application to the littoral owners immediately adjacent to the applicant's property. If the applicant owns one (1) or more adjacent lots, the department shall notify the owner of the next adjacent lot. **If the proposed encroachment may infringe upon the littoral rights of an adjacent owner, the department will provide notice of the application by certified mail, return receipt requested; otherwise, the notice will be sent by regular mail. Notification will be mailed to the adjacent littoral owners' usual place of address, which, if not known, will be the address shown on the records of the county treasurer or assessor. The applicant may submit the adjacent littoral owners' signatures, consenting to the proposed encroachment,** in lieu of the department's notification. ()

03. Written Objections. (4-2-08)

a. If an adjacent littoral owner files written objections to the application with the department within ten (10) days from the date of service or receipt of notice of the completed application, the department shall fix a time and a place for a hearing. In computing the time to object, the day of service or receipt of notice of the application shall not be counted. Objections must be received within the ten (10) day period by mail or hand delivery in the local department office or the director's office in Boise. If the last day of the period is Saturday, Sunday or a legal holiday, the time within which to object shall run until the end of the first business day thereafter. (4-2-08)

b. The applicant and any objectors may agree to changes in the permit that result in the objections being withdrawn. Department employees may facilitate any such agreement. Participation by department personnel in this informal mediation shall not constitute a conflict of interest for participation in the hearing process. A withdrawal of objections must be in writing, completed prior to a scheduled hearing, and contain: (4-2-08)

i. Signatures of the applicant and the objecting party; (4-2-08)

ii. A description of the changes or clarifications to the permit that are acceptable to the applicant, the objecting party, and the department. (4-2-08)

04. Unusual Circumstances. Even though no objection is filed by an adjacent littoral owner to a noncommercial navigational encroachment, if the director deems it advisable because of the existence of unusual circumstances, he may require a hearing. (4-2-08)

05. Hearings. Hearings fixed by the director following an objection pursuant to Subsection 025.03 or the Director's own determination pursuant to Subsection 025.04 shall be fixed as to time and place, but no later than sixty (60) days from date of acceptance for filing of the application. At the hearing the applicant and any adjacent riparian owner filing timely objections may appear personally or through an authorized representative and present evidence. The department may also appear and present evidence at the hearing. In such hearings the hearing coordinator shall act as a fact finder and not a party. The Director, at his discretion, will designate a Department representative to sit as the hearing coordinator. Provided, however, that the parties may agree to informal disposition of an application by stipulation, agreed settlement, consent order, or other informal means. ()

06. Decision Following a Hearing. The director shall, within forty-five (45) days after close of the hearing provided for in Subsections 025.03 or 025.04 render a final decision and give notice thereof to the parties appearing before him either personally or by certified or registered mail. The final decision shall be in writing. ()

07. Disposition Without Hearing. If a hearing is not held under Subsection 025.03 or Subsection 025.04, then the department shall act upon a complete application filed under Subsection 025.01 as expeditiously as possible but no later than sixty (60) days from acceptance of the application. Failure to act within this sixty (60) day timeframe shall constitute approval of the application. Applications determined to be incomplete under Subsection 020.07 are not subject to the sixty (60) day timeframe until the information requested by the department and required by the rules has been submitted. ()

08. Judicial Review. Any applicant aggrieved by the Director's final decision, or an aggrieved party appearing at a hearing, shall have a right to have the proceedings and final decision reviewed by the district court in the county where the encroachment is proposed by filing a notice of appeal within thirty (30) days from the date of the final decision. An adjacent littoral owner shall be required to deposit an appeal bond with the court, in an amount to be determined by the court but not less than five hundred dollars (\$500) insuring payment to the applicant of damages caused by delay and costs and expenses, including reasonable attorney fees, incurred on the appeal in the event the district court sustains the action of the director. The applicant need post no bond with the court to prosecute an appeal. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

060. INSTALLATION.

01. Installation Only After Permit Issued. Installation or on site construction of an encroachment may commence only when the permit is issued or when the department notifies the applicant in writing that installation may be commenced or when the department has failed to act in accordance with Subsection 025.07. ()

02. Removal of Construction Waste. (4-2-08)

a. Pilings, anchors, old docks, and other structures or waste at the site of the installation or reinstallation and not used as a part of the encroachment shall be removed from the water and lakebed at the time of the installation or reinstallation to a point above normal flood water levels; provided, however, that this shall not be construed to prevent the use of trash booms for the temporary control of floatable piling ends and other floatable materials in a securely maintained trash boom, but approval for a trash boom shall be required as part of a permit. (4-2-08)

b. Demolition of encroachments shall be done in a manner that does not unnecessarily damage the lakebed or shoreline. Demolition work must comply with water quality standards administered by the Department of Environmental Quality. (4-2-08)

03. Compliance with Permit. All work shall be done in accordance with these rules, and the application submitted, and is subject to any condition specified in the permit. (7-1-98)

04. Sunset Clause. All activities authorized within the scope of the encroachment permit must be completed within three (3) years of issuance date. If the activities are not completed within three (3) years, the permit shall automatically expire unless it was previously revoked or extended by the department. The department may issue a permit with an initial sunset clause that exceeds three (3) years, if the need is demonstrated by the applicant. (3-29-10)

061. -- 064. (RESERVED)

065. ASSIGNMENTS.

01. Assignment of Encroachment Permit. Encroachment permits may be assigned upon approval of the department provided that the encroachment conforms with the approved permit. The assignor and assignee must complete a department assignment form and forward it to the appropriate area office. (4-2-08)

02. Assignment Fee. The assignment fee is three hundred dollars (\$300) and is due at the time the assignment is submitted to the department. ()

03. Approval Required for Assignment. An assignment is not valid until it has been approved by the department. (4-2-08)

04. Assignment With New Permit. Encroachments not in compliance with the approved permit may be assigned only if: (4-2-08)

a. An application for a new permit to correct the noncompliance is submitted at the same time. (4-2-08)

b. The assignee submits written consent to bring the encroachment permit into compliance. (4-2-08)

IDAPA 23 – BOARD OF NURSING
23.01.01 – RULES OF THE IDAHO BOARD OF NURSING
DOCKET NO. 23-0101-1901
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 23-0101-1900F, which will also be filed for review for final approval during the upcoming legislative session.

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

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2019 Idaho Administrative Bulletin, [Vol. 19-10, pages 221 through 229](#).

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 Janet Summers, at (208) 577-2500.

Dated this 30th day of October, 2019.

Russell Barron, Executive Director
Idaho Board of Nursing
280 N. 8th St. (8th & Bannock), Ste. 210
P. O. Box 83720
Boise, ID 83720-0061
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Fax: (208) 334-3262

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 23-0101-1901**

**This rulemaking is being republished in its entirety. Previously made
amendments are shown in **red plain text (non-italicized)**.**

491. TECHNICIANS/TECHNOLOGISTS.

01. Functions. Technicians/technologists may perform limited nursing functions within the ordinary, customary, and usual roles in their fields and are exempted from licensure by the Board under Section 54-1412, Idaho Code, provided they are: ()

- a. Enrolled in or have completed a formal training program acceptable to the Board; or (5-3-03)
- b. Registered with or certified by a national organization acceptable to the Board. (5-3-03)

02. Supervision. Technicians/technologists providing basic nursing care services on an organized nursing unit in an institutional setting must function under the supervision of a licensed registered nurse. (3-30-07)

492. -- 599. (RESERVED)

IDAPA 46 – BOARD OF VETERINARY MEDICINE

46.01.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-1902

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 46-0101-1900F, which will also be filed for review for final approval during the upcoming legislative session.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-2105, Idaho Code.

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

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2019 Idaho Administrative Bulletin, [Vol. 19-10, pages 331 through 333](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2105, Idaho Code.

The rulemaking provides for fee increases of \$65 for veterinary license renewals, \$33 for veterinary original licenses, and \$10 for veterinary technician certification renewals. It also eliminates veterinary license verification fees of \$20. These fee increases go along with proposed statutory changes that allow for endorsement nationwide as well as less restrictive licensing requirements, and rule changes that diminish the need for temporary license.

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 fee rule, contact Jeremy Brown, Executive Director, at (208) 332-8588 or at jeremy.brown@agri.idaho.gov.

Dated this 30th day of October 2019.

Jeremy Brown, Executive Director
Board of Veterinary Medicine
2230 Old Penitentiary Road
P. O. Box 7249
Boise, ID 83707
Phone: (208) 332-8588
Fax: (208) 332-8645
Email: jeremy.brown@agri.idaho.gov

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 08-0203-1903**

**This rulemaking is being republished in its entirety. Previously made
amendments are shown in red plain text (non-italicized).**

014. FEES.

Fees for licensure and certification are established, as authorized under Title 54, Chapter 21, Idaho Code, by action of the Board, as follows: ()

01. License and Certification:

	New	New and Temporary Permit	Active Renewal	Inactive Renewal	Late/ Reinstatement	Inactive to Active Fee
Veterinary License	\$350	\$500	\$240	\$50	\$200	\$150
Certified Veterinary Technician	\$125	\$217	\$85	\$25	\$50	\$50
Certified Euthanasia Agency	\$100	-	\$200	-	\$50	-
Certified Euthanasia Technician	\$100	-	\$100	-	\$50	-

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02. Administrative Fees.

Duplicate Wall License/Certificate	\$25
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IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

DOCKET NO. 55-0103-1902

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 17, 2019

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 33-1002G, Idaho Code.

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

Section 33-1002G, Idaho Code was amended in 2018 to allow the corresponding administrative rule (55.01.03) to be amended to allow for the added cost funding for Career Technical Schools to moved to an enrollment based formula. The Division of Career Technical Schools has worked for two years to get consensus on a new methodology for distributing added cost funds to Career Technical Schools. The have promulgated a proposed rule that is currently out for public comment and will be brought back as a pending rule. In order to use the same methodology developed in the proposed rule during the current fiscal year they are requesting approval of a temporary rule.

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

This rule would confer a benefit to Idaho Career Technical Schools by allowing the FY20 funding allocated for these schools to be distributed based on student enrollment. This will allow for the funding to more closely follow the student generating the cost than the current methodology based on average daily attendance.

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: N/A

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

Dated this 23rd day of October, 2019.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037
Phone: (208) 332-1582
Fax: (208) 334-2632

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 55-0103-1902
(Only Those Sections With Amendments Are Shown.)

005. DEFINITIONS.

01. Administrator. A designated school administrator, holding a career technical administrator certificate pursuant to IDAPA 08.02.02, "Rules Governing Uniformity," Section 015, and who oversees and monitors the career technical school programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. (3-28-18)

02. Capstone Course. A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. (3-28-18)

03. Career Technical Schools. Schools meeting the requirements of Section 33-1002G, Idaho Code, designed to provide high-end, state-of-the-art technical programs that foster quality technical education through intermediate and capstone courses. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education, thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality. (10-17-19)T

04. Concentrator Student. A junior or senior enrolled in the capstone course. (10-17-19)T

05. Credit Hours. The total number of enrolled credit hours reported to the State Department of Education for qualifying intermediate, capstone, and work-based learning courses. (10-17-19)T

06. EDUID. Education Unique Identifier. (10-17-19)T

07. Enrollment Units. The total number of individual EDUIDs that are reported as enrolled during the previous academic year in a qualifying capstone course, as determined by the division. (10-17-19)T

08. Field Experience. Paid or unpaid work experience such as business/industry internship, clinical experience, supervised occupational experience, job placement, school-based enterprise, or similar work experience setting. The field experience must be of sufficient duration and depth to add to the technical competencies of the student. (3-30-01)

09. Intermediate Course. A course beyond the introductory level that adds to the technical competencies of pathway students, is intended to serve as a prerequisite for a capstone course, and is offered in grades 910 through 12. (10-17-19)T

10. Participation Total. The total number of technical skills assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year. (10-17-19)T

11. Technical Skill Assessment. An assessment given at the culmination of a pathway program during the capstone course and measures a student's understanding of the technical requirements of the occupational pathway. (10-17-19)T

12. Work-based Learning Course. A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical School program of study. This course must be delivered in conjunction with or after completion of a capstone course. Work-based learning courses must be tied to the program of study, and must be formalized through a written agreement between the school, industry partner, parent, and student. (10-17-19)T

006. -- 099. (RESERVED)

100. STATEMENT OF PURPOSE.

The purpose of this rule is to clearly define general implementation criteria, the criteria for approval for funding, the enrollment-based funding calculations, the process to follow for fund distribution, and program accountability for Idaho Career Technical Schools. (10-17-19)T

101. (RESERVED)

102. CAREER TECHNICAL COMPONENT CRITERIA.

01. Program Criteria. Career technical schools are intended to deliver high-end technical education programs that go beyond the scope of traditional career technical education. The lab should be appropriately designed for the type of program and the number of students enrolled. The program should have state-of-the-art equipment, current technology and strong links to business and industry. (3-30-01)

02. Career Technical School Program. Each program of a career technical school shall: (3-30-01)

a. Deliver a sequence of career technical education courses that culminate in a capstone course. (3-28-18)

b. Meet all of the required technical competency credit standards established by the state board of education. (3-28-18)

c. Develop and maintain business and industry partnerships in addition to the technical advisory committee. (3-28-18)

d. Integrate industry-specific state-of-the-art equipment and technologies into classroom instruction and applied learning opportunities for students. (10-17-19)T

e. Employ instructors who hold career technical certification to teach the occupation and who also hold a related industry-based credential, or equivalent credential, as approved by the Division of Career Technical Education. (3-28-18)

f. Be delivered over a term of not less than five (5) semesters, or the equivalent instructional hours. Semester and trimester equivalencies will be approved by the Division of Career Technical Education. (3-28-18)

g. Enroll students from at least two (2) high schools. No single high school will comprise more than eighty-five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a high school, that student will be reported separately, based on the high school attendance zone where the student resides. (3-28-18)

h. Promote the development of leadership. (3-28-18)

103. APPLICATION PROCESS.

New and renewal applications for career technical school funding must be received by the Division of Career Technical Education on or before the fifteenth of April for the following fiscal year. (10-17-19)T

104. CAREER TECHNICAL SCHOOL 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 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 skill assessment for the program the student was enrolled in, and the total 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. (10-17-19)T

105. CAREER TECHNICAL SCHOOL UNIT FUNDING CALCULATION.

The **distribution of individual career technical school funding shall be calculated as a portion of the annual appropriation based on the following criteria: 50 percent (50%) of the annual appropriation will be divided among the total enrollment units, 25 percent (25%) will be divided by the total participation, and 25 percent (25%) will be divided among the total cumulative credit hours. Qualifying pathway enrollment shall be reported to the Department of Education. The Division of Career Technical Education shall gather aggregate participation total data from the independent technical skill assessment providers annually.** (10-17-19)T

106. (RESERVED)

107. CAREER TECHNICAL SCHOOL UNIT FUNDING DISTRIBUTION.

Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. **The value of each unit may vary from year to year, depending on the total appropriation and the total number of units in each of the enrollment categories.** (10-17-19)T

01. Payment Distribution. Added cost support unit funds shall be distributed by the Division of Career Technical Education in two (2) payments: (3-30-01)

- a.** For the 2019-2020 school year distribution: (10-17-19)T
 - i.** No school shall receive less than ninety (90) percent of the unit funds than were received during the 2018-2019 school year; and (10-17-19)T
 - ii.** After the initial amounts are distributed to assure each school receives no less than ninety (90) percent of the previous year's distribution, the remaining funds will be distributed through the formula. (10-17-19)T
- b.** Seventy percent (70%) of the total **appropriated** funds for which career technical schools are eligible shall be distributed **no later than September 30** each year. Funding will not be distributed until **the previous year enrollment units and the Division of Career Technical Education has verified aggregate participation total data.** (10-17-19)T
- c.** The remaining funds shall be distributed no later than June 30. (10-17-19)T

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1903

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 2020 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-fifth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

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.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 58-0101-1904, which will also be filed for review for final approval during the upcoming legislative session.

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.

A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 7, 2019, Vol. 19-8, pages 135 through 141. DEQ received no public comments, and the rule has been adopted as initially proposed. More information regarding this rule docket is available at www.deq.idaho.gov/58-0101-1903.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the adoption of this pending rule, contact Carl Brown at carl.brown@deq.idaho.gov or (208) 373-0206.

Dated this 14th day of November, 2019.

Paula J. Wilson
Department of Environmental Quality
1410 N. Hilton Street, Boise, Idaho 83706
Phone: (208) 373-0418 / Fax No.: (208) 373-0481
paula.wilson@deq.idaho.gov

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 58-0101-1903**

This rulemaking is being republished in its entirety. Previously made amendments are shown in red plain text (non-italicized).

588. -- 591. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

840. -- 859. (RESERVED)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1904

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Idaho §§ 39-105, 107, 114(4), 115(3), and 116B.

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

This pending rule adopts and re-publishes the following existing and previously approved and codified chapter under IDAPA 58 rules of the Department of Environmental Quality:

IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho

The proposed rule was published in the September 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 387 through 588](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The proposed rule includes non-substantive clerical revisions made by the Administrative Rules Coordinator using his authority under Idaho Code § 67-5202. “The coordinator shall have the authority to make clerical revisions or to correct manifest typographical or grammatical errors to both proposed and existing rules that do not alter the sense, meaning or effect of such rules.” Idaho Code § 67-5202(2). The revisions are consistent with [Executive Order No. 2019-02](#), and did not alter the sense, meaning or effect of the rules (i.e., elimination of restrictive words such as “shall”).

More information regarding this rule docket is available at www.deq.idaho.gov/58-0101-1904.

FEE SUMMARY: The rules provide a specific description of the fee or charge imposed by this rulemaking. This rulemaking does not impose a fee or charge beyond what was previously approved and codified in the prior rules. The fee category and statutory authority for imposition of the fees are listed below.

Idaho Code § 39-114(4), crop residue burn fee

Idaho Code § 39-115(3), application fee for industrial or commercial air pollution source permits

Idaho Code § 39-116B, motor vehicle inspection fee

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 because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, please contact the undersigned.

Dated this 14th day of November, 2019.

Paula J. Wilson
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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1905

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 2020 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-fifth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 58-0101-1904, which will also be filed for review for final approval during the upcoming legislative session.

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: 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.

A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 7, 2019, [Vol. 19-8, pages 142 through 144](#). DEQ received no public comments, and the rule has been adopted as initially proposed. More information regarding this rule docket is available at www.deq.idaho.gov/58-0101-1905.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Carl Brown at carl.brown@deq.idaho.gov or (208) 373-0206.

Dated this 14th day of November, 2019.

Paula J. Wilson
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THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 58-0101-1905

This rulemaking is being republished in its entirety. Previously made amendments are shown in **red plain text (non-italicized)**.

107. INCORPORATIONS BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 constitutes the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

02. Availability of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)

- and;
- a. All federal publications: U.S. Government Printing Office at <http://www.ecfr.gov/cgi-bin/ECFR>; (3-25-16)
 - b. Statutes of the state of Idaho: <http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm>; and (3-20-14)
 - c. All documents herein incorporated by reference: (7-1-97)
 - i. Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255 at (208) 373-0502. (7-1-97)
 - ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051, (208) 334-3316. (7-1-97)

03. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (5-1-94)

- a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, [40 CFR Part 51](#) revised as of July 1, 2019. The following portions of 40 CFR Part 51 are expressly excluded from any incorporation by reference into these rules: ()
 - i. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, except that 40 CFR 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules; and (3-30-07)
 - ii. Appendix Y to Part 51, Guidelines for BART Determinations Under the Regional Haze Rule. (3-30-07)
- b. National Primary and Secondary Ambient Air Quality Standards, [40 CFR Part 50](#), revised as of July 1, 2019. ()
- c. Approval and Promulgation of Implementation Plans, [40 CFR Part 52](#), Subparts A and N and Appendices D and E, revised as of July 1, 2019. ()
- d. Ambient Air Monitoring Reference and Equivalent Methods, [40 CFR Part 53](#), revised as of July 1, ()

2019. ()
- e. Ambient Air Quality Surveillance, [40 CFR Part 58](#), revised as of July 1, 2019. ()
 - f. Standards of Performance for New Stationary Sources, [40 CFR Part 60](#), revised as of July 1, 2019. ()
 - g. National Emission Standards for Hazardous Air Pollutants, [40 CFR Part 61](#), revised as of July 1, 2019. ()
 - h. Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008, [40 CFR Part 62, Subpart HHH](#), revised as of July 1, 2019. ()
 - i. National Emission Standards for Hazardous Air Pollutants for Source Categories, [40 CFR Part 63](#), revised as of July 1, 2019. ()
 - j. Compliance Assurance Monitoring, [40 CFR Part 64](#), revised as of July 1, 2019. ()
 - k. State Operating Permit Programs, [40 CFR Part 70](#), revised as of July 1, 2019. ()
 - l. Permits, [40 CFR Part 72](#), revised as of July 1, 2019. ()
 - m. Sulfur Dioxide Allowance System, [40 CFR Part 73](#), revised as of July 1, 2019. ()
 - n. Protection of Stratospheric Ozone, [40 CFR Part 82](#), revised as of July 1, 2019. ()
 - o. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)
 - p. Medical Waste Combustors, [Section 39-128, Idaho Code \(1992\)](#). (3-20-14)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1901

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 2020 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-fifth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 58-0000-1900, which will also be filed for review for final approval during the upcoming legislative session.

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 39-3601 et seq., 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.

A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 4, 2019, Vol. 19-9, pages 590 through 609. DEQ received no public comments, and the rule has been adopted as initially proposed. More information regarding this rule docket is available at www.deq.idaho.gov/58-0102-1901.

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 technical questions concerning the adoption of this pending rule, contact the undersigned.

Dated this 14th day of November, 2019.

Paula J. Wilson
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THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 58-0102-1901

This rulemaking is being republished in its entirety. Previously made amendments are shown in **red plain text (non-italicized)**.

210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.

01. Criteria for Toxic Substances. The criteria of Section 210 apply to surface waters of the state as provided in Tables 1 and 2. (3-28-18)

a. Table 1 contains criteria set for protection of aquatic life. Criteria for metals (arsenic through zinc) are expressed as dissolved fraction unless otherwise noted. For purposes of these criteria, dissolved fraction means that which passes through a forty-five hundredths (0.45) micron filter. (3-28-18)

Table 1. Criteria for Protection of Aquatic Life					
Compound	^a CAS Number	^b CMC (µg/L)		^b CCC (µg/L)	
Inorganic Compounds/Metals					
Arsenic	7440382	340	c	150	c
Cadmium	7440439	1.3	f	0.6	f
Chromium III	16065831	570	f	74	f
Chromium VI	18540299	16	c	11	c
Copper	7440508	12.3	k	7.6	k
Lead	7439921	65	f	2.5	f
Mercury	7439976		e		e
<p>Note: In 2005, Idaho adopted EPA's recommended methylmercury fish tissue criterion for protection of human health (docket 58-0102-0302). The decision was made to remove the old tissue-based aquatic life criteria and rely on the fish tissue criterion to provide protection for aquatic life as well as human health. Thus, current Idaho water quality standards do not have mercury water column criteria for the protection of aquatic life. While EPA approved Idaho's adoption of the fish tissue criterion in September 2005, it had withheld judgment on Idaho's removal of aquatic life criteria. On December 12, 2008, EPA disapproved Idaho's removal of the old aquatic life criteria. The water column criteria for total recoverable mercury published in 2004 Idaho Administrative Code continue to apply and are effective for CWA purposes. For more information go to http://www.deq.idaho.gov/epa-actions-on-proposed-standards.</p>					
Nickel	7440020	470	f	52	f
Selenium	7782492	m		l	
Silver	7440224	3.4	f		
Zinc	7440666	120	f	120	f
Inorganic Compounds/Non-Metals					
Chlorine		19	h	11	h
Cyanide	57125	22	g	5.2	g
Organic Compounds					

Table 1. Criteria for Protection of Aquatic Life					
Compound	^a CAS Number	^b CMC (µg/L)		^b CCC (µg/L)	
Acrolein	107028	$\frac{--^1}{3^2}$		$\frac{--^1}{3^2}$	
¹ Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved. ² Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved.					
Aldrin	39002	3			
gamma-BHC (Lindane)	58899	2		0.08	
Carbaryl	63252	$\frac{--^1}{2.1^2}$		$\frac{--^1}{2.1^2}$	
¹ Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved. ² Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved.					
Chlordane	57749	2.4		0.0043	
4,4'-DDT	50293	1.1		0.001	
Diazinon	333415	$\frac{--^1}{0.17^2}$		$\frac{--^1}{0.17^2}$	
¹ Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved. ² Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-1802 have been approved.					
Dieldrin	60571	2.5		0.0019	
alpha-Endosulfan	959988	0.22		0.056	
beta-Endosulfan	33213659	0.22		0.056	
Endrin	72208	0.18		0.0023	
Heptachlor	76448	0.52		0.0038	
Heptachlor Epoxide	1024573	0.52		0.0038	
Pentachlorophenol	87865	20	i	13	i
Polychlorinated Biphenyls PCBs	j			0.014	j
Toxaphene	8001352	0.73		0.0002	
Footnotes for Table 1. Criteria for Protection of Aquatic Life					
a. Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.					

Table 1. Criteria for Protection of Aquatic Life					
Compound	^a CAS Number	^b CMC (µg/L)		^b CCC (µg/L)	
b. See definitions of Acute Criteria (CMC) and Chronic Criteria (CCC), Section 010 of these rules.					
c. Criteria for these metals are expressed as a function of the water effect ratio, WER, as defined in Subsection 210.03.c.iii. CMC = CMC column value X WER. CCC = CCC column value X WER.					
d. Criterion expressed as total recoverable (unfiltered) concentrations.					
e. No aquatic life criterion is adopted for inorganic mercury. However, the narrative criteria for toxics in Section 200 of these rules applies. The Department believes application of the human health criterion for methylmercury will be protective of aquatic life in most situations.					
f. Aquatic life criteria for these metals are a function of total hardness (mg/L as calcium carbonate), the pollutant's water effect ratio (WER) as defined in Subsection 210.03.c.iii. and multiplied by an appropriate dissolved conversion factor as defined in Subsection 210.02. For comparative purposes only, the example values displayed in this table are shown as dissolved metal and correspond to a total hardness of one hundred (100) mg/L and a water effect ratio of one (1.0).					
g. Criteria are expressed as weak acid dissociable (WAD) cyanide.					
h. Total chlorine residual concentrations.					
i. Aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows. Values displayed above in the table correspond to a pH of seven and eight tenths (7.8). CMC = $\exp(1.005(\text{pH})-4.830)$ CCC = $\exp(1.005(\text{pH})-5.290)$					
j. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.					
k. Aquatic life criteria for copper shall be derived in accordance with Subsection 210.03.c.v. For comparative purposes only, the example values displayed in this table correspond to the Biotic Ligand Model output based on the following inputs: temperature = 14.9°C, pH = 8.16, dissolved organic carbon = 1.4 mg/L, humic acid fraction = 10%, calcium = 44.6 mg/L, magnesium = 11.0 mg/L, sodium = 11.7 mg/L, potassium = 2.12 mg/L, sulfate = 46.2 mg/L, chloride = 12.7 mg/L, alkalinity = 123 mg/L CaCO ₃ , and sulfide = 1.00×10^{-8} mg/L.					
I. Chronic					Short-term
Egg-Ovary (mg/kg dw)		Fish Tissue (mg/kg dw)		Water Column (µg/L)	
Egg-Ovary		Whole-Body	Muscle	Water Lentic	Water Lotic
15.1 ¹		8.5 ²	11.3 ²	1.5 (30 day average) ³	3.1 (30 day average) ³
					Intermittent Exposure Equation ^{3,4}
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter					
1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.					

Table 1. Criteria for Protection of Aquatic Life			
Compound	^a CAS Number	^b CMC (µg/L)	^b CCC (µg/L)
<p>2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole body or muscle data to determine compliance with this criterion element.</p> <p>3. Water column values are based on dissolved total selenium in water and are derived from fish tissue values via bioaccumulation modeling. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance using methods provided in Aquatic Life Ambient Water Quality Criterion for Selenium – Freshwater, EPA-822-R-16-006, Appendix K: Translation of a Selenium Fish Tissue Criterion Element to a Site-Specific Water Column Value (June 2016).</p> <p>4. Intermittent Exposure Equation=</p> $\frac{WQC - C_{bkgrnd}(1 - f_{int})}{f_{int}}$ <p>where WQC is the applicable water column element, for either lentic or lotic waters; C_{bkgrnd} is the average background selenium concentration, and f_{int} is the fraction of any 30-day period during which elevated selenium concentrations occur, with f_{int} assigned a value ≥ 0.033 (corresponding to one day).</p> <p>m. There is no specific acute criterion for aquatic life; however, the aquatic life criterion is based on chronic effects of the selenium on aquatic life and is expected to adequately protect against acute effects.</p>			

(3-28-18)

b. Table 2 contains criteria set for protection of human health. The Water & Fish criteria apply to waters designated for domestic water supply use. The Fish Only criteria apply to waters designated for primary or secondary contact recreation use.

(3-28-18)

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
Inorganic Compounds/Metals						
Antimony	7440360		5.2	b	190	b
Arsenic	7440382	Y	10	cdj	10	cdj
<p>Note: In 2008, Idaho adopted 10 µg/L as its CWA arsenic criterion for both exposure through fish consumption only and exposure through drinking water+fish consumption, choosing the SDWA MCL due to concerns about background levels that exceed EPA’s 304(a) criteria (docket 58-0102-0801). EPA approved this action in 2010. In June 2015, Northwest Environmental Advocates challenged EPA’s 2010 approval. Court remanded action back to EPA. On September 15, 2016, EPA disapproved Idaho’s adoption of 10 µg/L. Neither EPA nor the state of Idaho has promulgated replacement criteria. For more information, go to http://www.deq.idaho.gov/epa-actions-on-proposed-standards.</p>						
Beryllium	7440417			e		e

Table 2. Criteria for Protection of Human Health (based on consumption of:)						
Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
Cadmium	7440439			e		e
Chromium III	16065831			e		e
Chromium VI	18540299			e		e
Copper	7440508		1300	j		
Lead	7439921			e		e
Methylmercury	22967926				0.3mg/kg	i
Nickel	7440020		58	b	100	b
Selenium	7782492		29	b	250	b
Thallium	7440280		0.017	b	0.023	b
Zinc	7440666		870	b	1,500	b
Inorganic Compounds/Non-Metals						
Cyanide	57125		3.9	b	140	b
Asbestos	1332214		7,000,000 Fibers/L	j		
Organic Compounds						
Acenaphthene	83329		26	b	28	b
Acenaphthylene	208968			e		e
Acrolein	107028		3.2	b	120	b
Acrylonitrile	107131	Y	0.60	bf	22	bf
Aldrin	309002	Y	2.5E-06	bf	2.5E-06	bf
Anthracene	120127		110	b	120	b
alpha-BHC	319846	Y	0.0012	bf	0.0013	bf
beta-BHC	319857	Y	0.036	bf	0.045	bf
gamma-BHC (Lindane)	58899		1.4	b	1.4	b
delta-BHC	319868			e		e
Benzene	71432		3.0	bf	28	b
Benzidine	92875	Y	0.0014	bf	0.033	bf
Benzo(a)Anthracene	56553	Y	0.0042	bf	0.0042	bf
Benzo(b)Fluoranthene	205992	Y	0.0042	bf	0.0042	bf
Benzo(k)Fluoranthene	207089	Y	0.042	bf	0.042	bf
Benzo(ghi)Perylene	191242			e		e

Table 2. Criteria for Protection of Human Health (based on consumption of:)

Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
Benzo(a)Pyrene	50328	Y	0.00042	bf	0.00042	bf
Bis(2-Chloroethoxy) Methane	111911			e		e
Bis(2-Chloroethyl) Ether	111444	Y	0.29	bf	6.8	bf
Bis(2-Chloroisopropyl) Ether	108601		220	b	1,200	b
Bis(Chloromethyl) Ether	542881	Y	0.0015	bf	0.055	bf
Bis(2-Ethylhexyl) Phthalate	117817	Y	1.2	bf	1.2	bf
Bromoform	75252	Y	62	bf	380	bf
4-Bromophenyl Phenyl Ether	101553			e		e
Butylbenzyl Phthalate	85687		0.33	b	0.33	b
Carbon Tetrachloride	56235	Y	3.6	bf	15	bf
Chlorobenzene	108907		89	b	270	b
Chlordane	57749	Y	0.0010	bf	0.0010	bf
Chlorodibromomethane	124481	Y	7.4	bf	67	bf
Chloroethane	75003			e		e
2-Chloroethylvinyl Ether	110758			e		e
Chloroform	67663		61	b	730	b
2-Chloronaphthalene	91587		330	b	380	b
2-Chlorophenol	95578		30	b	260	b
Chlorophenoxy Herbicide (2,4-D)	94757		1,000	b	3,900	b
Chlorophenoxy Herbicide (2,4,5-TP) [Silvex]	93721		82	b	130	b
4-Chlorophenyl Phenyl Ether	7005723			e		e
Chrysene	218019	Y	0.42	bf	0.42	bf
4,4'-DDD	72548	Y	0.00042	bf	0.00042	bf
4,4'-DDE	72559	Y	5.5E-05	bf	5.5E-05	bf
4,4'-DDT	50293	Y	9.8E-05	bf	9.8E-05	bf
Di-n-Butyl Phthalate	84742		8.2	b	8.3	b
Di-n-Octyl Phthalate	117840			e		e

Table 2. Criteria for Protection of Human Health (based on consumption of:)

Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
Dibenzo (a,h) Anthracene	53703	Y	0.00042	bf	0.00042	bf
1,2-Dichlorobenzene	95501		700	b	1,100	b
1,3-Dichlorobenzene	541731		3.5	b	4.8	b
1,4-Dichlorobenzene	106467		180	b	300	b
3,3'-Dichlorobenzidine	91941	Y	0.29	bf	0.48	bf
Dichlorobromomethane	75274	Y	8.8	bf	86	bf
1,1-Dichloroethane	75343			e		e
1,2-Dichloroethane	107062	Y	96	bf	2,000	bf
1,1-Dichloroethylene	75354		310	b	5,200	b
2,4-Dichlorophenol	120832		9.6	b	19	b
1,2-Dichloropropane	78875	Y	8.5	bf	98	bf
1,3-Dichloropropene	542756	Y	2.5	bf	38	bf
Dieldrin	60571	Y	4.2E-06	bf	4.2E-06	bf
Diethyl Phthalate	84662		200	b	210	b
2,4-Dimethylphenol	105679		110	b	820	b
Dimethyl Phthalate	131113		600	b	600	b
Dinitrophenols	25550587		13	b	320	b
2,4-Dinitrophenol	51285		12	b	110	b
2,4-Dinitrotoluene	121142	Y	0.46	bf	5.5	bf
2,6-Dinitrotoluene	606202			e		e
1,2-Diphenylhydrazine	122667	Y	0.25	bf	0.65	bf
2, 3, 7, 8-TCDD Dioxin	1746016	Y	1.8E-08	bf	1.9E-08	bf
alpha-Endosulfan	959988		7.0	b	8.5	b
beta-Endosulfan	33213659		11	b	14	b
Endosulfan Sulfate	1031078		9.9	b	13	b
Endrin	72208		0.011	b	0.011	b
Endrin Aldehyde	7421934		0.38	b	0.40	b
Ethylbenzene	100414		32	b	41	b
Fluoranthene	206440		6.3	b	6.4	b
Fluorene	86737		21	b	22	b
Heptachlor	76448	Y	2.0E-05	bf	2.0E-05	bf
Heptachlor Epoxide	1024573	Y	0.00010	bf	0.00010	bf

Table 2. Criteria for Protection of Human Health (based on consumption of:)

Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
Hexachlorobenzene	118741	Y	0.00026	bf	0.00026	bf
Hexachlorobutadiene	87683	Y	0.031	bf	0.031	bf
Hexachlorocyclohexane (HCH)-Technical	608731	Y	0.027	bf	0.032	bf
Hexachloro-cyclopentadiene	77474		1.3	b	1.3	b
Hexachloroethane	67721		0.23	b	0.24	b
Ideno (1,2,3-cd) Pyrene	193395	Y	0.0042	bf	0.0042	bf
Isophorone	78591	Y	330	bf	6,000	bf
Methoxychlor	72435		0.0054	b	0.0055	b
Methyl Bromide	74839		130	b	3,700	b
Methyl Chloride	74873			e		e
3-Methyl-4-Chlorophenol	59507		350	b	750	b
2-Methyl-4,6-Dinitrophenol	534521		1.6	b	8.6	b
Methylene Chloride	75092		38	b	960	b
Naphthalene	91203			e		e
Nitrobenzene	98953		12	b	180	b
2-Nitrophenol	88755			e		e
4-Nitrophenol	100027			e		e
N-Nitrosodimethylamine	62759	Y	0.0065	bf	9.1	bf
N-Nitrosodi-n-Propylamine	621647	Y	0.046	bf	1.5	bf
N-Nitrosodiphenylamine	86306	Y	3.14	bf	18	bf
Pentachlorobenzene	608935		0.035	b	0.036	b
Pentachlorophenol	87865	Y	0.11	bf	0.12	bf
Phenanthrene	85018			e		e
Phenol	108952		3,800	b	85,000	b
Polychlorinated Biphenyls PCBs	g	Y	0.00019	bfn	0.00019	bfn
Pyrene	129000		8.1	b	8.4	b
1,2,4,5-Tetrachlorobenzene	95943		0.0093	b	0.0094	b
1,1,2,2-Tetrachloroethane	79345	Y	1.4	bf	8.6	bf
Tetrachloroethylene	127184		15	b	23	b

Table 2. Criteria for Protection of Human Health (based on consumption of:)

Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L)		Fish Only (µg/L)	
Toluene	108883		47	b	170	b
Toxaphene	8001352	Y	0.0023	bf	0.0023	bf
1,2-Trans-Dichloroethylene	156605		120	b	1,200	b
1,2,4-Trichlorobenzene	120821		0.24	b	0.24	b
1,1,1-Trichloroethane	71556		11,000	b	56,000	b
1,1,2-Trichloroethane	79005	Y	4.9	bf	29	bf
Trichloroethylene	79016		2.6	b	11	b
2,4,5-Trichlorophenol	95954		140	b	190	b
2,4,6-Trichlorophenol	88062		1.5	b	2.0	b
Vinyl Chloride	75014	Y	0.21	bf	5.0	bf

Footnotes for Table 2. Criteria for Protection of Human Health

a. Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.

b. This criterion is based on input values to human health criteria calculation specified in [Idaho's Technical Support Document \(TSD\) for Human Health Criteria Calculations - 2015](#). Criteria for non-carcinogens are calculated using the formula:

Table 2. Criteria for Protection of Human Health (based on consumption of:)				
Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L)	Fish Only (µg/L)
$AWQC = RfD * RSC * \left(\frac{BW}{DI + (FI * BAF)} \right)$ <p>and criteria for carcinogens are calculated using the formula:</p> $AWQC = RSD * \left(\frac{BW}{DI + (FI * BAF)} \right)$ <p>Where: AWQC = Ambient water quality criterion (mg/L) BW = Human Body Weight (kg), 80 is used in these criteria DI = Drinking Water Intake, (L/day), 2.4 is used in these criteria FI = Fish Intake, (kg/day), 0.0665 is used in these criteria BAF = Bioaccumulation Factor, L/kg, chemical specific value, see TSD RfD = Reference dose (mg/kg-day), chemical specific value, see TSD $RSD = \frac{\text{Target Incremental Cancer Risk}}{\text{Cancer Potency Factor}}$ (mg/kg-day), chemical specific value, see TSD RSC = Relative Source Contribution, chemical specific value, see TSD</p>				
c. Inorganic forms only.				
d. Criterion expressed as total recoverable (unfiltered) concentrations.				
e. No numeric human health criteria has been established for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the narrative criteria for toxics from Section 200 of these rules.				
f. EPA guidance allows states to choose from a range of 10 ⁻⁴ to 10 ⁻⁶ for the incremental increase in cancer risk used in human health criteria calculation. Idaho has chosen to base this criterion on carcinogenicity of 10 ⁻⁵ risk.				
g. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.				
h. This criterion applies to total PCBs, (e.g. the sum of all congener, isomer, or Aroclor analyses).				

Table 2. Criteria for Protection of Human Health (based on consumption of:)

Compound	^a CAS Number	Carcinogen?	Water & Fish (µg/L)	Fish Only (µg/L)
<p>i. This fish tissue residue criterion (TRC) for methylmercury is based on a human health reference dose (RfD) of 0.0001 mg/kg body weight-day; a relative source contribution (RSC) estimated to be 27% of the RfD; a human body weight (BW) of 70 kg (for adults); and a total fish consumption rate of 0.0175 kg/day for the general population, summed from trophic level (TL) breakdown of TL2 = 0.0038 kg fish/day + TL3 = 0.0080 kg fish/day + TL4 = 0.0057 kg fish/day. This is a criterion that is protective of the general population. A site-specific criterion or a criterion for a particular subpopulation may be calculated by using local or regional data, rather than the above default values, in the formula: $TRC = [BW \times \{RfD - (RSC \times RfD)\}] / \sum TL$. In waters inhabited by species listed as threatened or endangered under the Endangered Species Act or designated as their critical habitat, the Department will apply the human health fish tissue residue criterion for methylmercury to the highest trophic level available for sampling and analysis.</p>				
<p>j. This criterion is based on the drinking water Maximum Containment Level (MCL).</p>				

(3-28-18)

02. Factors for Calculating Hardness Dependent Metals Criteria. Hardness dependent metals criteria are calculated using values from the following table in the equations: (5-3-03)

a. $CMC = WER \exp\{mA[\ln(\text{hardness})] + bA\}$ X Acute Conversion Factor. (5-3-03)

b. $CCC = WER \exp\{mc[\ln(\text{hardness})] + bc\}$ X Chronic Conversion Factor.

Metal	mA	bA	mc	bc	aAcute Conversion Factor	aChronic Conversion Factor
Arsenic	b	b	b	b	1.0	1.0
Cadmium	0.8367	-3.560	0.6247	-3.344	0.944 see footnote a	0.909
Chromium (III)	0.819	3.7256	0.8190	0.6848	0.316	0.860
Chromium (VI)	b	b	b	b	0.982	0.962
Lead	1.273	-1.460	1.273	-4.705	0.791	0.791
Mercury	b	b	b	b	0.85	0.85
Nickel	0.846	2.255	0.8460	0.0584	0.998	0.997
Silver	1.72	-6.52	c	c	0.85	c
Zinc	0.8473	0.884	0.8473	0.884	0.978	0.986

Note to table: The term “exp” represents the base e exponential function.

Footnotes to table:

a. Conversion factors (CF) are from “Stephan, C. E. 1995. Derivation of conversion factors for the calculation of dissolved freshwater aquatic life criteria for metals. U.S. Environmental Protection Agency, Environmental Research Laboratory – Duluth.” The conversion factors for cadmium and lead are hardness-dependent and can be calculated for any hardness (see limitations in Subsection 210.03.b.i.) using the following equations. For comparative purposes, the conversion factors for a total hardness of one hundred (100) mg/L are shown in the table. The conversion factor shall not exceed one (1).

Cadmium
 Acute: $CF = 1.136672 - [(\ln \text{ hardness})(0.041838)]$ NOTE: The cadmium acute criterion equation was derived from dissolved metals toxicity data and thus requires no conversion; this conversion factor may be used to back calculate an equivalent total recoverable concentration.

Chronic: $CF = 1.101672 - [(\ln \text{ hardness})(0.041838)]$

Lead (Acute and Chronic): $CF = 1.46203 - [(\ln \text{ hardness})(0.145712)]$

b. Not applicable

c. No chronic criteria are available for silver.

(3-28-18)

03. Applicability. The criteria established in Section 210 are subject to the general rules of applicability in the same way and to the same extent as are the other numeric chemical criteria when applied to the same use classifications. Mixing zones may be applied to toxic substance criteria subject to the limitations set forth in Section 060 and set out below. (3-25-16)

a. For all waters for which the Department has determined mixing zones to be applicable, the toxic substance criteria apply at the boundary of the mixing zone(s) and beyond. Absent an authorized mixing zone, the toxic substance criteria apply throughout the waterbody including at the end of any discharge pipe, canal or other discharge point. (3-25-16)

b. Low flow design conditions. Water quality-based effluent limits and mixing zones for toxic substances shall be based on the following low flows in perennial receiving streams. Numeric chemical criteria may be exceeded in perennial streams outside any applicable mixing zone only when flows are less than these values:

Aquatic Life		Human Health	
CMC (“acute” criteria)	1Q10 or 1B3	Non-carcinogens	Harmonic mean flow
CCC (“chronic” criteria)	7Q10 or 4B3	Carcinogens	Harmonic mean flow

(3-25-16)

i. Where “1Q10” is the lowest one-day flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (5-3-03)

ii. Where “1B3” is biologically based and indicates an allowable exceedance of once every three (3) years. It may be determined by EPA’s computerized method (DFLOW model); (5-3-03)

iii. Where “7Q10” is the lowest average seven (7) consecutive day low flow with an average recurrence frequency of once in ten (10) years determined hydrologically; (5-3-03)

iv. Where “4B3” is biologically based and indicates an allowable exceedance for four (4) consecutive days once every three (3) years. It may be determined by EPA’s computerized method (DFLOW model); (5-3-03)

v. Where the harmonic mean flow is a long term mean flow value calculated by dividing the number

of daily flows analyzed by the sum of the reciprocals of those daily flows. (5-3-03)

c. Application of aquatic life metals criteria. (3-25-16)

i. For metals other than cadmium, for purposes of calculating hardness dependent aquatic life criteria from the equations in Subsection 210.02, the minimum hardness allowed for use in those equations shall not be less than twenty-five (25) mg/l, as calcium carbonate, even if the actual ambient hardness is less than twenty-five (25) mg/l as calcium carbonate. For cadmium, the minimum hardness for use in those equations shall not be less than ten (10) mg/l, as calcium carbonate. The maximum hardness allowed for use in those equations shall not be greater than four hundred (400) mg/l, as calcium carbonate, except as specified in Subsections 210.03.c.ii. and 210.03.c.iii., even if the actual ambient hardness is greater than four hundred (400) mg/l as calcium carbonate. (3-29-10)

ii. The hardness values used for calculating aquatic life criteria for metals at design discharge conditions shall be representative of the ambient hardnesses for a receiving water that occur at the design discharge conditions given in Subsection 210.03.b. (5-3-03)

iii. Except as otherwise noted, the aquatic life criteria for metals (arsenic through zinc in Table 1 in Subsection 210.01) are expressed as dissolved metal concentrations. Unless otherwise specified by the Department, dissolved concentrations are considered to be concentrations recovered from a sample which has passed through a forty-five hundredths (0.45) micron filter. For the purposes of calculating aquatic life criteria for metals from the equations in footnotes c. and f. in Table 1 in Subsection 210.01, the water effect ratio is computed as a specific pollutant's acute or chronic toxicity values measured in water from the site covered by the standard, divided by the respective acute or chronic toxicity value in laboratory dilution water. The water-effect ratio shall be assigned a value of one (1.0), except where the Department assigns a different value that protects the designated uses of the water body from the toxic effects of the pollutant, and is derived from suitable tests on sampled water representative of conditions in the affected water body, consistent with the design discharge conditions established in Subsection 210.03.b. For purposes of calculating water effects ratios, the term acute toxicity value is the toxicity test results, such as the concentration lethal one-half (1/2) of the test organisms (i.e., LC50) after ninety-six (96) hours of exposure (e.g., fish toxicity tests) or the effect concentration to one-half of the test organisms, (i.e., EC50) after forty-eight (48) hours of exposure (e.g., daphnia toxicity tests). For purposes of calculating water effects ratios, the term chronic value is the result from appropriate hypothesis testing or regression analysis of measurements of growth, reproduction, or survival from life cycle, partial life cycle, or early life stage tests. The determination of acute and chronic values shall be according to current standard protocols (e.g., those published by the American Society for Testing and Materials (ASTM)) or other comparable methods. For calculation of criteria using site-specific values for both the hardness and the water effect ratio, the hardness used in the equations in Subsection 210.02 shall be as required in Subsection 210.03.c.ii. Water hardness shall be calculated from the measured calcium and magnesium ions present, and the ratio of calcium to magnesium shall be approximately the same in laboratory toxicity testing water as in the site water, or be similar to average ratios of laboratory waters used to derive the criteria. (3-28-18)

iv. Implementation Guidance for the Idaho Mercury Water Quality Criteria. (4-6-05)

(1) The “[Implementation Guidance for the Idaho Mercury Water Quality Criteria](#)” describes in detail suggested methods for discharge related monitoring requirements, calculation of reasonable potential to exceed (RPTE) water quality criteria in determining need for mercury effluent limits, and use of fish tissue mercury data in calculating mercury load reductions. This guidance, or its updates, will provide assistance to the Department and the public when implementing the methylmercury criterion. The “[Implementation Guidance for the Idaho Mercury Water Quality Criteria](#)” also provides basic background information on mercury in the environment, the novelty of a fish tissue criterion for water quality, the connection between human health and aquatic life protection, and the relation of environmental programs outside of Clean Water Act programs to reducing mercury contamination of the environment. The “[Implementation Guidance for the Idaho Mercury Water Quality Criteria](#)” is available at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706, and on the DEQ website at www.deq.idaho.gov. (4-6-05)

(2) The implementation of a fish tissue criterion in NPDES permits and TMDLs requires a non-traditional approach, as the basic criterion is not a concentration in water. In applying the methylmercury fish tissue criterion in the context of NPDES effluent limits and TMDL load reductions, the Department will assume change in fish tissue concentrations of methylmercury are proportional to change in water body loading of total mercury.

Reasonable potential to exceed (RPTE) the fish tissue criterion for existing NPDES sources will be based on measured fish tissue concentrations potentially affected by the discharge exceeding a specified threshold value, based on uncertainty due to measurement variability. This threshold value is also used for TMDL decisions. Because measured fish tissue concentrations do not reflect the effect of proposed new or increased discharge of mercury, RPTE in these cases will be based upon an estimated fish tissue methylmercury concentration, using projected changes in waterbody loading of total mercury and a proportional response in fish tissue mercury. For the above purposes, mercury will be measured in the skinless filets of sport fish using techniques capable of detecting tissue concentrations down to point zero five (0.05) mg/kg. Total mercury analysis may be used, but will be assumed to be all methylmercury for purposes of implementing the criterion. (4-6-05)

- v. Copper Criteria for Aquatic Life. (3-28-18)
 - (1) Aquatic life criteria for copper shall be derived using: (3-28-18)
 - (a) Biotic Ligand Model (BLM) software that calculates criteria consistent with the “[Aquatic Life Ambient Freshwater Quality Criteria – Copper](#)”: EPA-822-R-07-001 (February 2007); or (3-28-18)
 - (b) An estimate derived from BLM outputs that is based on a scientifically sound method and protective of the designated aquatic life use. (3-28-18)
 - (2) To calculate copper criteria using the BLM, the following parameters from each site shall be used: temperature, pH, dissolved organic carbon (DOC), calcium, magnesium, sodium, potassium, sulfate, chloride, and alkalinity. The BLM inputs for humic acid (HA) as a proportion of DOC and sulfide shall be based on either measured values or the following default values: 10% HA as a proportion of DOC, 1.00×10^{-8} mg/L sulfide. Measured values shall supersede any estimate or default input. (3-28-18)
 - (3) BLM input measurements shall be planned to capture the most bioavailable conditions for copper. (3-28-18)
 - (4) A criterion derived under Subsection 210.03.c.v.(1)(a) shall supersede any criterion derived under Subsection 210.03.c.v.(1)(b). Acceptable BLM software includes the “[US EPA WQC Calculation](#)” for copper in [BLM Version 3.1.2.37](#) (October 2015). (3-28-18)
 - (5) Implementation Guidance for the Idaho Copper Criteria for Aquatic Life. The “[Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model](#)” describes in detail methods for implementing the aquatic life criteria for copper using the BLM. This guidance, or its updates, will provide assistance to the Department and the public for determining minimum data requirements for BLM inputs and how to estimate criteria when data are incomplete or unavailable. The “[Implementation Guidance for the Idaho Copper Criteria for Aquatic Life: Using the Biotic Ligand Model](#)” is available at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706, and on the DEQ website at www.deq.idaho.gov. (3-28-18)
 - d. Application of toxics criteria. (3-25-16)
 - i. Frequency and duration for aquatic life toxics criteria. CMC column criteria in Table 1 in Subsection 210.01 are concentrations not to be exceeded for a one-hour average more than once in three (3) years unless otherwise specified. CCC column criteria in Table 1 in Subsection 210.01 are concentrations not to be exceeded for a four-day average more than once in three (3) years unless otherwise specified. (3-28-18)
 - ii. Frequency and duration for human health toxics criteria. Criteria in Table 2 in Subsection 210.01 are not to be exceeded based on an annual harmonic mean. (3-28-18)
- 04. National Pollutant Discharge Elimination System Permitting.** For the purposes of NPDES permitting, interpretation and implementation of metals criteria listed in Subsection 210.02 should be governed by the following standards, that are hereby incorporated by reference, in addition to other scientifically defensible methods deemed appropriate by the Department; provided, however, any identified conversion factors within these documents are not incorporated by reference. Metals criteria conversion factors are identified in Subsection 210.02 of this rule. (5-3-03)

a. “Guidance Document on Dissolved Criteria -- Expression of Aquatic Life Criteria,” EPA, October 1993, <http://www.deq.idaho.gov/media/827413-epa-guidance-dissolved-criteria-1093.pdf>. (4-5-00)

b. “Guidance Document on Dynamic Modeling and Translators,” EPA, August 1993, <http://www.deq.idaho.gov/media/827417-epa-guidance-dynamic-modeling-translators-0893.pdf>. (4-5-00)

c. “Guidance Document on Clean Analytical Techniques and Monitoring,” EPA, October 1993, <http://www.deq.idaho.gov/media/827421-epa-guidance-analytical-techniques-1093.pdf>. (4-5-00)

d. “Interim Guidance on Determination and Use of Water-Effect Ratios for Metals,” EPA, February 1994, <http://www.deq.idaho.gov/media/827409-epa-guidance-water-effect-ratios-for-metals-0294.pdf>. (4-5-00)

e. “Technical Support Document for Water Quality-Based Toxics Control.” EPA, March 1991. <http://www.deq.idaho.gov/media/60177101/58-0102-1201-epa-technical-support-document-1991.pdf>. (3-25-16)

05. Development of Toxic Substance Criteria. (4-5-00)

a. Aquatic Life Communities Criteria. Numeric criteria for the protection of aquatic life uses not identified in these rules for toxic substances, may be derived by the Department from the following information: (4-5-00)

i. Site-specific criteria developed pursuant to Section 275; (4-5-00)

ii. Effluent biomonitoring, toxicity testing and whole-effluent toxicity determinations; (4-5-00)

iii. The most recent recommended criteria defined in EPA's ECOTOX database. When using EPA recommended criteria to derive water quality criteria to protect aquatic life uses, the lowest observed effect concentrations (LOECs) shall be considered; or (3-25-16)

iv. Scientific studies including, but not limited to, instream benthic assessment or rapid bioassessment. (4-5-00)

b. Human Health Criteria. (4-5-00)

i. When numeric criteria for the protection of human health are not identified in these rules for toxic substances, quantifiable criteria may be derived by the Department using best available science on toxicity thresholds (i.e. reference dose or cancer slope factor), such as defined in EPA's Integrated Risk Information System (IRIS) or other peer-reviewed source acceptable to the Department. (3-25-16)

ii. When using toxicity thresholds to derive water quality criteria to protect human health, a fish consumption rate representative of the population to be protected, a mean adult body weight, an adult 90th percentile water ingestion rate, a trophic level weighted BAF or BCF, and a hazard quotient of one (1) for non-carcinogens or a cancer risk level of 10^{-5} for carcinogens shall be utilized. (3-25-16)

(BREAK IN CONTINUITY OF SECTIONS)

287. SITE-SPECIFIC AQUATIC LIFE CRITERIA FOR SELENIUM.

Site-specific water column values (30-day average) are based on dissolved total selenium in water and are derived using a performance-based approach from fish tissue values via either the mechanistic modeling or empirical bioaccumulation factor (BAF) method in [Aquatic Life Ambient Water Quality Criterion for Selenium – Freshwater, EPA-822-R-16-006, Appendix K: Translation of a Selenium Fish Tissue Criterion Element to a Site-Specific Water Column Value \(June 2016\)](#). (3-28-18)

01. Subsection of Blackfoot Subbasin. Blackfoot River - confluence of Lanes and Diamond Creeks to

Blackfoot Reservoir (unit US-10), and all tributaries thereof. Site-specific egg-ovary, whole-body, and muscle criterion elements for these water bodies are set out in the following table. The lentic and short-term exposure water column criterion elements set out in Subsection 210.01., table footnote **L**, are also applicable to the water bodies identified in this subsection.

Chronic			
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)		Water Column (µg/L)
Egg-Ovary	Whole-Body	Muscle	Water Lotic
24.5 ¹	12.5 ²	12.8 ²	11.9 ^{3,4,5}
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter			
<p>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</p> <p>2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body or muscle data to determine compliance with this criterion element.</p> <p>3. Water column values are derived using the empirical BAF method. For comparative purposes only, the example value displayed in this table represents the lotic water column value for Sheep Creek based on the average BAF for Cutthroat Trout among all sampling locations and years.</p> <p>4. Lotic Water Column Equation=</p> $\frac{\text{Tissue}_{\text{criterion}}}{\text{BAF}}$ <p>where Tissue criterion is the fish tissue element (whole-body), and BAF is the bioaccumulation factor derived by dividing site-specific field-collected samples of fish tissue (whole-body) by site-specific field-collected samples of water.</p> <p>5. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, surface water from the fishless waters and fish tissue from the nearest downstream waters are used for bioaccumulation modeling. Fish tissue supersedes any site-specific water column values when fish are sampled downstream of fishless waters.</p>			

(3-28-18)

02. Subsection of Bear Lake Subbasin. Georgetown Creek - source to mouth (unit B-22), and all tributaries thereof. Site-specific egg-ovary, whole-body, and muscle criterion elements for these water bodies are set out in the following table. The lentic and short-term water column criterion elements set out in Subsection 210.01., table footnote **L**, are also applicable to the water bodies identified in this subsection.

Chronic			
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)		Water Column (µg/L)
Egg-Ovary	Whole-Body	Muscle	Water Lotic
21.0 ¹	12.5 ²	12.8 ²	3.8 ^{3,4,5}
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter			

1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.
2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body and muscle data to determine compliance with this criterion element.
3. Water column values are derived using the empirical BAF method. For comparative purposes only, the example displayed in this table represents the lotic water column value for Georgetown Creek, upstream of the intermittent reach, based on the average BAF for Brook Trout in all sampling locations and years.
4. Lotic Water Column Equation=

$$\frac{\text{Tissue}_{\text{criterion}}}{\text{BAF}}$$

where Tissue criterion is the fish tissue element (whole-body), and BAF is the bioaccumulation factor derived by dividing site-specific field-collected samples of fish tissue (whole-body) by site-specific field-collected samples of water.
5. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, surface water from the fishless waters and fish tissue from the nearest downstream waters are used for bioaccumulation modeling. Fish tissue supersedes any site-specific water column values when fish are sampled downstream of fishless waters.

(3-28-18)

03. Subsection of Salt Subbasin — Sage Creek. Sage Creek – source to mouth (unit US-9) including, Hoopes Spring channel downstream of the spring complex, South Fork Sage Creek downstream of the spring complex, Sage Creek downstream of the confluence of Hoopes Spring with Sage Creek to its confluence with Crow Creek, and tributaries; excluding North Fork Sage Creek, Pole Canyon Creek, and their tributaries. Site-specific egg-ovary and whole-body criterion elements for these water bodies are set out in the following table. The muscle, lentic water column, and short-term water column criterion elements set out in Subsection 210.01., table footnote I., are also applicable to the water bodies identified in this subsection.

Chronic		
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)	Water Column (µg/L)
Egg-Ovary	Whole-Body	Water Lotic
20.5 ¹	13.6 ²	16.7 ³

mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter

1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.
2. Fish tissue supersedes water column element when both fish tissue (whole-body) and water concentrations are measured. Fish tissue elements are expressed as a single arithmetic average of tissue concentrations from at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body data to determine compliance with this criterion element.

3. Water column values are derived using the empirical BAF method. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance.

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04. Subsection of Salt Subbasin — Crow Creek. Crow Creek – Downstream of Sage Creek confluence to Wyoming state line (US-8). Site-specific egg-ovary and whole-body criterion elements for these water bodies are set out in the following table. The muscle, lentic water column, and short-term water column criterion elements set out in Subsection 210.01., table footnote I., are also applicable to the water bodies identified in this subsection.

Chronic		
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)	Water Column (µg/L)
Egg-Ovary	Whole-Body	Water Lotic
20.5 ¹	12.5 ²	4.2 ³
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter		
<p>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</p> <p>2. Fish tissue supersedes water column element when both fish tissue (whole-body) and water concentrations are measured. Fish tissue elements are expressed as a single arithmetic average of tissue concentrations from at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body data to determine compliance with this criterion element.</p> <p>3. Water column values are derived using the empirical BAF method. Water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. In fishless waters, selenium concentrations in fish from the nearest downstream waters may be used to assess compliance.</p>		

(3-28-18)

05. Portions of Idaho.

(3-28-18)

a. This site-specific criterion applies in the HUC subbasins set out in the following table.

HUC	Subbasin	HUC	Subbasin
16010102	Central Bear	17040208	Portneuf
16010201	Bear Lake	17040209	Lake Walcott
16010202	Middle Bear	17040210	Raft
16010203	Little Bear-Logan	17040211	Goose
16010204	Lower Bear-Malad	17040214	Beaver-Camas
16020309	Curlew Valley	17040215	Medicine Lodge
17010302	South Fork Coeur d Alene	17040216	Birch
17010306	Hangman	17040218	Big Lost

HUC	Subbasin	HUC	Subbasin
17010308	Little Spokane	17040220	Camas
17040104	Palisades	17040221	Little Wood
17040105	Salt	17050104	Upper Owyhee
17040201	Idaho Falls	17050105	South Fork Owyhee
17040202	Upper Henrys	17050106	East Little Owyhee
17040203	Lower Henrys	17050107	Middle Owyhee
17040204	Teton	17050108	Jordan
17040205	Willow	17060109	Rock
17040206	American Falls		
17040207	Blackfoot		

(3-28-18)

b. Site-specific egg-ovary, whole-body, and muscle criterion elements for the water bodies identified in Subsection 287.05.a. are set out in the following table. The water column criterion elements set out in Subsection 210.01., table footnote I., are also applicable to the water bodies identified in Subsection 287.05.a.

Chronic		
Egg-Ovary (mg/kg dw)	Fish Tissue (mg/kg dw)	
Egg-Ovary	Whole-Body	Muscle
19.0 ¹	9.5 ²	13.1 ²
mg/kg dw – milligrams per kilogram dry weight, µg/L – micrograms per liter		
<p>1. Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species. Not to be exceeded; DEQ will evaluate all representative egg-ovary data to determine compliance with this criterion element.</p> <p>2. Fish whole-body or muscle tissue supersedes water column element when both fish tissue and water concentrations are measured. Single measurement of an average or composite sample of at least five (5) individuals of the same species where the smallest individual is no less than seventy-five percent (75%) of the total length (size) of the largest individual. Not to be exceeded; DEQ will evaluate all representative whole-body or muscle data to determine compliance with this criterion element.</p>		

(3-28-18)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES

DOCKET NO. 58-0103-1902

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective upon the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Chapters 1 and 36, Title 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.

This pending rule adopts and re-publishes the following existing and previously approved and codified chapter under IDAPA 58 rules of the Department of Environmental Quality:

IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules

This rulemaking also includes revisions in response to [Executive Order No. 2019-02](#), Red Tape Reduction Act, issued by Governor Little on January 21, 2019. DEQ proposes to combine IDAPA 58.01.15, Rules Governing the Cleaning of Septic Tanks, with IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules, by moving IDAPA 58.01.15, Sections 003 and 004, into IDAPA 58.01.03 as new sections 050 and 051. When IDAPA 58.01.03 and IDAPA 58.01.15 were adopted as temporary rules in May 2019 and then published in the Idaho Administrative Bulletin, it was DEQ's intent to follow up with publication of two separate proposed rules. However, upon review of its administrative rules, DEQ determined that the two rule chapters could be consolidated into a single chapter.

Temporary rule IDAPA 58.01.15 will expire upon conclusion of the 2020 legislative session.

The proposed rule was published in the September 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 610 through 637](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The proposed rule includes non-substantive clerical revisions made by the Administrative Rules Coordinator using his authority under Idaho Code § 67-5202. "The coordinator shall have the authority to make clerical revisions or to correct manifest typographical or grammatical errors to both proposed and existing rules that do not alter the sense, meaning or effect of such rules." Idaho Code § 67-5202(2). The revisions are consistent with [Executive Order No. 2019-02](#), and did not alter the sense, meaning or effect of the rules (i.e., elimination of restrictive words such as "shall").

More information regarding this rule docket is available at www.deq.idaho.gov/58-0103-1902.

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 because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact the undersigned.

Dated this 14th day of November, 2019.

Paula J. Wilson, Department of Environmental Quality
1410 N. Hilton Street, Boise, Idaho 83706
Phone: (208) 373-0418/ Fax No.: (208) 373-0481
paula.wilson@deq.idaho.gov

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR
DOCKET NO. 58-0103-1902**

This rulemaking is being republished in its entirety. Previously made amendments are shown in red plain text (non-italicized).

**58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES
AND RULES FOR CLEANING OF SEPTIC TANKS**

000. (RESERVED)

001. LEGAL AUTHORITY.

Title 39, Chapter 1 and Title 39, Chapter 36, Idaho Code, grants authority to the Board of Environmental Quality to adopt rules and standards to protect the environment and the health of the State, for the installation of cottage site sewage treatment facilities and for the issuance of pollution source permits. Title 39, Chapter 1, Idaho Code, grants to the Director the authority to issue pollution source permits; charges the Director to enforce all laws, rules, regulations, and standards relating to environmental protection and health, and those relating to the storage, handling and transportation of solids, liquids and gases which may cause or contribute to water pollution, and authorizes the Department of Environmental Quality to review for approval the plans and specifications for all proposed waste treatment facilities prior to their construction. (5-7-93)

002. TITLE, SCOPE, CONFLICT AND RESPONSIBILITIES.

01. Title. These rules are titled IDAPA 58.01.03, “Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks.” ()

02. Scope. The provisions of these rules establish limitations on the construction and use of individual and subsurface sewage disposal systems and establish the requirements for obtaining an installation permit and an installer’s registration permit. These rules apply to every individual and every subsurface blackwaste and wastewater treatment system in Idaho. **These rules also establish general requirements for the handling, transportation and disposal of septic tank wastes and for obtaining a septic tank pumping permit.** ()

03. Conflict of Rules, Standards, and Ordinances. In any case where a provision of these rules is found to be in conflict with a provision of any state or local zoning, building, fire, safety, or health regulation, standard or ordinance, the provision that, in the judgment of the Director, establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail. (5-7-93)

04. Responsibilities. (7-1-93)

a. Every owner of real property is jointly and individually responsible for: (10-1-90)

i. Storing, treating, and disposing of blackwaste and wastewater generated on that property. (10-1-90)

ii. Connecting all plumbing fixtures on that property that discharge wastewaters to an approved wastewater system or facility. (10-1-90)

iii. Obtaining necessary permits and approvals for installation of individual or subsurface blackwaste and wastewater disposal systems. (10-1-90)

iv. Abandonment of an individual or subsurface sewage disposal system. (10-1-90)

b. Each engineer, building contractor, individual or subsurface system installer, excavator, plumber, supplier, and every other person, who for compensation shall design, construct, abandon, or provide any system or part thereof, is jointly and individually responsible for compliance with each of these rules that are relevant to that

service or product. (5-7-93)

003. DEFINITIONS.

For the purposes of these rules, the following definitions apply. (5-7-93)

01. Abandoned System. A system which has ceased to receive blackwaste or wastewater due to diversion of those wastes to another treatment system or due to termination of waste flow. (10-1-90)

02. Alternative System. Any system for which the Department has issued design guidelines or which the Director judges to be a simple modification of a standard system. (10-1-90)

03. Authorized or Approved. The state of being sanctioned or acceptable to the Director as stated in a written document. (10-1-90)

04. Blackwaste. Human body waste, specifically excreta or urine. This includes toilet paper and other products used in the practice of personal hygiene. (10-1-90)

05. Blackwater. A wastewater whose principal pollutant is blackwaste; a combination of blackwaste and water. (10-1-90)

06. Board. Idaho State Board Of Environmental Quality. (10-1-90)

07. Building Sewer. The extension of the building drain beginning five (5) feet outside the inner face of the building wall. (10-1-90)

08. Central System. Any system which receives blackwaste or wastewater in volumes exceeding twenty-five hundred (2,500) gallons per day; any system which receives blackwaste or wastewater from more than two (2) dwelling units or more than two (2) buildings under separate ownership. (10-1-90)

09. Construct. To make, form, excavate, alter, expand, repair, or install a system, and, their derivations. (5-7-93)

10. Director. The Director of the Idaho Department of Environmental Quality or the Director's designee or authorized agent. (10-1-90)

11. Existing System. Any system which was installed prior to the effective date of these rules. (5-7-93)

12. Expand. To enlarge any nonfailing system. (10-1-90)

13. Failing System. Any system which exhibits one (1) or more of the following characteristics: (10-1-90)

a. The system does not meet the intent of these rules as stated in Subsection 004.01. (5-7-93)

b. The system fails to accept blackwaste and wastewater. (10-1-90)

c. The system discharges blackwaste or wastewater into the waters of the State or onto the ground surface. (10-1-90)

14. Ground Water. Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (5-7-93)

15. High Groundwater Level -- Normal, Seasonal. High ground water level may be established by the presence of low chroma mottles, actual ground water monitoring or historic records. (5-7-93)

a. The normal high groundwater level is the highest elevation of ground water that is maintained or

- exceeded for a continuous period of six (6) weeks a year. (5-7-93)
- b.** The seasonal high groundwater level is the highest elevation of ground water that is maintained or exceeded for a continuous period of one (1) week a year. (5-7-93)
- 16. High Water Mark.** The line which the water impresses on the soil by covering it for sufficient periods of time to prevent the growth of terrestrial vegetation. (10-1-90)
- 17. Individual System.** Any standard, alternative or subsurface system which is not a central system. (10-1-90)
- 18. Install.** To excavate or to put in place a system or a component of a system. (10-1-90)
- 19. Installer.** Any person, corporation, or firm engaged in the business of excavation for, or the construction of individual or subsurface sewage disposal systems in the State. (10-1-90)
- 20. Large Soil Absorption System.** A large soil absorption system is a subsurface sewage disposal system designed to receive two thousand five hundred (2,500) gallons of wastewater or more per day, including where the total wastewater flow from the entire proposed project exceeds two thousand five hundred (2,500) gallons per day but the flow is separated into absorption modules which receive less than two thousand five hundred (2,500) gallons per day. (5-7-93)
- 21. Limiting Layer.** A characteristic subsurface layer or material which will severely limit the capability of the soil to treat or absorb wastewater including, but not limited to, water tables, fractured bedrock, fissured bedrock, excessively permeable material and relatively impermeable material. (10-1-90)
- 22. Mottling.** Irregular areas of different color in the soil that vary in contrast, density, number and size. Mottling generally indicates poor aeration and impeded drainage. (5-7-93)
- 23. New System.** A system which is or might be authorized or approved on or after the effective date of these rules. (5-7-93)
- 24. Nondischarging System.** Any system which is designed and constructed to prevent the discharge of blackwaste or wastewater. (10-1-90)
- 25. Permit.** An individual or subsurface system installation permit or installer's registration permit. (10-1-90)
- 26. Pollutants.** Any chemical, biological, or physical substance whether it be solid, liquid, gas, or a quality thereof, which if released into the environment can, by itself or in combination with other substances, create a public nuisance or render that environment harmful, detrimental, or injurious to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, aesthetic, or other beneficial uses. (10-1-90)
- 27. Public System.** Any system owned by a county, city, special service district, or other governmental entity or Indian tribe having the authority to dispose of blackwaste or wastewater; a municipal wastewater treatment facility. (10-1-90)
- 28. Repair.** To remake, reform, replace, or enlarge a failing system or any component thereof as is necessary to restore proper operation. (10-1-90)
- 29. Scarp.** The side of a hill, canyon, ditch, river bank, roadcut or other geological feature characterized by a slope of forty-five (45) degrees or more from the horizontal. (10-1-90)
- 30. Service Provider.** Any person, corporation, or firm engaged in the business of providing operation, maintenance, and monitoring of complex alternative systems in the state of Idaho. (7-1-17)
- 31. Sewage.** Sewage has the same meaning as wastewater. (10-1-90)

32. **Soil Texture.** The relative proportion of sand, silt, and clay particles in a mass of soil. (10-1-90)
33. **Standard System.** Any system recognized by the Board through the adoption of design and construction regulations. (10-1-90)
34. **Subsurface System.** Any system with a point of discharge beneath the earth's surface. (10-1-90)
35. **Surface Water - Intermittent, Permanent, Temporary.** (7-1-93)
- a. Any waters of the State which flow or are contained in natural or man-made depressions in the earth's surface. This includes, but is not limited to, lakes, streams, canals, and ditches. (10-1-90)
- b. An intermittent surface water exists continuously for a period of more than two (2) months but not more than six (6) months a year. (10-1-90)
- c. A permanent surface water exists continuously for a period of more than six (6) months a year. (10-1-90)
- d. A temporary surface water exists continuously for a period of less than two (2) months a year. (10-1-90)
36. **System.** Beginning at the point of entry physically connected piping, treatment devices, receptacles, structures, or areas of land designed, used or dedicated to convey, store, stabilize, neutralize, treat, or dispose of blackwaste or wastewater. (10-1-90)
37. **Wastewater.** Any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any groundwater, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, grey water or commercial or industrial pollutants; and sewage. (10-1-90)
38. **Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public and private or parts thereof which are wholly or partially within, which flow through or border upon the state of Idaho. (10-1-90)
39. **Water Table.** The surface of an aquifer. (10-1-90)

004. GENERAL REQUIREMENTS.

01. **Intent of Rules.** The Board, in order to protect the health, safety, and environment of the people of the state of Idaho establishes these rules governing the design, construction, siting and abandonment of individual and subsurface sewage disposal systems. These rules are intended to insure that blackwastes and wastewater generated in the state of Idaho are safely contained and treated and that blackwaste and wastewater contained in or discharged from each system: (5-7-93)
- a. Are not accessible to insects, rodents, or other wild or domestic animals; (10-1-90)
- b. Are not accessible to individuals; (10-1-90)
- c. Do not give rise to a public nuisance due to odor or unsightly appearance; (10-1-90)
- d. Do not injure or interfere with existing or potential beneficial uses of the waters of the State. (10-1-90)
02. **Compliance with Intent Required.** The Director shall not authorize or approve any system if, in the opinion of the Director, the system will not be (is not) in compliance with the intent of these rules. (5-7-93)

03. System Limitations. Cooling water, backwash or backflush water, hot tub or spa water, air conditioning water, water softener brine, groundwater, oil, or roof drainage cannot be discharged into any system unless that discharge is approved by the Director. (10-1-90)

04. Increased Flows. Unless authorized by the Director, no person shall provide for or connect additional blackwaste or wastewater sources to any system if the resulting flow or volume would exceed the design flow of the system. (10-1-90)

05. Failing System. The owner of any failing system shall obtain a permit and cause the failing system's repair: (10-1-90)

a. As soon as practical after the owner becomes aware of its failure; or (10-1-90)

b. As directed in proper notice from the Director. (10-1-90)

06. Subsurface System Replacement Area. An area of land which is suitable in all respects for the complete replacement of a new subsurface system disposal field shall be reserved as a replacement area. This area will be kept vacant, free of vehicular traffic and free of any soil modification which would negatively affect its use as a replacement disposal field construction site. (10-1-90)

07. Technical Guidance Committee. The Director shall appoint a Technical Guidance Committee composed of three (3) representatives from the seven (7) Health Districts, one (1) representative from the Department of Environmental Quality, one (1) professional engineer licensed in the state of Idaho and one (1) licensed installer. Initially two (2) committee members shall be appointed to each of one (1), two (2) and three (3) year terms. Appointments to vacancies thereafter shall be to three (3) year terms. (12-31-91)

08. Duties of the Technical Guidance Committee. The Committee shall maintain a technical guidance manual which shall be used in the design, construction, alteration, operation, and maintenance of conventional systems, their components and alternatives. The Committee shall review variances at the request of the Director and provide recommendations on such variances. (10-1-90)

09. Technical Guidance Manual for Individual and Subsurface Alternative Sewage Disposal. The manual maintained by the Technical Guidance Committee shall provide state-of-the-art technical guidance on alternative sewage disposal components and systems, soil type determination methodology and other information pertinent to the best management practices of individual and subsurface sewage disposal. (10-1-90)

10. Alternative System. If a standard system as described in these rules cannot be installed on a parcel of land, an alternative system may be permitted if that system is in accordance with the recommendations of the Technical Guidance Committee and is approved by the Director. (5-7-93)

005. PERMIT AND PERMIT APPLICATION.

01. Permit Required. Except as specified in Subsection 005.02 it shall be unlawful for any person to cause or to perform the modification, repair or construction of any individual or subsurface sewage disposal system within the state of Idaho unless there is a valid installation permit authorizing that activity. (12-31-91)

02. Exceptions to Permit Requirement. The activities listed in this subsection may be lawfully performed in the absence of a valid installation permit. They are, however, subject to all other relevant rules and regulations. (10-1-90)

a. Portable nondischarging systems may be installed where needed as temporary blackwaste or wastewater systems if they are properly maintained and if they are of a design which has been approved by the Director. (10-1-90)

b. Individual and subsurface systems may be repaired when needed as a result of clogged or broken solid piping or of malfunctions in an electrical or mechanical system. Such repair may not expand the system unless

authorized by the Director. (10-1-90)

03. Permit Application. The owner of the system or the owner's authorized representative shall make application to the Director in writing and in a manner or form prescribed by the Director. (10-1-90)

04. Contents of Application. A permit application will be used to help determine if the proposed construction will be in conformance with applicable rules and regulations. Information required in the application may include, but is not limited to: (10-1-90)

- a. The name and address of the owner of the system and of the applicant, if different; (10-1-90)
- b. The legal description of the parcel of land; (10-1-90)
- c. The type of establishment served; (10-1-90)
- d. The maximum number of persons served, number of bedrooms, or other appropriate measure of wastewater flow; (10-1-90)
- e. The type of system; (10-1-90)
- f. The construction activity (new construction, enlargement, repair); (10-1-90)
- g. A scaled or dimensioned plot plan including, if needed, adjacent properties illustrating: (10-1-90)
- i. The location and size of all existing and proposed wastewater systems including disposal field replacement areas; (10-1-90)
- ii. The location of all existing water supply system features; (10-1-90)
- iii. The location of all surface waters; (10-1-90)
- iv. The location of scarps, cuts, and rock outcrops; (10-1-90)
- v. Land elevations, surface contours, and ground slopes between features of interest; (10-1-90)
- vi. Property lines, easements, and rights-of-way; and (10-1-90)
- vii. Location and size of buildings and structures. (7-1-93)
- h. The plans and specifications of the proposed system which include: (10-1-90)
 - i. Diagrams of all system facilities which are to be made or fabricated at the site; (10-1-90)
 - ii. The manufacturer's name and identification of any component approved pursuant to Sections 007 and 009; and (12-31-91)
 - iii. List of materials. (10-1-90)
- i. Soil description and profile, groundwater data, percolation or permeability test results and/or a site evaluation report; (10-1-90)
- j. The nature and quantity of blackwaste and wastewater which the system is to receive including the basis for that estimate; (10-1-90)
- k. Proposed operation, maintenance, and monitoring procedures to insure the system's performance and failure detection; (10-1-90)

- l.** Copies of legal documents relating to access and to responsibilities for operation, maintenance, and monitoring; (10-1-90)
- m.** A statement from the local zoning or building authority indicating that the proposed system would not be contrary to local ordinances; (10-1-90)
- n.** The signature of the owner of the proposed system and, if different, of the applicant; and (10-1-90)
- o.** Any other information, document, or condition that may be required by the Director to substantiate that the proposed system will comply with applicable rules and regulations. (10-1-90)
- 05. Basis for Permit Application Denial.** The Director may deny a permit application if in the Director's judgment: (10-1-90)
- a.** The application is incomplete, inaccurate, or misleading; (10-1-90)
- b.** The system as proposed is not in compliance with applicable rules and regulations; (10-1-90)
- c.** The system as proposed would, when put into use, be considered a failing system; (10-1-90)
- d.** The design and description of a public system was not made by a professional engineer; (10-1-90)
- e.** Public or central wastewater treatment facilities are reasonably accessible. (10-1-90)
- 06. Notice of Denial.** Upon denial of an application the Director shall notify the applicant of the reason for denial. (10-1-90)
- 07. Issuance of Permit.** When, in the opinion of the Director the system as proposed will be in conformance with applicable rules and regulations, the Director shall issue an "Individual and Subsurface System Installation Permit". (10-1-90)
- 08. Application and Permit Valid for One Year.** Unless otherwise stated on the application or permit, it shall become invalid if the authorized construction or activity is not completed and approved within one (1) year of the date of issuance. (10-1-90)
- 09. Permit Renewal.** At the discretion of the Director, a permit may be renewed one (1) or more times upon request by the applicant or owner provided that the request is received by the Director prior to the permit's date of expiration. (10-1-90)
- 10. Immediate Effect of the Permit.** A valid permit authorizes the construction of an individual or subsurface system and requires that the construction be conducted in compliance with plans, specifications, and conditions contained in the approved permit application. Any deviation from the plans, specifications, and conditions is prohibited unless it is approved in advance by the Director. (10-1-90)
- 11. Cottage Site Facility Certification.** A valid permit shall constitute certification and approval for the purposes of Section 39-3637, Idaho Code. (10-1-90)
- 12. Existing Installation Permits.** Individual and subsurface sewage disposal installation permits or other lot-specific approvals for systems issued prior to February 7, 1978, pursuant to Idaho Code Title 39, Chapter 1 and Title 39, Chapter 36, will become invalid one (1) year after written notice is given by the Director notifying the owner or holder of such a permit or approval that the permit or approval will no longer be valid unless construction or installation of the system provided for in the permit or approval is commenced within one (1) year after giving of the notice. This provision does not apply to certificates filed to satisfy a sanitary restriction pursuant to Section 50-1326, Idaho Code. (10-1-90)
- 13. Abandonment May Be Required.** The Director may require as a condition for issuing a permit that the system be abandoned by a specified date or under specific predetermined circumstances. The date or

circumstances will be established before the issuance of the permit and be contained in the permit application. These conditions may relate to a specific date, dwelling density, completion of a municipal system or other circumstances relative to the availability of central sewerage system services. (10-1-90)

14. Operation, Maintenance and Monitoring. The Director may require as a condition of issuing a permit, that specific operation, maintenance, and monitoring procedures be observed. Those procedures will be contained in the permit application. (10-1-90)

15. As-Built Plans and Specifications. The Director may require as a condition of issuing a permit, that complete and accurate record drawings and specifications depicting the actual construction be submitted to the Director within thirty (30) days after the completion of the construction. Alternately, if the construction proceeded in compliance with the approved plans and specifications, a statement to that effect may be submitted. (10-1-90)

16. Permit Fee. All applications shall be accompanied by payment of the fee specified in IDAPA 58.01.14, Section 110, "Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services". (5-7-93)

006. INSTALLER'S REGISTRATION PERMIT AND SERVICE PROVIDER CERTIFICATION.

01. Permit and Certification Required. Every installer and service provider shall secure from the Director an installer's registration permit. Service providers must also obtain a service provider's certification. Two (2) types of installer permits and one (1) type of service provider certification are available. (7-1-17)

a. A standard and basic alternative system installer's registration permit is required to install all individual systems not listed under Subsection 006.01.b. (5-7-93)

b. A complex alternative system installer's registration permit is required to install evapotranspiration systems, extended treatment package systems, lagoon systems, large soil absorption systems, pressure distribution systems, intermittent sand filters, sand mounds or other systems as may be specified by the Director. (7-1-17)

c. A service provider certification is required to perform operation, maintenance, or monitoring of complex alternative systems. (7-1-17)

02. Examination. The initial issuance of the installer's permit and service provider certification shall be based on the completion of an examination, with a passing score of seventy percent (70%) or more, of the applicant's knowledge of the principles set forth in these rules and the applicable sections of the Technical Guidance Manual. The examinations will be prepared, administered and graded by the Director. The installer examination and service provider examination shall be separate exams. (7-1-17)

03. Permits and Certifications Required Annually. Registration permits and service provider certifications expire annually on the first (1st) day of January, and all permits and certifications issued thereafter will be issued for the balance of the calendar year. Additionally, installers and service providers shall attend at least one (1) refresher course approved by the state of Idaho, Department of Environmental Quality, every three (3) years. Individuals holding both a complex installer registration permit and service provider certification shall attend one refresher course for the complex installer registration permit and another course for the service provider certification. Installer and service provider refresher courses are not interchangeable. (7-1-17)

04. Contents of Application. (7-1-17)

a. Applications for installer permits and service provider certifications shall: (7-1-17)

i. Be in writing: (7-1-17)

ii. Be signed by the applicant or by an officer or authorized agent of a corporation: (7-1-17)

iii. Contain the name and address of the applicant: (7-1-17)

- iv. Indicate whether the permit is to be for: (7-1-17)
 - (1) Installation of standard and basic alternative systems: (7-1-17)
 - (2) Installation of standard, basic and complex alternative systems; or (7-1-17)
 - (3) Installation of standard, basic and complex alternative systems and certification as a service provider; and (7-1-17)
- v. Contain the expiration date of the bond required by Subsection 006.05. (7-1-17)
- b. Additionally, for applicants seeking certification as a service provider, the application shall also contain annual documentation of manufacturer specific training, as required by Subsection 006.06.a. (7-1-17)

05. Bond Required. At the time of application, all applicants, including those seeking a service provider certification, shall deliver to the Director a bond in a form approved by the Director in the sum of five thousand dollars (\$5,000) for a standard and basic alternative system installer's registration permit, or in the sum of fifteen thousand dollars (\$15,000) for standard, basic and complex alternative system installer's registration permit. The bond will be executed by a surety company duly authorized to do business in the state of Idaho and must run concurrent with the installer's registration permit. The bond shall be approved by the Director and must guarantee the installer or service provider's faithful performance of all work undertaken under the provisions of the installer's registration permit or service provider certification, or both. Any person who suffers damage as the result of negligent or wrongful acts of the installer or service provider or by the installer or service provider's failure to competently perform any of the work agreed to be done under the terms of the registration permit or certification shall, in addition to other legal remedies, have a right of action on the bond for all damages not exceeding five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, or monitoring by certified service providers. The maximum liability of the surety and/or sureties on the bond, regardless of the number of claims filed against the bond, shall not exceed the sum of five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, or monitoring by certified service providers. (7-1-17)

06. Service Provider Responsibilities. All certified service providers who provide operation, maintenance, or monitoring for any complex alternative system are responsible for compliance with each of these rules that are relevant to those services. Additionally, each certified service provider shall: (7-1-17)

a. Obtain documentation of the completed manufacturer-specific training of each manufactured and packaged treatment system for which the service provider intends to provide operation, maintenance, or monitoring. Proper documentation includes a certificate or letter of training completion provided by the manufacturer. If a system manufacturer is no longer in business, that manufacturer-specific training is not required. (7-1-17)

b. Maintain a comprehensive list of real property owners who contracted with the certified service provider. The list shall include the current real property owner name, service property address, real property owner contact address, and subsurface sewage disposal permit number. This list shall be provided to the Director as part of the annual operation, maintenance, and monitoring reports for individual real property owners; and (7-1-17)

c. Submit all operation, maintenance, and monitoring records in the form of an annual report for each individual real property owner with whom the service provider contracts to fulfill the real property owner's operation, maintenance, or monitoring responsibilities required through the real property owner's subsurface sewage disposal installation permit as allowed in Subsection 005.14. The annual reports shall be provided to the Director by the timeframe specified in the Technical Guidance Manual for the specific complex alternative system for which operation, maintenance, or monitoring is required. (7-1-17)

07. Exemption. An installer's permit shall not be required for: (10-1-90)

a. Any person, corporation, or firm constructing a central or municipal subsurface sewage disposal system if that person, corporation, or firm is a licensed public works contractor as provided in Title 54, Chapter 19,

Idaho Code, is experienced in the type of system to be installed and is under the direction of a professional engineer licensed in the state of Idaho; or (5-7-93)

b. Owners installing their own standard or basic alternative systems. (7-1-17)

08. Application Fee. All applications shall be accompanied by payment of the fee specified in IDAPA 58.01.14, Section 120, "Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services". (5-7-93)

09. Grounds for Revocation. Failure to comply with these rules shall be grounds for revocation of the permit or the certification, or both. (7-1-17)

10. Transfer from Non-Profit Operation and Maintenance Entity to Certified Service Provider. (7-1-17)

a. Real property owners who want to install extended treatment package systems must retain a permitted installer and certified service provider. An easement granting general access to a non-profit operation and maintenance entity is no longer required for extended treatment package system installation permits. (7-1-17)

b. Beginning July 1, 2017, real property owners who had extended treatment package systems installed are not required to be members of non-profit operation and maintenance entities. To meet the operation, maintenance, and monitoring requirements of their extended treatment package systems, real property owners shall retain a certified service provider for their existing extended treatment package systems. (7-1-17)

007. SEPTIC TANKS DESIGN AND CONSTRUCTION STANDARDS.

01. Materials. New septic tanks will be constructed of concrete, or other materials approved by the Director. Steel tanks are unacceptable. (10-1-90)

02. Construction Requirements. All septic tanks will be water tight, constructed of sound, durable materials and not subject to excessive corrosion, decay, frost damage or cracking. (10-1-90)

03. Concrete Septic Tanks. New concrete septic tanks will at a minimum meet the following requirements: (10-1-90)

a. The walls and floor must be at least two and one-half (2 1/2) inches thick if adequately reinforced and at least six (6) inches thick if not reinforced. (10-1-90)

b. Concrete lids or covers must be at least three (3) inches thick and adequately reinforced. (10-1-90)

c. The floor and at least a six (6) inch vertical portion of the walls of a poured tank must be poured at the same time (monolithic pour). (10-1-90)

d. Wall sections poured separately must have interlocking joints on joining edge. (10-1-90)

e. All concrete outlet baffles must be finished with an asphalt or other protective coating. (10-1-90)

04. Horizontal Dimension Limit. No interior horizontal dimension of a septic tank or compartment may be less than two (2) feet. (10-1-90)

05. Liquid Depth. The liquid depth shall be at least two and one-half (2 1/2) feet but not greater than five (5) feet. (10-1-90)

06. Manufactured Tank Markings. Septic tanks manufactured in accordance with a specified design approved by the Director, will be legibly and indelibly marked with the manufacturer's name or trademark, total liquid capacity and shall indicate the tank's inlet and outlet. (10-1-90)

07. Minimum Tank Capacities. (7-1-93)

a. Tanks serving one (1) or two (2) single dwelling units:

MINIMUM CAPACITY PER DWELLING UNIT	
Number of Bedrooms	Minimum Liquid Capacity (Gallons)
1 or 2	900
3 or 4	1,000

For each bedroom over four (4) add two hundred fifty (250) gallons. (10-1-90)

b. Tanks serving all other flows. Septic tank capacity shall be equal to two (2) times the average daily flow as determined from Subsection 007.08. The minimum tank capacity shall be seven hundred and fifty (750) gallons. (12-31-91)

08. Wastewater Flows from Various Establishments in Gallons per Day.

ESTABLISHMENTS	
Single Family Dwelling and Mobile Homes, 3 bedroom. Add/subtract 50 gallons/bedroom	250/Unit
MULTIPLE RESIDENTIAL	
Hotel: With Private Baths Without Private Baths	60/Bedspace 40/Bedspace
Motel: With Kitchenette	40/Bedspace 60/Bedspace
Boarding House: Add for each nonresident	150/Bedspace 25
Rooming House/Bunk House Staff Resident Nonresident	40/Resident 40/Staff 15/Staff
Apartments	250/Unit
INSTITUTIONAL	
Assembly Hall/Meeting House	2/Seat
Church: With Kitchen	3/Seat 7/Seat
Hospital: Kitchen only Laundry only	250/Bedspace 25/Bedspace 40/Bedspace
Nursing Home/Rest Home	125/Bedspace

ESTABLISHMENTS	
Day School: Without Showers With Showers With Cafeteria, add Staff-Resident Nonresident	20/Student 25/Student 3/Student 40/Staff 20/Staff
FOOD SERVICE	
Conventional Service: Toilet & Kitchen Wastes Kitchen Wastes	13/Meal 3.3/Meal
Take Out or Single Service	2/Meal
Dining Hall: Toilet & Kitchen Wastes Kitchen Wastes	8/Meal 3.3/Meal
Drinking Establishment	2/Person
Food Service Employee	15/Employee
COMMERCIAL AND INDUSTRIAL	
Bowling Alley	125/Lane
Laundry - Self Service	50/Wash
Public Transportation Terminal	5/Fare
Service Station	10/Vehicle
Car Wash: 1st Bay Additional Bays	50/Vehicle 1000 500 each
Shopping Center (No food/laundry)	1/Pkg.Sp.
Theaters (including Concession Stand): Auditorium Drive-in	5/Seat 10/Space
Offices	20/Employee
Factories: No Showers With Showers Add for Cafeteria	25/Employee 35/Employee 5/Employee
Stores	2/Employee
SEASONAL AND RECREATIONAL	
Fairground (Peak Daily Attend)	1/Person
Stadium	2/Seat
Swimming Pool: Toilet & Shower Wastes	10/Person

ESTABLISHMENTS	
Parks & Camps (Day Use): Toilet & Shower Wastes	15/Person
Roadside Rest Area: Toilet & Shower Wastes Toilet Waste	10/Person 5/Person
Overnight Accommodation: Central Toilet Central Toilet & Shower	25/Person 35/Person
Designated Camp Area: Toilet & Shower Wastes Toilet Wastes	90/Space 65/Space
Seasonal Camp	50/Space
Luxury Cabin	75/Person
Travel Trailer Park with Sewer & Water Hook-up	125/Space
Construction Camp	50/Person
Resort Camps	50/Person
Luxury Camps	100/Person
Country Clubs Resident Member Add for Nonresident Member	100/Member 25/Person
Public Restrooms: Toilet Wastes Toilet & Shower Wastes	5/Person 15/Person

(10-1-90)

09. Total Volume. The total volume of a septic tank will at a minimum be one hundred fifteen percent (115%) of its liquid capacity. (10-1-90)

10. Inlets. (7-1-93)

a. The inlet into the tank will be at least four (4) inches in diameter and enter the tank three (3) inches above the liquid level. (10-1-90)

b. The inlet of the septic tank and each compartment will be submerged by means of a vented tee or baffle. (10-1-90)

c. Vented tees or baffles will extend above the liquid level seven (7) inches or more but not closer than one (1) inch to the top of the tank. (10-1-90)

d. Tees should not extend horizontally into the tank beyond two (2) times the diameter of the inlet. (10-1-90)

11. Outlets. (7-1-93)

a. The outlet of the tank will be at least four (4) inches in diameter. (10-1-90)

b. The outlet of the septic tank and each compartment will be submerged by means of a vented tee or baffle. (10-1-90)

c. Vented tees and baffles will extend above the liquid level seven (7) inches or more above the liquid level but no closer than one (1) inch to the inside top of the tank. (10-1-90)

d. Tees and baffles will extend below the liquid level to a depth where forty percent (40%) of the tank's liquid volume is above the bottom of the tee or baffle. For vertical walled rectangular tanks, this point is at forty percent (40%) of the liquid depth. In horizontal cylindrical tanks this point is about thirty-five percent (35%) of the liquid depth. (10-1-90)

e. Tees and baffles should not extend horizontally into the tank beyond two (2) times the diameter of the outlet. (10-1-90)

12. **Scum Storage.** A septic tank will provide an air space above the liquid level which will be equal to or greater than fifteen percent (15%) of the tank's liquid capacity. For horizontal cylindrical tanks, this condition is met when the bottom of the outlet port is located at nineteen percent (19%) of the tank's diameter when measured from the inside top of the tank. (10-1-90)

13. **Manholes.** Access to each septic tank or compartment shall be provided by a manhole twenty (20) inches in minimum dimension or a removable cover of equivalent size. Each manhole cover will be provided with a corrosion resistant strap or handle to facilitate removal. (10-1-90)

14. **Inspection Ports.** An inspection port measuring at least eight (8) inches in its minimum dimension will be placed above each inlet and outlet. Manholes may be substituted for inspection ports. (10-1-90)

15. **Split Flows.** The wastewater from a single building sewer or sewer line may not be divided and discharged into more than one (1) septic tank or compartment. (10-1-90)

16. **Multiple Tank or Compartment Capacity.** Multiple septic tanks or compartmented septic tanks connected in series may be used so long as the sum of their liquid capacities is at least equal to the minimum tank capacity computed in Subsection 007.07 and the initial tank or compartment has a liquid capacity of more than one-half (1/2) but no more than two-thirds (2/3) of the total liquid capacity of the septic tank facility. (12-31-91)

17. Minimum Separation Distances Between Septic Tanks and Features of Concern.

Features of Concern	Minimum Distance to Septic Tank in Feet	
Well or Spring or Suction Line	Public Water	100
	Other	50
Water Distribution Line	Public Water	25
	Other	10
Permanent or Intermittent Surface Water		50
Temporary Surface Water		25
Downslope Cut or Scarp		25
Dwelling Foundation or Building		5
Property Line		5
Seasonal High Water Level (Vertically from Top of Tank)		2

(10-1-90)

18. **Installation of Manufactured Tanks.** If written installation instructions are provided by the manufacturer of a septic tank, those instructions relative to the stability and integrity of the tank are to be followed unless otherwise specified in the installation permit of these rules. (5-7-93)

19. Manhole Extension. If the top of the septic tank is to be located more than twenty-four (24) inches below the finished grade, manholes will be extended to within eighteen (18) inches of the finished grade. (10-1-90)

20. Sectional Tanks. Sectional tanks will be joined in a manner that will insure that the tank is watertight. (10-1-90)

21. Inlet and Outlet Piping. Unless otherwise specified in the installation permit, piping to and from a septic tank or dosing chamber, to points three (3) feet beyond the tank excavation shall be of a material approved by the Director. The following materials are required: (5-7-93)

a. ABS schedule forty (40) or material of equal or greater strength piping shall be used to span the excavations for the septic tank and dosing chamber. (5-7-93)

b. ASTM D-3034 plastic pipe may be used to span the septic tank and dosing chamber if the excavation is compacted with fill material. (5-7-93)

i. The fill material must be granular, clean and compacted to ninety percent (90%) standard proctor density. (5-7-93)

ii. Placement of ASTM D-3034 on undisturbed earth is suitable, but in no installation shall there be less than twelve (12) inches of cover over the pipe. (5-7-93)

22. Effluent Pipe Separation Distances. Effluent pipes shall not be installed closer than fifty (50) feet from a well. (5-7-93)

23. Septic Tank Abandonment. Responsibility of properly abandoning a septic tank shall remain with the property owner. Septic tanks shall be abandoned in accordance with the following: (5-7-93)

a. Disconnection of the inlet and outlet piping; (5-7-93)

b. Pumping of the scum and septage with approved disposal; (5-7-93)

c. Filling the septic tank with earthen materials; or (5-7-93)

d. Physically destroying the septic tank or removing the septic tank from the ground. (5-7-93)

008. STANDARD SUBSURFACE DISPOSAL FACILITY DESIGN AND CONSTRUCTION.

01. Standard Drainfield. A drainfield consisting of an effluent sewer, one (1) or more aggregate filled trenches and a gravity flow wastewater distribution system. These standards will be the basis of acceptable design and configuration. Overall dimensions of a specific facility will depend upon site characteristics and the volume of wastewater. (10-1-90)

02. Site Suitability. The area in which a standard drainfield is to be constructed must meet the conditions stated in this subsection: (10-1-90)

a. Slope. The natural slope of the site will not exceed twenty percent (20%). (10-1-90)

b. Soil types. Suitable soil types must be present at depths corresponding with the sidewalls of the proposed drainfield and at depths which will be between the bottom of the proposed drainfield and any limiting soil layer (effective soil depth).

Design Soil Group	Soil Textural Classification	USDA Field Test Textural Classification	
Unsuitable	Gravel	10 Mesh	
	Coarse Sand	10-35 Mesh	Sand

Design Soil Group	Soil Textural Classification	USDA Field Test Textural Classification	
A	Medium Sand	35-60 Mesh	Sand
	Fine Sand	65-140 Mesh	Sand
	Loamy Sand		Sand
B	Very Fine Sand	140-270 Mesh	Sand
	Sandy Loam		Sandy Loam
	Very Fine Loamy Sand		Sandy Loam
	Loam		
	Silt Loam		Silt Loam
C	Silt		Silt Loam
	Clay Loam		Clay Loam
	Sandy Clay Loam		Clay Loam
	Silty Clay Loam		Clay Loam
Unsuitable	Sandy Clay		Clay
	Silty Clay		Clay
	Clay		Clay
	Clay soils with high shrink/swell potential		Clay
	Organic mucks		
	Claypan, Duripan,		
	Hardpan		

(10-1-90)

c. Effective Soil Depths. Effective soil depths, in feet, below the bottom of the drainfield must be equal to or greater than those values listed in the following table.

EFFECTIVE SOIL DEPTHS TABLE			
Site Conditions	Design	Soil	Group
Limiting Layer	A	B	C
Impermeable Layer	4	4	4
Fractured Bedrock, Fissured Bedrock or Extremely Permeable Material	6	4	3
Normal High Groundwater Level	6	4	3
Seasonal High Groundwater Level	1	1	1

(5-7-93)

d. Separation Distances. The drainfield must be located so that the separation distances given be maintained or exceeded according to the following Table:

Feature of Interest	Soil Types All	A	B	C
Public Water Supply	100			
All Other Domestic Water Supplies including Springs and Suction Lines	100			
Water Distribution Lines: Pressure Suction	25 100			
Permanent or Intermittent Surface Water other than Irrigation Canals & Ditches		300	200	100
Temporary Surface Water and Irrigation Canals and Ditches	50			
Downslope Cut or Scarp: Impermeable Layer Above Base Impermeable Layer Below Base		75 50	50 25	50 25
Building Foundations: Crawl Space or Slab Basement	10 20			
Property Line	5			

(5-7-93)

03. Subsurface Disposal Facility Sizing. The size of a subsurface disposal system will be determined by the following procedures: (10-1-90)

a. Daily flow estimates should be determined in the same manner as are flow estimates for septic tank sizing in Subsection 007.08. (5-7-93)

b. The total required absorption area is obtained by dividing the estimated daily flow by a value below.

Design Soil Group	A	B	C
Absorption Area - Gallons/Square Foot/Day	1.0	0.5	0.2

(10-1-90)

c. Required Area. The size of an acceptable site must be large enough to construct two (2) complete drainfields in which each are sized to receive one hundred percent (100%) of the design wastewater flow. (10-1-90)

04. Standard Subsurface Disposal Facility Specifications. The following table presents additional design specifications for new subsurface sewage disposal facilities.

SUBSURFACE DISPOSAL FACILITY TABLE	
Item	All Soil Groups
Length of Individual Distribution Laterals	100 Feet Maximum

SUBSURFACE DISPOSAL FACILITY TABLE	
Item	All Soil Groups
Grade of Distribution Laterals and Trench Bottoms	Level
Width of Trenches	1 Foot Minimum 6 Feet Maximum
Depth of Trenches	2 Feet Minimum 4 Feet Maximum
Total Square Feet of Trench	1500 Sq.ft. Max.
Undisturbed Earth Between Trenches	6 Feet Minimum
Undisturbed Earth Between Septic Tank and Trenches	6 Feet Minimum
Depth of Aggregate:	
Total	12 In. Minimum
Over Distribution Laterals	2 In. Minimum
Under Distribution Laterals	6 In. Minimum
Depth of Soil Over Top of Aggregate	12 In. Minimum

(10-1-90)

05. Wastewater Distribution. Systems shall be installed to maintain equal or serial effluent distribution. (10-1-90)

06. Excavation. Trenches will not be excavated during the period of high soil moisture content when that moisture promotes smearing and compaction of the soil. (10-1-90)

07. Soil Barrier. The aggregate will be covered throughout with untreated building paper, a synthetic filter fabric (geotextile), a three (3) inch layer of straw or other acceptable permeable material. (10-1-90)

08. Aggregate. The trench aggregate shall be crushed rock, gravel, or other acceptable, durable and inert material which is, free of fines, and has an effective diameter from one-half (1/2) to two and one-half (2 1/2) inches. (10-1-90)

09. Impermeable Surface Barrier. No treatment area trench or replacement area shall be covered by an impermeable surface barrier, such as tar paper, asphalt or tarmac or be used for parking or driving on or in any way compacted and shall be adequately protected from such activities. (5-7-93)

10. Standard Absorption Bed. Absorption bed disposal facilities may be considered when a site is suitable for a standard subsurface disposal facility except that it is not large enough. (10-1-90)

a. General Requirements. Except as specified in this section, rules and regulations applicable to a standard subsurface disposal system are applicable to an absorption bed facility. (10-1-90)

b. Slope Limitation. Sites with slopes in excess of eight percent (8%) are not suitable for absorption bed facilities. (10-1-90)

c. Vehicular Traffic. Rubber tired vehicles must not be driven on the bottom surface of any bed excavation. (10-1-90)

d. Distribution Lateral Spacing. Distribution laterals within a bed must be spaced on not greater than six (6) feet centers nor may any sidewall be more than three (3) feet from a distribution lateral. (10-1-90)

11. Seepage Pit. Seepage pit disposal facilities may be used on a case by case basis within the boundaries of District Health Department Seven when an applicant can demonstrate to the district director's satisfaction that the soils and depth to ground water are sufficient to prevent ground water contamination. The district director shall document all such cases. (4-2-91)L

a. General Requirements. Except as specified in Subsection 008.11.b., rules and regulations applicable to a standard subsurface disposal system are applicable to a seepage pit. (12-31-91)

b. Other conditions for approval, sizing and construction will be as provided for in the seepage pit section of the Technical Guidance Manual for Individual and Subsurface Sewage Disposal, except that the site size restriction in condition two (2) of the Conditions for Approval will not apply. (10-1-90)

12. Failing Subsurface Sewage Disposal System. If the Director determines that the public's health is at risk from a failed septic system and that the replacement of a failing subsurface sewage disposal system cannot meet the current rules and regulations, then the replacement system must meet the intent of the rules and regulations by utilizing a standard subsurface sewage disposal design or alternative system design as specified by the Director. (5-7-93)

009. OTHER COMPONENTS.

01. Design Approval Required. Commercially manufactured blackwaste and wastewater treatment and storage components may not be used in the construction of a system unless their design is approved by the Director. (10-1-90)

02. Plan and Specification Submittal. Plans and specifications for all commercially manufactured individual and subsurface treatment and storage components will be submitted to the Director for approval. Plans and specifications will show or include as requested by the Director, detailed construction drawings, capacities, structural calculations, list of materials, evidence of stability and durability, manufacturers installation, operation and maintenance instructions, and other relevant information. (10-1-90)

03. Effect of Design Approval. The Director may condition a design approval by specifying circumstances under which the component must be installed, used, operated, maintained, or monitored. (7-1-17)

a. The Director shall specify the complex alternative systems that must undergo professionally managed operation, maintenance, service, or effluent testing. (7-1-17)

b. Manufacturers shall provide training to a reasonable number of service providers to perform required operation, maintenance, or monitoring as specified by the Director. (7-1-17)

c. Manufacturers may enter into agreements with certified service providers trained in their technology but shall not limit the service providers from being trained in the technology of other manufacturers. (7-1-17)

04. Notice of Design Disapproval. If the Director is satisfied that the component described in the submittal may not be in compliance with or may not consistently function in compliance with these rules, or that the manufacturer of the proposed system failed to comply with Subsection 009.03, the Director will disapprove the design as submitted. The manufacturer or distributor submitting the design for approval will be notified in writing of the disapproval and the reason for that action. (7-1-17)

010. VARIANCES.

01. Technical Allowance. The Director may make a minor technical allowance to the dimensional or construction requirements of these rules for a standard system if: (5-7-93)

a. The allowance will not affect adjacent property owners or the public at large; (10-1-90)

- b.** The allowance will not violate the conditions of Subsection 004.01; and (12-31-91)
- c.** The allowance will not be in conflict with any other rule, regulation, standard, or ordinance. (10-1-90)
- d.** The allowance to a dimensional requirement is not more than ten percent (10%) of the requirements of these rules unless otherwise provided for in the Technical Guidance Manual. (5-7-93)
- 02. Petition for Variance.** If a petition of variance to these rules is desired, a request for a variance may be filed with the Director. The petition shall contain the following: (10-1-90)

 - a.** A concise statement of the facts upon which the variance is requested including a description of the intended use of the property, the estimates of the quantity of blackwaste or wastewater to be discharged, and a description of the existing site conditions; (10-1-90)
 - b.** A concise statement of why the petitioner believes that compliance with the provision from which variance is sought would impose an arbitrary or unreasonable hardship, and of the injury that the grant of the variance would impose on the public; and (10-1-90)
 - c.** A clear statement of the precise extent of the relief sought. (10-1-90)
- 03. Public Notice.** At the time of filing a petition evidence shall also be submitted that: (10-1-90)

 - a.** A notice has appeared in the local newspaper advising the public of the request for variance; (10-1-90)
 - b.** All property owners within three hundred (300) feet of the affected site have been notified; and (10-1-90)
 - c.** Such notices to the public have been made fifteen (15) days prior to the filing of the petition. (10-1-90)
- 04. Objections to Petition.** Any person may file with the Department, within twenty-one (21) days after the filing of the petition, a written objection to the grant of the variance. A copy of such objection shall be provided by the Department to the petitioner. (10-1-90)
- 05. Investigation and Decision.** After investigating the variance petition and considering the views of persons who might be adversely affected by the grant of the variance, the Director shall, within sixty (60) days after the filing of the petition, make a decision as to the disposition of the petition. The decision, a copy of which shall be served on the petitioner, shall include: (10-1-90)

 - a.** A description of the efforts made by the Director to investigate the facts as alleged and to ascertain the views of persons who might be affected, and a summary of the views so ascertained; (10-1-90)
 - b.** A statement of the degree to which, if at all, the Director disagrees with the facts as alleged in the petition; (10-1-90)
 - c.** Allegations of any other facts believed relevant to the disposition of the petition; and (10-1-90)
 - d.** The Director's decision. (10-1-90)
- 06. Limitations on Decision.** No technical allowance or variance shall be granted unless: (10-1-90)

 - a.** Adequate proof is shown by the petitioner that compliance would impose an arbitrary or unreasonable hardship; (10-1-90)
 - b.** The technical allowance or variance rendered is consistent with the recommendations of the

Technical Guidance Committee or the Technical Guidance Manual in use at the time of the petition; and (10-1-90)

c. The Director has determined that the approval of the technical allowance or variance will not have an adverse impact on the public health or the environment. (10-1-90)

011. INSPECTIONS.

01. One or More Inspections Required. Such inspection as are necessary to determine compliance with any requirement or provision of these rules shall be required by the Director. (5-7-93)

02. Duty to Uncover. The permittee shall, at the request of the Director, uncover or make available for inspection any portion or component of an individual or subsurface sewage disposal system which was covered or concealed in violation of these rules. (5-7-93)

03. Advance Notice by Permittee. If an inspection requires some type of preparation, such as test hole excavation or partial construction of the system, the applicant or permittee will notify the Director at least forty-eight (48) hours in advance, excluding weekends and holidays, before the time preparation will be completed. (10-1-90)

04. Substantiating Receipts and Delivery Slips. The permittee shall upon request by the Director provide copies of receipts, delivery slips or other similar documents to substantiate the origin, quality, or quantity of materials used in the construction of any individual or subsurface system. (10-1-90)

012. VIOLATIONS AND PENALTIES.

01. Failure to Comply. All individual and subsurface sewage disposal systems shall be constructed and installed according to these rules. Failure by any person to comply with the permitting, licensing, approval, installation, or variance provisions of these rules shall be deemed a violation of these rules. (5-7-93)

02. System Operation. No person shall discharge pollutants into the underground water of the state of Idaho through an individual or subsurface sewage disposal system unless in accordance with the provisions of these rules. (5-7-93)

03. Violation a Misdemeanor. Pursuant to Section 39-117, Idaho Code, any person who willfully or negligently violates any of the provisions of these rules shall be guilty of a misdemeanor. (5-7-93)

013. LARGE SOIL ABSORPTION SYSTEM DESIGN AND CONSTRUCTION.

01. Site Investigation. A site investigation for a large soil absorption system by a soil scientist and/or hydrogeologist may be required by the Director for review and approval and shall be coordinated with the Director. Soil and site investigations shall conclude that the effluent will not adversely impact or harm the waters of the State. (5-7-93)

02. Installation Permit Plans. Installation permit application plans, as outlined in Subsection 005.04, for a large soil absorption system submitted for approval shall include provisions for inspections of the work during construction by the design engineer or his designee and/or by the Director. (5-7-93)

03. Module Size. The maximum size of any subsurface sewage disposal module shall be ten thousand (10,000) gallons per day. Developments with greater than ten thousand (10,000) gallons per day flow shall divide the system into absorption modules designed for ten thousand (10,000) gallons per day or less. (5-7-93)

04. Standard Large Soil Absorption System Design Specifications. (5-7-93)

a. All design elements and applications rates shall be arrived at by sound engineering practice and shall be provided by a professional engineer licensed by the state of Idaho and specializing in environmental or sanitary engineering. (5-7-93)

b. Within thirty (30) days of system installation completion the design engineer shall provide either as-built plans or a certificate that the system has been installed in substantial compliance with the installation permit

application plans.

(5-7-93)

c. Effective Soil Depths. Effective soil depths, in feet, below the bottom of the absorption module to the site conditions must be equal to or greater than the following table:

TABLE -- EFFECTIVE SOIL DEPTHS			
Site Conditions	Design	Soil	Group
Limiting Layer	A	B	C
Impermeable Layer	8	8	8
Fractured Bedrock, Fissured Bedrock or Extremely Permeable Material	12	8	6
Normal High Groundwater Level	12	8	6
Seasonal High Groundwater Level	2	2	2

(5-7-93)

d. Separation Distances. The disposal area absorption module must be located so that the following separation distances given, in feet, are maintained or exceeded as outlined in the following table:

TABLE -- SEPARATION DISTANCES			
Feature of Interest	Design	Soil	Group
	A	B	C
All Domestic Water Supplies			
Sewage Volume - 2,500-5,000 GPD	250	200	150
Sewage Volume - 5,000-10,000 GPD	300	250	200
Property Lines			
Sewage Volume - 2,500-5,000 GPD	50	50	50
Sewage Volume - 5,000-10,000 GPD	75	75	75
Building Foundations - Basements			
Sewage Volume - 2,500-5,000 GPD	50	50	50
Sewage Volume - 5,000-10,000 GPD	75	75	75
Downslope Cut or Scarp			
Impermeable Layer - Below Base	100	50	50
Separation Distance - Between Modules	12	12	12

(5-7-93)

e. No large soil absorption system shall be installed above a downslope scarp or cut unless it can be demonstrated that the installation will not result in effluent surfacing at the cut or scarp. (5-7-93)

f. A minimum of two (2) disposal systems will be installed, each sized to accept the daily design flow,

and a replacement area equal to the size of one (1) disposal system will be reserved. (5-7-93)

g. The vertical and horizontal hydraulic limits of the receiving soils shall be established and flows shall not exceed such limits so as to avoid hydraulically overloading any absorption module and replacement area. (5-7-93)

h. The distribution system must be pressurized with a duplex dosing system. (5-7-93)

i. A geotextile filter fabric shall cover the aggregate. (5-7-93)

j. An in-line effluent filter between an extended treatment system or lagoon system and the large soil absorption area shall be installed. (5-7-93)

k. Observation pipes shall be installed to the bottom of the drainrock throughout the drainfield. (5-7-93)

l. Pneumatic tired machinery travel over the excavated infiltrative surface is prohibited. (5-7-93)

m. The drainfield disposal area shall be constructed to allow for surface drainage and to prevent ponding of surface water. Before the system is put into operation the absorption module disposal area shall be seeded with typical lawn grasses and/or other appropriate shallow rooted vegetation. (5-7-93)

05. Large Septic Tanks. Large Septic Tanks shall be constructed according to Section 007, except as outlined in this Subsection: (5-7-93)

a. Length to width ratios shall be maintained at least at a three to one (3:1) ratio. (5-7-93)

b. Tank inlet shall allow for even distribution of the influent across the width of the tank. (5-7-93)

c. The width to liquid depth ratio shall be between one to one (1:1) and two and one-quarter to one (2.25:1). (5-7-93)

06. Monitoring and Reporting. Before an installation permit is issued, a monitoring and reporting plan shall be approved by the Director and shall contain the following minimum criteria: (5-7-93)

a. Monthly recording and inspection for ponding in all observation pipes. (5-7-93)

b. Monthly recording of influent flows based on lapse time meter and/or event meter of the dosing system. (5-7-93)

c. Monthly recording of groundwater elevation measurements at all monitoring wells if high seasonal groundwater is within fifteen (15) feet of the ground surface. (5-7-93)

d. Semi-annual groundwater monitoring at all monitoring wells. (5-7-93)

e. Monitoring shall conform to the requirements of all federal, state, and local rules and regulations. (5-7-93)

f. An annual "Large Soil Absorption System Report" shall be filed with the Director no later than January 31 of each year for the last twelve (12) month period and shall include section on operation, maintenance and monthly and annual monitoring data. (5-7-93)

07. Operation and Maintenance. Before an installation permit is issued, an operation and maintenance plan shall be approved by the Director and shall contain the following minimum criteria: (5-7-93)

a. Annual or more frequent rotation of the disposal systems, and whenever ponding is noted. (5-7-93)

b. A detailed operation and maintenance manual, fully describing and locating all elements of the

system and outlining maintenance procedures needed for operation of the system and who will be responsible for system maintenance, shall be submitted to the Director prior to system use. (5-7-93)

c. A maintenance entity shall be specified to provide continued operation and maintenance. Approval of the entity shall be made by the Director prior to issuance of an installation permit. (5-7-93)

014. -- 049. (RESERVED)

050. CLEANING OF SEPTIC TANKS – GENERAL REQUIREMENTS.

All persons, firms or corporations operating any tank truck or any other device or equipment used or intended to be used for the purpose of pumping or cleaning septic tanks and/or transporting or disposing of human excrement, shall conform with the following requirements. (3-1-60)

01. Equipment to Be Watertight. The tank or transporting equipment shall be watertight and so constructed as to prevent spilling or leaking while being loaded, transported and/or unloaded. (3-1-60)

02. Equipment to Be Cleanable. The tank or transporting equipment shall be constructed in such a manner that every portion of the interior and exterior can be easily cleaned and maintained in a clean condition at all times while not in actual use. (3-1-60)

03. Disposal Methods. Disposal of excrement from septic tanks shall be by the following methods only: (3-1-60)

a. Discharging to a public sewer; (3-1-60)

b. Discharging to a sewage treatment plant; (3-1-60)

c. Burying under earth in a location and by a method approved by the Department of Environmental Quality; (3-1-60)

d. Drying in a location and by a method approved by the Department of Environmental Quality. (3-1-60)

051. CLEANING OF SEPTIC TANKS – PERMIT REQUIREMENTS.

All persons operating septic tank pumping equipment shall obtain a permit from the Idaho Department of Environmental Quality for the operation of such equipment. Permits shall be renewed annually. Applications for renewal of permits shall be made on or before March 1 of each year. (3-1-60)

01. Permit Application Contents. Applications for permits shall submit the following information on forms prepared by the Department: (3-1-60)

a. Number of tank trucks operated by owner; (3-1-60)

b. Vehicle license number of each tank truck; (3-1-60)

c. Name and address of owner and/or operator of equipment; (3-1-60)

d. Name and address of business, if different from Subsection 051.01.c.; (3-1-60)

e. Methods of disposal to be used in all areas of operation; (3-1-60)

f. Location of all disposal sites used by applicant; (3-1-60)

g. A complete basis of charges made for payment of the work performed. (3-1-60)

02. Permit Fee. All applications shall be accompanied by payment of the fee specified in Idaho Department of Environmental Quality Rules, IDAPA 58.01.14, Section 115, "Rules Governing Fees for

Environmental Operating Permits, Licenses, and Inspection Services.” (12-31-91)

03. Vehicle Number to Be Displayed. For each permit issued, a number will be assigned to the owner and/or operator of the tank truck or trucks. The assigned number shall be displayed at all times on the door of the vehicle or vehicles in a manner easily legible. (3-1-60)

04. Permit Suspension or Revocation. Permits issued are the property of the Department of Environmental Quality and may be suspended or revoked at any time the operator is not in compliance with the requirements of these rules. (3-1-60)

052. -- 995. (RESERVED)

996. ADMINISTRATIVE PROVISIONS.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, “Rules of Administrative Procedure Before the Board of Environmental Quality”. (3-15-02)

997. CONFIDENTIALITY OF RECORDS.

Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Title 74, Chapter 1, Idaho Code, and IDAPA 58.01.21, “Rules Governing the Protection and Disclosure of Records in the Possession of the Department of Environmental Quality.” (3-15-02)

998. -- 999.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-1901

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 2020 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second Regular Session of the Sixty-fifth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

Upon legislative approval of this pending rule the amendments made in this docket will overwrite those sections of the reauthorized rule promulgated under docket no. 58-0000-1900F, which will also be filed for review for final approval during the upcoming legislative session.

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 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law.

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 7, 2019, [Vol. 19-8, pages 147 through 153](#). DEQ received no public comments, and the rule has been adopted as initially proposed. More information regarding this rule docket is available at www.deq.idaho.gov/58-0105-1901.

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 Caroline Moores at caroline.moores@deq.idaho.gov or (208) 373-0554.

Dated this 14th day of November, 2019.

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THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 58-0105-1901

This rulemaking is being republished in its entirety. Previously made amendments are shown in **red plain text (non-italicized)**.

002. INCORPORATION BY REFERENCE OF FEDERAL REGULATIONS.

Any reference in these rules to requirements, procedures, or specific forms contained in the Code of Federal Regulations (CFR), Title 40, Parts 124, 260 - 268, 270, 273, 278, and 279 shall constitute the full adoption by reference of that part and Subparts as they appear in 40 CFR, revised as of July 1, 2019, including any notes and appendices therein, unless expressly provided otherwise in these rules. ()

01. Exceptions. Nothing in 40 CFR Parts 260 - 268, 270, 273, 278, 279 or Part 124 as pertains to permits for Underground Injection Control (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under Section 404 of the Clean Water Act, the National Pollution Discharge Elimination System (NPDES) under the Clean Water Act or Prevention of Significant Deterioration Program (PSD) under the Clean Air Act is adopted or included by reference herein. (5-8-09)

02. Availability of Referenced Material. The federal regulations adopted by reference throughout these rules are maintained at the following locations: (7-2-97)

- a. U.S. Government Printing Office, <http://www.ecfr.gov/cgi-bin/ECFR>; and (3-25-16)
- b. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, ID 83720-0051, (208) 334-3316; and (7-2-97)
- c. Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208) 373-0502. (7-2-97)

(BREAK IN CONTINUITY OF SECTIONS)

004. HAZARDOUS WASTE MANAGEMENT SYSTEM.

40 CFR Part 260 and all Subparts, except 40 CFR 260.2, are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. For the purposes of 40 CFR 260.4(a)(4) and 260.5(b)(2), “EPA” is defined as the U.S. Environmental Protection Agency. For the purposes of 40 CFR 260.10 in the definition of electronic manifest and electronic manifest system, “EPA” is defined as the U.S. Environmental Protection Agency. For purposes of 40 CFR 260.10, in the definition of hazardous waste constituent, “Administrator” is defined as the U.S. Environmental Protection Agency Administrator. For purposes of 40 CFR 260.20, “Federal Register” is defined as the Idaho Administrative Bulletin. ()

005. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE.

40 CFR Part 261 and all Subparts (excluding 261.4(b)(17)), except the language “in the Region where the sample is collected” in 40 CFR 261.4(e)(3)(iii), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. For purposes of 40 CFR 261.10 and 40 CFR 261.11, “Administrator” is defined as the U.S. Environmental Protection Agency Administrator. For purposes of 40 CFR 261.4(b)(11)(ii), 40 CFR 261.39(a)(5), 40 CFR 261.41, and 40 CFR 261 Appendix IX, “EPA” is defined as the U.S. Environmental Protection Agency. Copies of annual reports and advance notifications under these sections shall also be sent to the Director. ()

01. Hazardous Secondary Materials Managers Emergency Notification. In addition to the emergency notification required by 40 CFR 261.411(d)(3) and 261.420(f)(4)(ii), the emergency coordinator must also immediately notify the Idaho Office of Emergency Management by telephone, 1-800-632-8000, to file an identical report. (3-29-17)

02. Excluded Wastes. Chemically Stabilized Electric Arc Furnace Dust (CSEAFD) generated by EnviroSAFE Services of Idaho, Inc. (ESII) at ESII’s facility in Grand View, Idaho using the Super Detox(R) treatment process as modified by ESII and that is disposed of in a Subtitle D or Subtitle C landfill is excluded from the lists of hazardous waste provided ESII implements a program that meets the following conditions: (3-16-96)

a. Verification Testing Requirements. Sample Collection and analyses, including quality control procedures, conducted pursuant to Subsections 005.02.b. and 005.02.c., must be performed according to SW-846 methodologies and the RCRA Part B permit, including future revisions. (3-29-17)

b. Initial Verification Testing. (3-16-96)

i. For purposes of Subsections 005.02.b., “new source” means any generator of Electric Arc Furnace Dust (EAFD), EPA and Idaho Department of Environmental Quality Hazardous Waste No. KO61, whose waste has not previously been processed by ESII using the Super Detox(R) treatment process resulting in processed EAFD which has been subjected to initial verification testing and has demonstrated compliance with the delisting levels specified in Subsection 005.02.d. (3-29-17)

ii. Prior to the initial treatment of any new source of EAFD, ESII must notify the Department in writing. The written notification includes: ()

(1) The waste profile information; and (3-16-96)

(2) The name and address of the generator. (3-16-96)

iii. The first four (4) consecutive batches treated must be sampled in accordance with Subsection 005.02.a. Each of the four (4) samples shall be analyzed to determine if the CSEAFD generated meets the delisting levels specified in Subsection 005.02.d. (3-29-17)

iv. If the initial verification testing demonstrates that the CSEAFD samples meet the delisting levels specified in Subsection 005.02.d., ESII shall submit the operational and analytical test data, including quality control information, to the Department, in accordance with Subsection 005.02.f. Subsequent to such data submittal, the CSEAFD generated from EAFD originating from the new source shall be considered delisted. (3-29-17)

v. CSEAFD generated by ESII from EAFD originating from a new source shall be managed as hazardous waste in accordance with Subtitle C of RCRA until: (3-16-96)

(1) Initial verification testing demonstrates that the CSEAFD meets the delisting levels specified in Subsection 005.02.d.; and (3-29-17)

(2) The operational and analytical test data is submitted to the Department pursuant to Subsection 005.02.b.iv. (3-29-17)

vi. For purposes of Subsections 005.02.b. and 005.02.c., “batch” means the CSEAFD that results from a single treatment episode in a full scale mixing vessel. (3-29-17)

c. Subsequent Verification Testing. (3-16-96)

i. Subsequent to initial verification testing, ESII shall collect a representative sample, in accordance with Subsection 005.02.a., from each batch of CSEAFD generated by ESII. ESII may, at its discretion, conduct subsequent verification testing on composite samples. In no event shall a composite sample consist of representative samples from more than twenty (20) batches of CSEAFD. (3-29-17)

ii. The samples shall be analyzed prior to disposal of each batch of CSEAFD to determine if the CSEAFD meets the delisting levels specified in Subsection 005.02.d. (3-29-17)

iii. Each batch of CSEAFD generated by ESII shall be subjected to subsequent verification testing no later than thirty (30) days after it is generated by ESII. (3-16-96)

iv. If the levels of constituents measured in a sample, or composite sample, of CSEAFD do not exceed the levels set forth in Subsection 005.02.d., then any batch of CSEAFD which contributed to the sample that does not exceed the levels set forth in Subsection 005.02.d. is non-hazardous and may be managed and/or disposed of in a Subtitle D or Subtitle C landfill. (3-29-17)

v. If the constituent levels in a sample, or composite sample, exceed any of the delisting levels set forth in Subsection 005.02.d., then ESII must submit written notification of the results of the analysis to the Department within fifteen (15) days from receiving the final analytical results, and any CSEAFD which contributed to the sample must be: (3-29-17)

- (1) Retested, and retreated if necessary, until it meets the levels set forth in Subsection 005.02.d.; or (3-29-17)
- (2) Managed and disposed of in accordance with Subtitle C of RCRA. (3-16-96)

vi. Each batch of CSEAFD shall be managed as hazardous waste in accordance with Subtitle C of RCRA until subsequent verification testing demonstrates that the CSEAFD meets the delisting levels specified in Subsection 005.02.d. (3-29-17)

d. Delisting Levels. (3-16-96)

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

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

(3-16-96)

ii. Metal concentrations must be measured in the waste leachate by the method specified in 40 CFR Part 261.24. (3-16-96)

e. Modification of Treatment Process. (3-16-96)

i. If ESII makes a decision to modify the Super Detox(R) treatment process from the description of the process as set forth in ESII's Petition for Delisting Treated K061 Dust by the Super Detox(R) Process submitted to the Department on July 14, 1995, ESII shall notify the Department in writing prior to implementing the modification. (3-16-96)

ii. After ESII's receipt of written approval from the Department, and subject to any conditions included with the approval, ESII may implement the proposed modification. (3-16-96)

iii. If ESII modifies its treatment process without first receiving written approval from the Department, this exclusion of waste will be void from the time the process was modified. (3-16-96)

iv. ESII's Petition for Delisting Treated K061 Dust by the Super Detox(R) Process submitted to the Department on July 14, 1995 is available at the Department of Environmental Quality, Waste Management and Remediation Division, 1410 N. Hilton, Boise, Idaho 83706. (3-29-12)

f. Records and Data Retention and Submittal. (3-16-96)

i. Records of disposal site, operating conditions and analytical data from verification testing must be compiled, summarized, and maintained at ESII's Grand View facility for a minimum of five (5) years from the date

the records or data are generated. (3-16-96)

ii. The records and data maintained by ESII must be furnished upon request to the Department or EPA. (3-16-96)

iii. Failure to submit requested records or data within ten (10) business days of receipt of a written request or failure to maintain the required records and data on site for the specified time, will be considered by the Department, at its discretion, sufficient basis to revoke the exclusion to the extent directed by the Department. (3-16-96)

iv. All records or data submitted to the Department must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the records or data submitted: "Under civil and/or criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete. As to any identified sections of this document for which I cannot personally verify the truth and accuracy, I certify as the ESII official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete. In the event that any of this information is determined by the Department in its sole discretion to be false, inaccurate, or incomplete, and upon conveyance of this fact to ESII, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Department and that ESII will be liable for any actions taken in contravention of ESII's RCRA and CERCLA obligations premised upon ESII's reliance on the void exclusion." (3-16-96)

g. Facility Merger and Name Change. On May 4, 2001, the Department was notified of a stock transfer that resulted in ESII's facility merging with American Ecology. This created a name change from EnviroSAFE Services of Idaho, Inc. (ESII) to US Ecology Idaho, Inc. effective May 1, 2001. All references to EnviroSAFE Services of Idaho, Inc. or ESII now refer to US Ecology Idaho, Inc. (3-15-02)

006. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE.

01. Incorporation by Reference. 40 CFR Part 262 and all Subparts, except for the language "for the Region in which the generator is located" in 40 CFR 262.42(a)(2) and 40 CFR 262.42(b), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. For purposes of 40 CFR 262.82, 262.83, and 262.84, "EPA" is defined as the U.S. Environmental Protection Agency. Copies of advance notification, annual reports, and exception reports, required under those sections, shall also be provided to the Director. For purposes of 40 CFR 262.20, 262.21, 262.24, 262.25, and 262.39, EPA or Environmental Protection Agency is defined as the U.S. Environmental Protection Agency. For purposes of 40 CFR Part 262, Subpart H, "United States or U.S." is defined as the United States. ()

02. Generator Emergency Notification. In addition to the emergency notification required by 40 CFR 262.16(b)(9)(iv)(C) and 262.265(d)(2), (see 40 CFR 262.17(a)(6), 263.30(c)(1), 264.56(d)(2), and 265.56(d)(2)) the emergency coordinator must also immediately notify the Idaho Office of Emergency Management by telephone, 1-800-632-8000, to file an identical report. (3-28-18)

007. STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE.

40 CFR Part 263 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. For purposes of 40 CFR 263.20(g), 263.20(g)(1), 263.20(g)(4), 263.21(a)(4), and 263.22(d), "United States" is defined as the United States. For the purposes of 40 CFR 263.20(a), "EPA" is defined as U.S. Environmental Protection Agency. ()

008. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

40 CFR Part 264 and all Subparts (excluding 40 CFR 264.1(f), 264.1(g)(12), 264.149, 264.150, 264.301(l), 264.1030(d), 264.1050(g), 264.1080(e), 264.1080(f) and 264.1080(g)) are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. For purposes of 40 CFR Subsection 264.12(a), "Regional Administrator" is defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. For purposes of 40 CFR 264.71 and 264.1082(c)(4)(ii), "EPA" is defined as the U.S. Environmental Protection Agency. ()

009. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

40 CFR Part 265, and all Subparts (excluding Subpart R, 40 CFR 265.1(c)(4), 265.1(c)(15), 265.149, 265.150, 265.1030(c), 265.1050(f), 265.1080(e), 265.1080(f), and 265.1080(g)), except the language contained in 40 CFR 265.340(b)(2) as replaced with: “The following requirements continue to apply even when the owner or operator has demonstrated compliance with the MACT requirements of part 63, subpart EEE of this chapter: 40 CFR 265.351 (closure) and the applicable requirements of Subparts A through H, BB and CC of this part,” are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. For purposes of 40 CFR Subsection 265.12(a), “Regional Administrator” is defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. For purposes of 40 CFR 265.71 and 265.1083(c)(4)(ii), “EPA” is defined as the U.S. Environmental Protection Agency. ()

010. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE FACILITIES.

40 CFR Part 266 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. ()

011. LAND DISPOSAL RESTRICTIONS.

40 CFR Part 268 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019, except for 40 CFR 268.1(e)(3), 268.5, 268.6, 268.13, 268.42(b), and 268.44(a) through (g). The authority for implementing the provisions of these excluded sections remains with the EPA. However, the requirements of Sections 39-4403(17) and 39-4423, Idaho Code, shall be applied in all cases where these requirements are more stringent than the federal standards. If the Administrator of the EPA grants a case-by-case variance pursuant to 40 CFR 268.5, that variance will simultaneously create the same case-by-case variance to the equivalent requirement of these rules. For purposes of 40 CFR 268.2(j) “EPA” is defined as the U.S. Environmental Protection Agency. For purposes of 40 CFR 268.40(b), “Administrator” is defined as U.S. Environmental Protection Agency Administrator. In 40 CFR 268.7(a)(9)(iii), “D009” is excluded, (from lab packs as noted in 40 CFR Part 268 Appendix IV.) ()

012. HAZARDOUS WASTE PERMIT PROGRAM.

40 CFR Part 270 and all Subparts, except 40 CFR 270.1(c)(2)(ix), 270.12(a) and 40 CFR 270.14(b)(18), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. For purposes of 40 CFR 270.2, 270.5, 270.10(e)(2), 270.10(e)(3), 270.10(f)(2), 270.10(f)(3), 270.10(g), 270.11(a)(3), 270.32(a), 270.32(b)(2), 270.32(c), 270.51, 270.72(a)(5), and 270.72(b)(5), “EPA” and “Administrator” or “Regional Administrator” is defined as the U.S. Environmental Protection Agency and the U.S. Environmental Protection Agency Region 10 Regional Administrator respectively. ()

013. PROCEDURES FOR DECISION-MAKING (STATE PROCEDURES FOR RCRA OR HWMA PERMIT APPLICATIONS).

40 CFR Part 124, Subparts A, B and G are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019, except that the last sentence of 40 CFR 124.10(b)(1), 40 CFR 124.15(b)(2), 40 CFR 124.19, the fourth sentence of 40 CFR 124.31(a), the third sentence of 40 CFR 124.32(a), and the second sentence of 40 CFR 124.33(a) are expressly omitted from the incorporation by reference of each of those subsections. For purposes of 40 CFR 124.6(e), 124.10(b), and 124.10(c)(1)(ii) “EPA” and “Administrator” or “Regional Administrator” is defined as the U.S. Environmental Protection Agency and the U.S. Environmental Protection Agency Region 10 Regional Administrator, respectively. ()

014. (RESERVED)

015. STANDARDS FOR THE MANAGEMENT OF USED OIL.

01. Incorporation by Reference. 40 CFR Part 279 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. For purposes of 40 CFR 279.43(c)(3)(ii) “Director” is defined as the Director, U.S.DOT Office of Hazardous Materials Regulation. ()

02. Used Oil as a Dust Suppressant. 40 CFR Part 279 contains a prohibition on the use of used oil as a dust suppressant at 279.82(a), however, States may petition EPA to allow the use of used oil as a dust suppressant.

Members of the public may petition the State to make this application to EPA. This petition to the State must: (2-11-94)

- a. Be submitted to the Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706-1255; and (2-11-94)
- b. Demonstrate how the requirements of 40 CFR 279.82(b) will be met. (2-11-94)

016. STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.

40 CFR Part 273 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. For purposes of 40 CFR 273.32(a)(3), “EPA” is defined as the U.S. Environmental Protection Agency. ()

017. CRITERIA FOR THE MANAGEMENT OF GRANULAR MINE TAILINGS (CHAT) IN ASPHALT CONCRETE AND PORTLAND CEMENT CONCRETE IN TRANSPORTATION CONSTRUCTION PROJECTS FUNDED IN WHOLE OR IN PART BY FEDERAL FUNDS.

40 CFR Part 278 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. ()

018. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT.

40 CFR Part 267 and all Subparts, except 40 CFR 267.150, are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2019. ()

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.09 – RULES REGULATING SWINE FACILITIES

DOCKET NO. 58-0109-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Idaho §§ 39-104A, 39-105, and 39-107.

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

This pending fee rule adopts the following existing and previously approved and codified chapter(s) under IDAPA 58 rules of the Department of Environmental Quality:

IDAPA 58.01.09, Rules Regulating Swine Facilities

The proposed rule was published in the September 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 638 through 654](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The proposed rule includes non-substantive clerical revisions made by the Administrative Rules Coordinator using his authority under Idaho Code § 67-5202. “The coordinator shall have the authority to make clerical revisions or to correct manifest typographical or grammatical errors to both proposed and existing rules that do not alter the sense, meaning or effect of such rules.” Idaho Code § 67-5202(2). The revisions are consistent with [Executive Order No. 2019-02](#), and did not alter the sense, meaning or effect of the rules (i.e., elimination of restrictive words such as “shall”).

More information regarding this rule docket is available at www.deq.idaho.gov/58-0109-1901.

FEE SUMMARY: The rules provide a specific description of the fee or charge imposed by this rulemaking. This rulemaking does not impose a fee or charge beyond what was previously approved and codified in the prior rules. The fee category and statutory authority for imposition of the fees are listed below.

Idaho Code § 39-119, permit application fee

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 because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, please contact the undersigned.

Dated this 14th day of November, 2019.

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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.11 – GROUND WATER QUALITY RULE

DOCKET NO. 58-0111-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Idaho §§ 39-105, 39-107, 39-120, and 39-126.

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

This pending fee rule adopts and re-publishes the following existing and previously approved and codified chapter under IDAPA 58 rules of the Department of Environmental Quality:

IDAPA 58.01.11, Ground Water Quality Rule

The proposed rule was published in the September 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 655 through 673](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The proposed rule includes non-substantive clerical revisions made by the Administrative Rules Coordinator using his authority under Idaho Code § 67-5202. “The coordinator shall have the authority to make clerical revisions or to correct manifest typographical or grammatical errors to both proposed and existing rules that do not alter the sense, meaning or effect of such rules.” Idaho Code § 67-5202(2). The revisions are consistent with [Executive Order No. 2019-02](#), and did not alter the sense, meaning or effect of the rules (i.e., elimination of restrictive words such as “shall”).

More information regarding this rule docket is available at www.deq.idaho.gov/58-0111-1901.

FEE SUMMARY: The rules provide a specific description of the fee or charge imposed by this rulemaking. This rulemaking does not impose a fee or charge beyond what was previously approved and codified in the prior rules. The fee category and statutory authority for imposition of the fees are listed below.

Idaho Code § 39-119, point of compliance application fee

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 because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, please contact the undersigned.

Dated this 14th day of November, 2019.

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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.17 – RECYCLED WATER RULES

DOCKET NO. 58-0117-1901

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2020 Idaho State Legislature for final approval. The pending rule becomes final and effective upon the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Chapter 1, Title 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.

This pending rule adopts the following existing and previously approved and codified chapter under IDAPA 58 rules of the Department of Environmental Quality:

IDAPA 58.01.17, Recycled Water Rules

The proposed rule was published in the September 4, 2019 Idaho Administrative Bulletin, [Vol. 19-9, pages 675 through 702](#). DEQ received no public comments, and the rule has been adopted as initially proposed.

More information regarding this rule docket is available at www.deq.idaho.gov/58-0117-1901.

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 because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the adoption of this pending rule, contact the undersigned.

Dated this 14th day of November, 2019.

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IDAPA 60 – IDAHO SOIL AND WATER CONSERVATION COMMISSION

60.05.01 – RULES FOR ADMINISTRATION OF THE IDAHO RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM

DOCKET NO. 60-0501-1901

NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the proposed rulemaking initiated under this docket. This action is authorized by Sections 22-2718 and 22-2731, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for vacating the proposed rulemaking originally initiated under this docket number (60-0501-1901).

ISWCC originally initiated this rulemaking to modify Sections 103 and 151, which would expedite the loan process by allowing applicants to begin construction before liens are filed and allow a higher maximum loan limit for applicants.

As part of the rulemaking process that reauthorized the rules of the Commission (docket nos. 60-0000-1900 and 60-0000-1900F), chapters 60.05.01 and 60.05.04 were consolidated into a single, renamed chapter, 60.05.01, “Rules of the Idaho State Soil and Water Conservation Commission.” The changes proposed in this rulemaking were incorporated into the consolidated chapter that was adopted as pending and published in the November 20, 2019 Special Edition Idaho Administrative Bulletin under Docket No. 60-0000-1900F.

Because the two rule chapters were consolidated into one chapter, this chapter will be null and void once the current temporary expires at the end of the 2020 legislative session. For that reason, this proposed rulemaking is hereby vacated.

The complete text of the vacated proposed rule was published in the October 2, 2019 Idaho Administrative Bulletin, [Vol. 19-10, pages 359-361](#).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the vacation of this proposed rulemaking, contact Corrine Dalzell at corrine.dalzell@swc.idaho.gov, (208) 332-1792.

Dated this 14th day of November, 2019.

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Sections Affected Index

IDAPA 02 – DEPARTMENT OF AGRICULTURE

Docket No. 02-0000-1900FA

02.02.14 – Rules for Weights and Measures

000. Legal Authority	14
001. Title And Scope	14
002. -- 003. (Reserved)	14
004. Incorporation By Reference	14
005. -- 009. (Reserved)	14
010. Definitions	14
011. Abbreviations	17
012. License Required For Commercially-Used Weighing Or Measuring Instrument Or Device.	17
013. License Application	17
014. Annual License Period	17
015. License Renewals	17
016. Maximum And Minimum License Fee Schedule For Commercially-Used Weighing And Measuring Instruments And Devices.	17
017. Voluntary Inspection Of Weighing And Measuring Instruments And Devices, Fees.....	18
018. License Displayed	18
019. -- 099. (Reserved)	18
100. Charges For Special Request Testing Or Examination.....	18
101. -- 149. (Reserved)	19
150. Packaging And Labeling Rules	19
151. -- 169. (Reserved)	19
170. Identity.....	19
171. Declaration Of Quantity -- Consumer Packages	20
172. Prescribed Units.....	21
173. Polyethylene Sheeting	23
174. Supplementary Declarations	24
175. -- 179. (Reserved)	24
180. Declaration Of Quantity -- Non-consumer Packages	24
181. -- 199. (Reserved)	25
200. Prominence And Placement -- Consumer Packages	25
201. -- 209. (Reserved)	26
210. Prominence And Placement -- Non-consumer Packages General	26
211. -- 219. (Reserved)	27
220. Requirements -- Specific Consumer Commodities, Packages, Containers	27
221. -- 229. (Reserved)	27
230. Measurement Of Container-Type Commodities, How Expressed.....	27
231. -- 239. (Reserved)	28
240. Textile Products, Threads, And Yarns	28
241. -- 249. (Reserved)	30
250. Exemptions	30
251. -- 259. (Reserved)	33
260. Variations To Be Allowed	33
261. -- 269. (Reserved)	34
270. Misleading Packages	34
271. Advertising Packages For Sale	34
272. -- 299. (Reserved)	34
300. Petroleum Products.....	34
301. -- 349. (Reserved)	35

350. Sale And Labeling Of Gasoline Which Contains Oxygenates.....	35
351. Biodiesel.....	36
352. -- 399. (Reserved).....	36
400. Unattended Vending Machines.....	36
401. -- 449. (Reserved).....	36
450. Registration Of Servicemen And Service Agencies For Commercial Weighing And Measuring Devices.....	36
451. -- 499. (Reserved).....	38
500. Bread.....	38
501. -- 599. (Reserved).....	38
600. Single Draft Vehicle Weighing.....	38
601. -- 649. (Reserved).....	38
650. Rule For National Type Evaluation.....	38
651. -- 999. (Reserved).....	38

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.03.01 – Rules of Building Safety

Docket No. 07-0301-1901

004. Adoption And Incorporation By Reference.....	41
---	----

07.05.01 – Rules of the Public Works Contractors License Board

Docket No. 07-0501-1901

201. Fees.....	51
----------------	----

07.08.01 – Idaho Minimum Safety Standards and Practices for Logging

Docket No. 07-0801-1901

005. -- 006. (Reserved).....	53
012. Employer's Responsibility.....	53
013. Employee's Responsibility.....	55
014. -- 050. (Reserved).....	56
051. First Aid.....	56
052. Safety Equipment And Personal Protective Equipment.....	58
152. Signaling.....	61
301. Falling And Bucking.....	61
351. Rigging.....	63
353. Lines, Shackles And Blocks.....	64
402. Tractors And Similar Logging Equipment.....	67
452. Cable Yarding.....	67
454. Wire Rope.....	68
501. Log Truck Transportation.....	79
551. Specific Requirements.....	86

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.01 – Rules Governing Administration

Docket No. 08-0201-1903

008. Definitions.....	92
009. -- 049. (Reserved).....	92
250. Pupil Accounting And Required Instructional Time.....	92
007. Full-Time Equivalent (FTE) Enrollment Reporting.....	93

08.02.02 – Rules Governing Uniformity

Docket No. 08-0202-1902

004. Incorporation By Reference.....	95
--------------------------------------	----

007. Definitions	95
015. Idaho Educator Credential	97
016. Idaho Interim Certificate	105
017. Content, Pedagogy And Performance Assessment For Certification.....	106
018. -- 020. (Reserved).....	107
021. Endorsements	107
022. Instructional Certificate Endorsements A - D.	107
023. Instructional Certificate Endorsements E - L.....	109
024. Instructional Certificate Endorsements M - Z.	110
042. Alternative Authorization – Certification.	114
043. -- 059. (Reserved).....	116
060. Application Procedures / Professional Development.	116
076. Code Of Ethics For Idaho Professional Educators (Sections 33-1208 And 33-1209, Idaho Code).	117
077. Definitions For Use With The Code Of Ethics For Idaho Professional Educators (Sections 33-1208 And 33-1209, Idaho Code).	121

08.02.03 – Rules Governing Thoroughness

Docket No. 08-0203-1903

004. Incorporation By Reference	124
111. Assessment In The Public Schools.....	126

IDAPA 12 – DEPARTMENT OF FINANCE

12.01.08 – Rules Pursuant to the Uniform Securities Act (2004)

Docket No. 12-0108-1901

053. Federal Covered Securities (Rule 53).....	131
083. Broker-Dealer Agent/Issuer Agent Registration (Rule 83).	132
095. Investment Adviser Brochure Rule (Rule 95).....	134

12.01.09 – Rules Pursuant to the Idaho Credit Code

Docket No. 12-0109-1901

005. Incorporation By Reference (Rule 5).....	136
---	-----

12.01.10 – Rules Pursuant to the Idaho Residential Mortgage Practices Act

Docket No. 12-0110-1901

005. Incorporation By Reference (Rule 5).....	138
050. Written Disclosures (Rule 50).	138

12.01.11 – Rules Pursuant to the Idaho Collection Agency Act

Docket No. 12-0111-1901

005. Incorporation By Reference (Rule 5).....	140
---	-----

IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY

19.01.01 – Rules of the Idaho State Board of Dentistry

Docket No. 19-0101-1901

001. Title And Scope.....	143
011. Application And License Fees.....	143
012. Examinations For Licensure.....	143
013. Requirements For Licensure.....	143
014. Requirement For BLS.	144
015. Continuing Education Requirements.....	144
031. Infection Control.....	144
035. Dental Therapists – Practice.....	145
036. Dental Therapists – Prohibited Practice.....	145

037. Dental Assistants – Practice.....	145
038. – 040. (Reserved).....	148
041. Local Anesthesia.....	148
042. Nitrous Oxide/Oxygen.....	148
056. Unprofessional Conduct.....	149

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.03 – Rules Governing Administration of the Reclamation Fund

Docket No. 20-0303-1901

000. Legal Authority.....	152
001. Title And Scope.....	152
002. Administrative Appeals.....	152
003. -- 009. (Reserved).....	152
010. Definitions.....	152
011. -- 015. (Reserved).....	153
016. Required Participants.....	153
017. Ineligible Mines Or Operators.....	153
018. Acreage And Reclamation Cost Limitations.....	154
019. Optional Participation.....	155
020. Federal Agency Non-Acceptance Of Reclamation Fund.....	155
021. -- 025. (Reserved).....	155
026. Payment.....	155
027. -- 030. (Reserved).....	155
031. Enforcement And Failure To Comply.....	155

20.03.04 – Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho

Docket No. 20-0304-1901

020. Applications.....	158
021. -- 024. (Reserved).....	160
025. Processing Of Applications For Single-Family And Two-Family Navigational Encroachments Within Line Of Navigability.....	160
060. Installation.....	161
061. -- 064. (Reserved).....	162
065. Assignments.....	162

IDAPA 23 – BOARD OF NURSING

23.01.01 – Rules of the Idaho Board of Nursing

Docket No. 23-0101-1901

491. Technicians/Technologists.....	164
492. -- 599. (Reserved).....	164

IDAPA 46 – BOARD OF VETERINARY MEDICINE

46.01.01 – Rules of the State of Idaho Board of Veterinary Medicine

Docket No. 46-0101-1902

014. Fees.....	166
----------------	-----

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – Rules of Career Technical Schools

Docket No. 55-0103-1902

005. Definitions.....	168
006. -- 099. (Reserved).....	169

100. Statement Of Purpose.....	169
101. (Reserved)	169
102. Career Technical Component Criteria.....	169
103. Application Process.....	169
104. Career Technical School Added Cost Unit Funding And Eligibility.	169
105. Career Technical School Unit Funding Calculation.....	170
106. (Reserved)	170
107. Career Technical School Unit Funding Distribution.....	170

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – Rules for the Control of Air Pollution in Idaho

Docket No. 58-0101-1903

588. -- 591. (Reserved).....	171
840. -- 859. (Reserved).....	172
Docket No. 58-0101-1905	
107. Incorporations By Reference.....	175

58.01.02 – Water Quality Standards

Docket No. 58-0102-1901

210. Numeric Criteria For Toxic Substances For Waters Designated For Aquatic Life, Recreation, Or Domestic Water Supply Use.	178
287. Site-Specific Aquatic Life Criteria For Selenium.....	192

58.01.03 – Individual/Subsurface Sewage Disposal Rules

Docket No. 58-0103-1902

000. (Reserved)	198
001. Legal Authority.	198
002. Title, Scope, Conflict And Responsibilities.	198
003. Definitions.	199
004. General Requirements.	201
005. Permit And Permit Application.	202
006. Installer's Registration Permit And Service Provider Certification.....	205
007. Septic Tanks Design And Construction Standards.	207
008. Standard Subsurface Disposal Facility Design And Construction.....	212
009. Other Components.....	216
010. Variances.	216
011. Inspections.	218
012. Violations And Penalties.	218
013. Large Soil Absorption System Design And Construction.	218
014. -- 049. (Reserved).....	221
050. Cleaning Of Septic Tanks – General Requirements.	221
051. Cleaning Of Septic Tanks – Permit Requirements.....	221
052. -- 995. (Reserved).....	222
996. Administrative Provisions.	222
997. Confidentiality Of Records.	222
998. -- 999.	222

58.01.05 – Rules and Standards for Hazardous Waste

Docket No. 58-0105-1901

002. Incorporation By Reference Of Federal Regulations.	224
004. Hazardous Waste Management System.....	224
005. Identification And Listing Of Hazardous Waste.....	224
006. Standards Applicable To Generators Of Hazardous Waste.....	227

007.	Standards Applicable To Transporters Of Hazardous Waste.	227
008.	Standards For Owners And Operators Of Hazardous Waste Treatment, Storage And Disposal Facilities.	227
009.	Interim Status Standards For Owners And Operators Of Hazardous Waste Treatment, Storage And Disposal Facilities.	228
010.	Standards For The Management Of Specific Hazardous Wastes And Specific Types Of Hazardous Waste Facilities.	228
011.	Land Disposal Restrictions.....	228
012.	Hazardous Waste Permit Program.	228
013.	Procedures For Decision-Making (State Procedures For RCRA Or HWMA Permit Applications).	228
014.	(Reserved)	228
015.	Standards For The Management Of Used Oil.....	228
016.	Standards For Universal Waste Management.	229
017.	Criteria For The Management Of Granular Mine Tailings (CHAT) In Asphalt Concrete And Portland Cement Concrete In Transportation Construction Projects Funded In Whole Or In Part By Federal Funds.	229
018.	Standards For Owners And Operators Of Hazardous Waste Facilities Operating Under A Standardized Permit.	229

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

*THERE ARE NO PROPOSED RULES PUBLISHED
IN THE DECEMBER 4, 2019, IDAHO ADMINISTRATIVE BULLETIN, VOL. 19-12.*

Please refer to the Idaho Administrative Bulletin [December 4, 2019, Volume 19-12](#), for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and contact information.

Issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

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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 online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

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

April 11, 2019 – December 4, 2019

(PLR 2020) – Final Effective Date Is Pending Legislative Review in 2020

(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.)

IDAPA 01 – IDAHO BOARD OF ACCOUNTANCY

- 01-0101-1900F** *Idaho Accountancy Rules* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 01-0101-1900F** *Idaho Accountancy Rules* - Notice of Omnibus Fee Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9
- 01-0101-1900F** *Idaho Accountancy Rules* - Notice of Omnibus Fee Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

- 02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(Omnibus Negotiated Rulemaking – Consolidation & Reorganization of Chapters Under the Direction of ISDA Chapters 02.02.02 through 02.06.41)
- 02-0000-1900** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 02**, Chapters 04-06, 10; **Title 04**, Chapters 05-06, 22, 24; **Title 05**, Chapter 01 - Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0000-1900** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0000-1900A** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking (for rules requiring 22-101A statement) - Reauthorizes **Title 01**, Chapter 03; **Title 02**, Chapters 02, 09; **Title 04**, Chapters 04, 08, 13, 18, 20-21, 25, 27-29; **Title 06**, Chapters 07-11, 13, 15, 17, 20, 22, 24, 26, 32, 38, 39 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0000-1900A** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0000-1900F** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 01**, Chapters 02, 04, 05; **Title 06**, Chapter 33 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0000-1900F** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0000-1900FA** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Rules requiring 22-101A statement) - Reauthorizes **Title 02**, Chapters 07, 11-15; **Title 04**, Chapters 03, 09, 19, 26; **Title 06**, Chapters 01-06, 12, 14, 18, 27, 30-31, 34, 40-41 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0000-1900FA** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0000-1900FA** *Rules of the Idaho Department of Agriculture* - Notice of Correction to Omnibus Pending Fee Rulemaking, Bulletin Vol. 19-12 (PLR 2020)
- 02-0616-1900** *Rules Governing Honey Standards* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 06**, Chapter 16 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0616-1900** *Rules Governing Honey Standards* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0701-1900F** *Rules of the Idaho Hop Growers Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 07**, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0701-1900F** *Rules of the Idaho Hop Growers Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0801-1900F** *Rules of the Idaho Sheep and Goat Health Board* - Notice of Omnibus Fee Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 08**, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0801-1900F** *Rules of the Idaho Sheep and Goat Health Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

02.01.04, Rules Governing the Idaho Preferred[®] Promotion Program

- 02-0104-1801* Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6 (*Rulemaking terminated by agency)
- 02-0104-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 02-0104-1901 Proposed Rulemaking, Bulletin Vol. 19-8
- 02-0104-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.02.02, Idaho Department of Agriculture Controlled Atmosphere Storage Rules

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.02.02, Rules Governing Grading and Controlled Atmosphere Storage of Apples

- 02-0202-1901* Proposed Rulemaking (New Chapter), Bulletin Vol. 19-11
- (*Rulemaking combines previously codified chapters 02.02.02 and 02.02.04 into this new chapter)

02.02.04, Idaho Standards for Grades of Apples

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.02.05, Prune Standards

- 02-0205-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.02.05, Rules Governing Stone Fruit Grades

- 02-0205-1902* Proposed Rulemaking (New Chapter), Bulletin Vol. 19-11
- (*Rulemaking combines previously codified chapters 02.02.05, 02.02.06 and 02.02.10 into this new chapter)

02.02.06, Idaho Standards for Grades of Sweet Cherries

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.02.07, Bulk Permit Procedure (Potatoes)

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.02.07, Rules Governing Bulk Permit and Retail Sale of Potatoes

- 02-0207-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
- (*Rulemaking combines previously codified chapters 02.02.07 and 02.02.09 into this new chapter)

02.02.09, Rules Requiring Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.02.10, Idaho Standards for Apricots

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.02.12, Bonded Warehouse Rules

- 02-0212-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
- 02-0212-1902 Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 7-1-19)T
- 02-0212-1901 Proposed Rulemaking, Bulletin Vol. 19-9
- 02-0212-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.02.14, Rules for Weights and Measures

- 02-0214-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 02-0214-1901 2nd Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

02.03.01, Rules Governing Pesticide Management Plans for Ground Water Protection

- 02-0301-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0301-1901 Proposed Rulemaking, Bulletin Vol. 19-9
- 02-0301-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.03.03, Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application

- 02-0303-1901** Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0303-1901** Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9
- 02-0303-1901** Adoption of Pending Fee Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.03, Rules Governing Animal Industry

- 02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.03, Rules Governing Animal Industry

- 02-0403-1901*** Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
(*Rulemaking combines previously codified chapters **02.04.03** and **02.04.22** into this new chapter - no change to chapter name)

02.04.05, Rules Governing Manufacture Grade Milk

- 02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.05, Rules Governing Grade A Milk and Manufacture Grade Milk

- 02-0405-1901*** Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
(*Rulemaking combines previously codified chapters **02.04.05**, **02.04.06**, **02.04.08** and **02.04.09** into this new chapter)

02.04.06, Rules Governing Licensed Dairy Plants

- 02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.08, Rules Governing Grade A Milk and Milk Products

- 02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.09, Rules Governing Milk and Cream Procurement and Testing

- 02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.14, Rules Governing Dairy Byproduct

- 02-0414-1901** Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02.04.15, Rules Governing Beef Cattle Animal Feeding Operations

- 02-0415-1901** Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0415-1901** Proposed Rulemaking, Bulletin Vol. 19-9
- 02-0415-1901** Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.16, Rules Governing Agriculture Odor Management

- 02-0416-1901** Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.17, Rules Governing Dead Animal Movement and Disposal

- 02-0417-1901** Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0417-1901** Proposed Rulemaking, Bulletin Vol. 19-9
- 02-0417-1901** Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.18, Rules Governing CAFO Site Advisory Team

- 02-0418-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
- 02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.20, Rules Governing Brucellosis

- 02-0420-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
- 02-0420-1901** Proposed Rulemaking, Bulletin Vol. 19-9
- 02-0420-1901** Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.21, Rules Governing the Importation of Animals

- 02-0421-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
- 02-0421-1901 Proposed Rulemaking, Bulletin Vol. 19-9
- 02-0421-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.22, Rules Governing Animal Health Emergencies

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.23, Rules Governing Commercial Livestock Truck Washing Facilities

- 02-0423-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0423-1901 Proposed Rulemaking, Bulletin Vol. 19-9
- 02-0423-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.26, Rules Governing Livestock Marketing

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.26, Rules Governing the Public Exchange of Livestock

- 02-0426-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
(*Rulemaking combines previously codified chapters 02.04.26 and 02.04.28 into this new chapter)

02.04.28, Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.30, Rules Governing Nutrient Management

- 02-0430-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
- 02-0430-1902 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.30, Rules Governing Environmental and Nutrient Management

- 02-0430-1903* Proposed Rulemaking (New Chapter), Bulletin Vol. 19-11
(*Rulemaking combines previously codified chapters 02.04.16, 02.04.18, 02.04.30 and 02.04.31 into this new chapter)

02.04.31, Rules Governing the Stockpiling of Agricultural Waste

- 02-0431-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.04.32, Rules Governing Poultry Operations

- 02-0432-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0432-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9
- 02-0432-1901 Adoption of Pending Fee Rule, Bulletin Vol. 19-11 (PLR 2020)

02.06.01, Rules Governing the Pure Seed Law

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.01, Rules Governing the Production and Distribution of Seed

- 02-0601-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
(*Rulemaking combines previously codified chapters 02.06.01, 02.06.13 and 02.06.14 into this new chapter)

02.06.02, Rules Pertaining to the Idaho Commercial Feed Law

- 02-0602-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.02, Rules Governing Registrations and Licenses

- 02-0602-1902* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
(*Rulemaking combines previously codified chapters 02.06.02, 02.06.03, 02.06.12, 02.06.31 and 02.06.41 into this new chapter)

02.06.03, Rules Pertaining to the Idaho Nurseries and Florists Law

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.04, Phytosanitary and Post-Entry Certification Rules

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.04, Rules Governing Plant Exports

02-0604-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11

(*Rulemaking combines previously codified chapters **02.06.02**, **02.06.34**, and **02.06.40** into this new chapter)

02.06.05, Rules Governing Diseases of Hops (*Humulus lupulus*)

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.05, Rules Governing Plant Disease and Quarantines

02-0605-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11

(*Rulemaking combines previously codified chapters **02.06.05**, **02.06.07**, **02.06.08**, **02.06.11**, **02.06.15**, **02.06.17**, **02.06.18**, **02.06.20**, **02.06.24**, **02.06.32** and **02.06.38** into this new chapter)

02.06.09, Rules Governing Invasive Species

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.09, Rules Governing Invasive Species and Noxious Weeds

02-0609-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11

(*Rulemaking combines previously codified chapters **02.06.09**, **02.06.22**, and **02.06.39** into this new chapter)

02.06.10, Rules Governing the Pale Cyst Nematode (*Globodera pallida*)

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.10, Rules Governing the Growing of Potatoes

02-0610-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11

(*Rulemaking combines previously codified chapters **02.06.10**, **02.06.26**, **02.06.27** and **02.06.31** into this new chapter)

02.06.11, Rules Governing European Corn Borer (*Ostrinia nubilalis*)

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

02-0612-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.14, Rules Governing Annual Bluegrass (*Poa annua*)

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.15, Rules Governing Peach Tree Diseases

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.17, Rules Governing the Disposal of Cull Onions and Potatoes

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.18, Rules Governing Mint Rootstock and Clone Production

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.20, Rules Governing Grape Planting Stock

02-0620-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.22, Noxious Weed Rules

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.24, Rules Governing the Japanese Beetle (*Popillia japonica*)

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.26, Rules Concerning Seed Potato Crop Management Areas

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.27, Rules Governing Bacterial Ring Rot Caused By (*Clavibacter michiganensis* subsp. *sepedonicus*) of Potato

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.30, Rules Under the Idaho Bee Inspection Law

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.31, Noxious Weed Free Forage and Straw Certification Rules

02-0631-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.32, Rules Concerning the Anthracnose Disease of Lentil (*lens culinaris medik*)

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.34, Rules Concerning Virus-Free Certification of Nursery Stock

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.38, Rules Governing Plum Curculio (*Conotrachelus nenuphar*)

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.39, Rules Governing Minimum Standards for Planting Uncertified Seed Potatoes in Idaho

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.40, Rules Governing Ginseng Export

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

02-0641-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

STATE ATHLETIC COMMISSION

(Moved and Re-designated) - Rules of the State Athletic Commissions (This chapter has been re-designated from *IDAPA 03.01.01* to *IDAPA 24.02.01* under the Bureau of Occupational Licenses - See IDAPA 24 in this Index.)

IDAPA 04 -- OFFICE OF THE ATTORNEY GENERAL

04-0000-1900 *Rules of the Attorney General* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 02, Chapter 01; Titles 11, 12, 20 - Bulletin Vol. 19-6SE (eff. 6-30-19)T

04-0000-1900 *Rules of the Attorney General* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

04-0000-1900F *Rules of the Attorney General* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 02, Chapter 02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

04-0000-1900F *Rules of the Attorney General* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS

05-0000-1900 *Rules of the Department of Juvenile Corrections* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 02-04; Title 02, Chapters 01-03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

05-0000-1900 *Rules of the Department of Juvenile Corrections* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

05.01.04, Uniform Standards for Juvenile Probation Services

05-0104-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8

IDAPA 06 -- STATE BOARD OF CORRECTION

06-0000-1900 *Rules of the State Board of Correction* - Omnibus Notice of Proclamation of Rulemaking - Reauthorizes Title 01, Chapters 01-02; Title 02, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)

06.02.02, Rules Governing Establishment and Operation of a Limited Supervision Unit by the Department of Correction, Division of Probation and Parole

06-0202-1901 Notice of Proclamation of Rulemaking, Bulletin Vol. 19-10 (eff. 11-1-19)

IDAPA 07 – DIVISION OF BUILDING SAFETY

07-0000-1900* *Rules of the Division of Building Safety* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 01, 04-08, 10; Title 02, Chapters 04-06; Title 03, Chapters 09, 13; Title 04, Chapter 01; Title 06, Chapter 01; Title 08, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

(*Rulemaking combines Title 08, Chapters 02-17 into 07.08.01

07-0000-1900 *Rules of the Division of Building Safety* - Notice of Omnibus Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9

07-0000-1900 *Rules of the Division of Building Safety* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

07-0000-1900F *Rules of the Division of Building Safety* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 02-03, 11; Title 02, Chapters 02-03, 07; Title 03, Chapters 01, 03, 11-12; Title 04, Chapter 02; Title 05, Chapter 01; Title 07, Chapter 01; Title 10, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

07-0000-1900F *Rules of the Division of Building Safety* - Notice of Omnibus Fee Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9

07-0000-1900F *Rules of the Division of Building Safety* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

07.01.01, Rules of the Idaho Electrical Board

07-0101-1901* Proposed Rulemaking (New Chapter - Rule Consolidation), Bulletin Vol. 19-9

(*This rulemaking consolidates all rules previously promulgated under Title 01, Chapters 01-11)

07-0101-1901* Adoption of Pending Rule (New Chapter - Rule Consolidation), Bulletin Vol. 19-12 (PLR 2020)

07.01.03, Rules of Electrical Licensing and Registration – General

07-0103-1901* Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5 (Terminated)

(*Rulemaking has been included in the newly consolidated rule chapter under Docket 07-0101-1901)

07.02.02, Rules Governing Plumbing Permits

07-0202-1901* Proposed Fee Rulemaking, Bulletin Vol. 19-7

(*This rulemaking consolidates provisions from IDAPA 07.02.03, 07.02.04, and 07.02.07 into this chapter)

07-0202-1901* Notice of Vacation of Proposed Fee Rulemaking, Bulletin Vol. 19-10

07.02.03, Rules Governing Permit Fee Schedule

07-0203-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

07-0203-1902 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

07-0203-1902 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10

07.02.04, Rules Governing Plumbing Safety Inspections

07-0204-1901 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

07-0204-1901 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10

07.02.05, Rules Governing Plumbing Safety Licensing

07-0205-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

07-0205-1901 Proposed Rulemaking, Bulletin Vol. 19-7

07-0205-1901 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10

07.02.07, Rules Governing Civil Penalties

07-0207-1901 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

07-0207-1901 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10

07.03.01, Rules of Building Safety

07-0301-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

07-0301-1901 Proposed Rulemaking, Bulletin Vol. 19-10

07-0301-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

07.03.12, Rules Governing Manufactured or Mobile Home Installations

07-0312-1901* Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7 (*Rulemaking has been terminated)

07.05.01, Rules of the Public Works Contractors License Board

07-0501-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

07-0501-1901 Temporary and Proposed Rulemaking, Bulletin Vol. 19-9 (eff. 7-15-19)T

07-0501-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

07-0701-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

07-0701-1901 Proposed Rulemaking, Bulletin Vol. 19-7

07-0701-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

07-0701-1902 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9

07.08.01, Idaho Minimum Safety Standards and Practices for Logging

07-0801-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

07-0801-1901 Proposed Rulemaking, Bulletin Vol. 19-10

07-0801-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

07.11.01, Rules of the Division of Building Safety

07-1101-1901 Proposed Rulemaking (New Chapter), Bulletin Vol. 19-9

07-1101-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

IDAPA 08 – IDAHO STATE BOARD OF EDUCATION

AND STATE DEPARTMENT OF EDUCATION

08-0000-1900 *Rules of the State Board of Education and the Department of Education* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 02, 10, 11, 13; Title 02, Chapters 01-05; Title 03, Chapter 01; Title 04, Chapter 01; Title 05, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

08-0000-1900F *Rules of the State Board of Education and the Department of Education* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 01, Chapter 11, Sections 200 and 300 only; Title 02, Chapter 02, Sections 066 and 075 only; Title 02, Chapter 03, Section 128 only -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

08-0000-1900 *Rules of the State Board of Education and the Department of Education* - Notice of Public Hearing, Bulletin Vol. 19-8

08-0000-1900 *Rules of the State Board of Education and the Department of Education* - Notice of Public Hearing, Bulletin Vol. 19-10

08.01.13, Rules Governing the Idaho Opportunity Scholarship Program

08-0113-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0113-1901 Temporary and Proposed Rulemaking, Bulletin Vol. 19-10 (eff. 8-29-19)T

08.02.01, Rules Governing Administration

08-0201-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0201-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0201-1902 Proposed Rulemaking, Bulletin Vol. 19-10

08-0201-1903 Notice of Adoption of Temporary Rule, Bulletin Vol. 19-12 (eff. 10-17-19)T

08.02.02, Rules Governing Uniformity

08-0202-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-3

08-0202-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-3

08-0202-1903 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0202-1902 Proposed Rulemaking, Bulletin Vol. 19-8

08-0202-1901 Proposed Rulemaking, Bulletin Vol. 19-10

08-0202-1903 Proposed Rulemaking, Bulletin Vol. 19-10

08-0202-1902 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

08.02.03, Rules Governing Thoroughness

08-0203-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0203-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0203-1903 Temporary and Proposed Rulemaking, Bulletin Vol. 19-8 (eff. 7-1-19)T

08-0203-1901 Proposed Rulemaking, Bulletin Vol. 19-10

08-0203-1902 Proposed Rulemaking, Bulletin Vol. 19-10

08-0203-1903 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

08.02.04, Rules Governing Public Charter Schools

08-0204-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0204-1901 Proposed Rulemaking, Bulletin Vol. 19-10

IDAPA 09 – IDAHO DEPARTMENT OF LABOR

09-0000-1900 *Rules of the Idaho Department of Labor* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 01, 08, 30, 35, 60; Title 02, Chapter 01; Title 05, Chapter 03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

09-0000-1900 *Rules of the Idaho Department of Labor* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

09.01.30, Unemployment Insurance Benefits Administration Rules

09-0130-1901 Notice of Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 3-6-19)T

09-0130-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

- 09-0130-1903 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 09-0130-1902* 2nd Filing - Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 09-0130-1903* 2nd Filing - Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 09-0130-1902 Proposed Rulemaking, Bulletin Vol. 19-9
- 09-0130-1903 Proposed Rulemaking, Bulletin Vol. 19-9
- 09-0130-1902 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
- 09-0130-1903 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

IDAPA 10 – IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

- 10-0000-1900F *Rules of the Board of Professional Engineers and Professional Land Surveyors* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 01, Chapters 01-04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 10-0000-1900F *Rules of the Board of Professional Engineers and Professional Land Surveyors* - Notice of Public Hearing, Bulletin Vol. 19-8
- 10-0000-1900F *Rules of the Board of Professional Engineers and Professional Land Surveyors* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

10.01.01, Rules of Procedure

- 10-0101-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

10.01.04, Rules of Continuing Professional Development

- 10-0104-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

10.01.05, Rules for Military or Veterans Licensure

- 10-0105-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-6

IDAPA 11 – IDAHO STATE POLICE

- 11-0000-1900 *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 03**, Chapter 01; **Title 06**, Chapter 01; **Title 07**, Chapters 01-03; **Title 10**, Chapter 03; **Title 13**, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-0000-1900 *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 11-0000-1900F *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 05, Chapter 01; **Title 10**, Chapter 02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-0000-1900F *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 11-0200-1900F *Rules of the Idaho State Brand Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 02**, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-0200-1900F *Rules of the Idaho State Brand Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 11-0400-1900 *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 04**, Chapters 04, 06, 08-10, 13-14 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-0400-1900 *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 11-0400-1900F *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 04**, Chapters 02, 03, 05, 07, 11, 15 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-0400-1900F *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11-1001-1900F *Idaho Public Safety and Public Information Systems* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, - Reauthorizes **Title 10**, Chapter 01, Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-1001-1900F *Idaho Public Safety and Public Information Systems* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11-1101-1900F* *Rules of the Peace Officer Standards and Training Council* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, - Reauthorizes **Title 11**, Chapter 01, Bulletin Vol. 19-6SE (eff. 6-30-19)T

*(Reauthorization combines previous chapters 11.02, 11.03, 11.04, 11.05, and 11.06 into Title 11, Chapter 01)

11-1101-1900F *Rules of the Peace Officer Standards and Training Council* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

Idaho State Brand Board

11-0200-1900F *Rules of the Idaho State Brand Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 02, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-0200-1900F *Rules of the Idaho State Brand Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11.02.01, Rules of the Idaho State Brand Board

11-0201-1901 Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 7-1-19)T

11-0201-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

Idaho State Police Forensic Services

11-0000-1900 *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 03, Chapter 01**; Title 06, Chapter 01; Title 07, Chapters 01-03; Title 13, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-0000-1900 *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

11.03.01, Rules Governing Alcohol Testing

11-0301-1801 Adoption of Temporary Rule, Bulletin Vol. 18-1 (eff. 12-14-17)T

11-0301-1801 OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule - SCR150, Bulletin Vol. 18-5 (eff. 10-2-17)T

11-0301-1801 OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule - SCR113, Bulletin Vol. 19-5 (eff. 12-14-19)T

11-0301-1901 Proposed Rulemaking, Bulletin Vol. 19-11

Idaho State Racing Commission

11-0400-1900 *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 04**, Chapters 04, 06, 08-10, 13-14 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-0400-1900 *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

11-0400-1900F *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 04**, Chapters 02, 03, 05, 07, 11, 15 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-0400-1900F *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11.04.03, Rules Governing Licensing and Fees

11-0403-1801 Adoption of Temporary Rule, Bulletin Vol. 18-11 (eff. 9-17-18)T

11-0403-1801 OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule by SCR 114, Bulletin Vol. 19-5 (eff. 9-17-18)T

**11.04.11, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances
and Drug Testing of Horses**

- 11-0411-1801*** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 18-3 (*Rulemaking terminated by agency)
11-0411-1802 Adoption of Temporary Rule, Bulletin Vol. 18-11 (eff. 9-17-18)T
11-0411-1802 OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule by SCR 114, Bulletin Vol. 19-5 (eff. 9-17-18)T

11.06.01, Rules Governing Civil Asset Forfeiture Reporting

- 11-0601-1901** Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 2-7-19)T

Public Safety and Security Information Bureau

- 11-0000-1900** *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 03, Chapter 01; Title 06, Chapter 01; Title 07, Chapters 01-03; **Title 10, Chapter 03**; Title 13, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
11-0000-1900 *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
11-0000-1900F *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 05, Chapter 01; **Title 10, Chapter 02** -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
11-0000-1900F *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
11-1001-1900F *Idaho Public Safety and Public Information Systems* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, - Reauthorizes **Title 10, Chapter 01**, Bulletin Vol. 19-6SE (eff. 6-30-19)T
11-1001-1900F *Idaho Public Safety and Public Information Systems* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11.10.02, Rules Governing State Criminal History Records and Crime Information

- 11-1002-1901** Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 2-5-19)T (Expired)

Peace Officer Standards and Training (POST) Council

- 11-1101-1900F** *Rules of the Peace Officer Standards and Training Council* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, - Reauthorizes **Title 11, Chapter 01**, Bulletin Vol. 19-6SE (eff. 6-30-19)T
*(Reauthorization combines previous chapters 11.02, 11.03, 11.04, 11.05, and 11.06 into Chapter 11.01)
11-1101-1900F *Rules of the Peace Officer Standards and Training Council* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

- 11-1101-1901** Adoption of Temporary Rule, Bulletin Vol. 19-4 (eff. 3-14-19)T (Expired)

IDAPA 12 – DEPARTMENT OF FINANCE

- 12-0000-1900** *Rules of the Department of Finance* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 04, 09, 10, 11 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
12-0000-1900 *Rules of the Department of Finance* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
12-0000-1900F *Rules of the Department of Finance* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 06, 08 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
12-0000-1900F *Rules of the Department of Finance* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

12.01.08, Rules Pursuant to the Uniform Securities Act (2004)

- 12-0108-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 12-0108-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

12.01.09, Rules Pursuant to the Idaho Credit Code

- 12-0109-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- 12-0109-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 12-0109-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act

- 12-0110-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- 12-0110-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 12-0110-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

12.01.11, Rules Pursuant to the Idaho Collection Agency Act

- 12-0111-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- 12-0111-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 12-0111-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

- 13-0000-1900 **Rules of the Idaho Fish and Game Commission** - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-04, 06-12, 14-19 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 13-0000-1900 Notice of Omnibus Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9
- 13-0000-1900 **Rules of the Idaho Fish and Game Commission** - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

- 13-0000-1900F **Rules of the Idaho Fish and Game Commission** - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 02, Sections 100 and 102 only; Title 01, Chapter 04, Section 600 only; Title 01, Chapter 08, Subsection 260.06 only; Title 01, Chapter 10, Subsection 400.09 only; Title 01, Chapter 19, Section 112 only; Title 01, Chapter 20, Subsection 102.04 only -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 13-0000-1900F Notice of Omnibus Fee Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9
- 13-0000-1900F **Rules of the Idaho Fish and Game Commission** - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

- 13-0108-1902AP Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-6
- 13-0108-1903 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 13-0108-1904 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 13-0108-1903 Proposed Rulemaking, Bulletin Vol. 19-9
- 13-0108-1904 Proposed Rulemaking, Bulletin Vol. 19-9

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

- 13-0109-1901P Notice of Proclamation of Rulemaking, Bulletin Vol. 19-6
- 13-0109-1902 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 13-0109-1902 Proposed Rulemaking, Bulletin Vol. 19-9
- 13-0109-1801AP Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-10
- 13-0109-1903P Notice of Proclamation of Rulemaking, Bulletin Vol. 19-10

13.01.10, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife

- 13-0110-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 13-0110-1901 Proposed Rulemaking, Bulletin Vol. 19-9

13.01.11, Rules Governing Fish

- 13-0111-1901P Notice of Proclamation, Bulletin Vol. 19-1
- 13-0111-1902P Notice of Proclamation of Rulemaking, Bulletin Vol. 19-4

- 13-0111-1903P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-8
13-0111-1901AP Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-10
13-0111-1904P Notice of Proclamation of Rulemaking, Bulletin Vol. 19-10
13-0111-1901AAP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-11 (*2nd Amendment)
13-0111-1905P Notice of Proclamation of Rulemaking, Bulletin Vol. 19-11
13-0111-1901AAAP* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-12 (*3rd Amendment)

13.01.14, Rules Governing Falconry

- 13-0114-1901P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-4

13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

- 13-0117-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
13-0117-1901 Proposed Rulemaking, Bulletin Vol. 19-10

BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

Moved and Re-designated) - Rules of the Board of Registration of Professional Geologists (This chapter has been re-designated from *IDAPA 14.01.01* to *IDAPA 24.04.01* under the Bureau of Occupational Licenses - See *IDAPA 24* in this Index.)

IDAPA 15 – OFFICE OF THE GOVERNOR**Executive Orders of the Governor**

- Executive Order No. **2019-01** Licensing Freedom Act of 2019, Bulletin Vol. 19-2
Executive Order No. **2019-02** Red Tape Reduction Act, Bulletin Vol. 19-2
Executive Order No. **2019-03** Regional Government Efficiency Working Group, Bulletin Vol. 19-6
Executive Order No. **2019-04** Idaho Medal of Achievement, Bulletin Vol. 19-11
Executive Order No. **2019-05** Governor's Leadership In Nuclear Energy (LINE) Commission, Bulletin Vol. 19-11
Executive Order No. **2019-06** Continuing the Board of Juvenile Corrections, as the Primary Advisory Body for the Governor and Director of the Department of Juvenile Corrections on Matters Pertaining to Juvenile Corrections, Bulletin Vol. 19-11
Executive Order No. **2019-07** Idaho Broadband Task Force, Bulletin Vol. 19-11
Executive Order No. **2019-08** Continuing the Workforce Development Council for Planning and Oversight of the State's Workforce Development System Amending Executive Order 2017-13, Bulletin Vol. 19-11
Executive Order No. **2019-09** Combating the Opioid and Substance Use Disorder Crisis, Bulletin Vol. 19-11
Executive Order No. **2019-10** Organization of the Lewis and Clark Trail Committee, Bulletin Vol. 19-11
Executive Order No. **2019-11** Establishing the Governor's Commission on Service and Volunteerism, Bulletin Vol. 19-11
Executive Order No. **2019-12** Reviewing the Preparation and Administration of Idaho's Plan Under the Juvenile Justice and Delinquency Act; Repealing and Replacing Executive Order 2015-11, Bulletin Vol. 19-11

Idaho Commission On Aging

- 15-0100-1900** *Rules of the Idaho Commission on Aging* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-03, 20, 30 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
15-0100-1900 Notice of Omnibus Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9
15-0100-1900 *Rules of the Idaho Commission on Aging* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

Idaho Commission for the Blind and Visually Impaired

- 15-0200-1900** *Rules of the Idaho Commission for the Blind and Visually Impaired* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapters 02-04, 30 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
15-0200-1900 *Rules of the Idaho Commission for the Blind and Visually Impaired* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

Idaho Forest Products Commission

- 15-0300-1900F** *Rules of the Idaho Forest Products Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 03, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

15-0300-1900F *Rules of the Idaho Forest Products Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

Division of Human Resources and Personnel Commission

15-0400-1900 *Rules of the Division of Human Resources and Personnel Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

15-0400-1900 *Rules of the Division of Human Resources and Personnel Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

Idaho Military Division

15-0600-1900 *Rules of the Idaho Military Division* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 06, Chapters 01-02, 04-06 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

15-0600-1900 *Rules of the Idaho Military Division* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

15-0600-1900F *Rules of the Idaho Military Division* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 06, Chapter 03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

15-0600-1900F *Rules of the Idaho Military Division* - Notice of Omnibus Rulemaking - Adoption of Fee Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

Idaho State Liquor Division

15-1000-1900F *Rules of the Idaho State Liquor Division* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 10, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

15-1000-1900F *Rules of the Idaho State Liquor Division* - Notice of Omnibus Rulemaking - Adoption of Fee Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16-0000-1900 *Rules of the Department of Health and Welfare* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-06, 12; Title 02, Chapters 02, 06, 10-12, 15, 19, 23-24; Title 03, Chapters 01-02, 04-11, 13-14, 17, 20-21, 23-25; Title 04, Chapters 10, 13-14, 16-17; Title 05, Chapters 01, 03-04, 07; Title 06, Chapters 05, 12-13; Title 07, Chapters 17, 19, 25, 33, 37, 39 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

16-0000-1900 *Rules of the Department of Health and Welfare* - Notice of Public Hearing, Bulletin 19-8

16-0000-1900 *Rules of the Department of Health and Welfare* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

16-0000-1900F *Rules of the Department of Health and Welfare* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 07; Title 02, Chapters 01, 08, 13-14, 25-27; Title 03, Chapters 03, 18, 19, 22; Title 04, Chapters 07, 08; Title 05, Chapter 06; Title 06, Chapters 01-02; Title 07, Chapters 01, 15 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

16-0000-1900F *Rules of the Department of Health and Welfare* - Notice of Public Hearing, Bulletin 19-8

16-0000-1900F *Rules of the Department of Health and Welfare* - Notice of Omnibus Rulemaking - Adoption of Fee Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

16.01.02, Emergency Medical Services (EMS) - Rule Definitions

16-0102-1901 Proposed Rulemaking, Bulletin Vol. 19-9

16.01.03, Emergency Medical Services (EMS) – Agency Licensing Requirements

16-0103-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

16-0103-1901 Proposed Rulemaking, Bulletin Vol. 19-9

16.01.07, Emergency Medical Services (EMS) – Personnel Licensing Requirements

16-0107-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

16-0107-1901 Proposed Rulemaking, Bulletin Vol. 19-9

16.02.01, Rules of the Idaho Time Sensitive Emergency System Council

- 16-0201-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 16-0201-1901 Proposed Rulemaking, Bulletin Vol. 19-10

16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission

- 16-0202-1901 Proposed Rulemaking, Bulletin Vol. 19-10

16.02.04, Syringe and Needle Exchange Program

- 16-0204-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-6

16.02.08, Vital Statistics Rules

- 16-0208-1901 Temporary and Proposed Rulemaking, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 16-0208-1901 Notice of Public Hearing, Bulletin 19-9

16.02.14, Rules Governing Construction and Operation of Public Swimming Pools in Idaho

- 16-0214-1901 Proposed Rulemaking, Bulletin Vol. 19-10

16.03.01, Eligibility for Health Care Assistance for Families and Children

- 16-0301-1901 Temporary and Proposed Rulemaking, Bulletin Vol. 19-10 (eff. 1-1-20)T

16.03.09, Medicaid Basic Plan Benefits

- 16-0309-1803 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 16-0309-1803 Temporary and Proposed Rulemaking, Bulletin Vol. 19-7 (eff. 7-1-19)T

16.03.10, Medicaid Enhanced Plan Benefits

- 16-0310-1704 4th Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 16-0310-1806 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 16-0310-1806 Temporary and Proposed Rulemaking, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 16-0310-1704 Proposed Rulemaking, Bulletin Vol. 19-10

16.03.18, Medicaid Cost-Sharing

- 16-0318-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 16-0318-1901 Proposed Rulemaking, Bulletin Vol. 19-10

16.03.19, Rules Governing Certified Family Homes

- 16-0319-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 16-0319-1901 Proposed Rulemaking, Bulletin Vol. 19-9

16.03.22, Residential Care or Assisted Living Facilities in Idaho

- 16-0322-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 16-0322-1901 Proposed Rulemaking, Bulletin Vol. 19-9

16.05.04, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding

- 16-0504-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 16-0504-1901 Proposed Rulemaking, Bulletin Vol. 19-10

16.05.06, Criminal History and Background Checks

- 16-0506-1901 OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule by SCR 114, Bulletin Vol. 19-5 (eff. 1-1-19)T
- 16-0506-1902 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 16-0506-1901 Proposed Rulemaking, Bulletin Vol. 19-9
- 16-0506-1902 Proposed Rulemaking, Bulletin Vol. 19-9

16.06.12, Rules Governing the Idaho Child Care Program (ICCP)

- 16-0612-1901 Proposed Rulemaking, Bulletin Vol. 19-10

IDAPA 17 – INDUSTRIAL COMMISSION

- 17-0000-1900** *Rules of the Idaho Industrial Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 10, Chapter 01; Title 11, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 17-0000-1900** *Rules of the Idaho Industrial Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 17-0000-1900F** *Rules of the Idaho Industrial Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 17-0000-1900F** *Rules of the Idaho Industrial Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 18 – DEPARTMENT OF INSURANCE

- 18-0000-1900*** *Rules of the Idaho Department of Insurance* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes and Re-designates Title 01, Chapter 01; Title 02, Chapters 01-03; Title 03, Chapters 01-05; Title 04, Chapters 01-15; Title 05, Chapters 01-03; Title 06, Chapters 01-06; Title 07, Chapters 01-12; Title 08, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 18-0000-1900*** *Rules of the Idaho Department of Insurance* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 18-0000-1900F*** *Rules of the Idaho Department of Insurance* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes and Re-designates Title 01, Chapter 02; Title 08, Chapter 02 --- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 18-0000-1900F*** *Rules of the Idaho Department of Insurance* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

*These chapters indexed under IDAPA 18 are re-designated with new Title and Chapter numbers as follows:

New Designation [*Old Designation*]: **18.01.01** [*18.01.48*]; **18.01.02** [*18.01.44*]; **18.02.01** [*18.01.19*]; **18.02.02** [*18.01.20*]; **18.02.03** [*18.01.34*]; **18.03.01** [*18.01.09*]; **18.03.02** [*18.01.13*]; **18.03.03** [*18.01.16*]; **18.03.04** [*18.01.41*]; **18.03.05** [*18.01.61*]; **18.04.01** [*18.01.05*]; **18.04.02** [*18.01.06*]; **18.04.03** [*18.01.24*]; **18.04.04** [*18.01.26*]; **18.04.05** [*18.01.27*]; **18.04.06** [*18.01.28*]; **18.04.07** [*18.01.29*]; **18.04.08** [*18.01.30*]; **18.04.09** [*18.01.31*]; **18.04.10** [*18.01.54*]; **18.04.11** [*18.01.60*]; **18.4.12** [*18.01.69*]; **18.04.13** [*18.01.70*]; **18.04.14** [*18.01.72*]; **18.04.15** [*18.01.77*]; **18.05.01** [*18.01.01*]; **18.05.02** [*18.01.25*]; **18.05.03** [*18.01.56*]; **18.06.01** [*18.01.04*]; **18.06.02** [*18.01.10*]; **18.06.03** [*18.01.52*]; **18.06.04** [*18.01.53*]; **18.06.05** [*18.01.64*]; **18.06.06** [*18.01.65*]; **18.07.01** [*18.01.23*]; **18.07.02** [*18.01.46*]; **18.07.03** [*18.01.47*]; **18.07.04** [*18.01.62*]; **18.07.05** [*18.01.66*]; **18.07.06** [*18.01.67*]; **18.07.07** [*18.01.68*]; **18.07.08** [*18.01.75*]; **18.07.09** [*18.01.76*]; **18.07.10** [*18.01.77*]; **18.07.11** [*18.01.78*]; **18.07.12** [*18.01.81*]; **18.08.01** [*18.01.50*]; **18.08.02** [*18.01.49*]

18.04.08, [18.01.30] Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule

- 18-0408-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8
- 18-0408-1901** Proposed Rulemaking, Bulletin Vol. 19-10

18.04.16, Rules Governing Short-Term Health Insurance Coverage

- 18-0416-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-7
- 18-0416-1902** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 19-8 (eff. 7-1-19)T
- 18-0416-1901** Proposed Rulemaking (New Chapter), Bulletin Vol. 19-10

18.06.06, [18.01.65] Rules for the Surplus Lines Brokers

- 18-0606-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8
- 18-0606-1901** Proposed Rulemaking, Bulletin Vol. 19-10

IDAPA 19 – BOARD OF DENTISTRY

- 19-0101-1900F** *Rules of the Idaho State Board of Dentistry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 19-0101-1900F** *Rules of the Idaho State Board of Dentistry* - Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-8

19-0101-1900F *Rules of the Idaho State Board of Dentistry* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

19.01.01, Rules of the Idaho State Board of Dentistry

19-0101-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

19-0101-1901 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9 (eff. 7-27-19)T

19-0101-1901 Adoption of Pending Fee Rule, Bulletin Vol. 19-12 (PLR 2020)

IDAPA 20 – DEPARTMENT OF LANDS

20-0000-1900 *Rules of the Idaho Department of Lands* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01; Title 02, Chapter 01; Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

20-0000-1900 *Rules of the Idaho Department of Lands* - Notice of Public Hearing (Omnibus Rulemaking), Bulletin Vol. 19-8

20-0000-1900 *Rules of the Idaho Department of Lands* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

20-0000-1900F *Rules of the Idaho Department of Lands* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 02, Chapter 14; Title 03, Chapters 01-05, 08, 09, 13-17; Title 04, Chapter 02; Title 06, Chapter 01; Title 07, Chapter 02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

20-0000-1900F *Rules of the Idaho Department of Lands* - Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-8

20-0000-1900F *Rules of the Idaho Department of Lands* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

20.03.02, Rules Governing Mined Land Reclamation

20-0302-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

20-0302-1902* Adoption of Temporary Rule (Fee Rule), Bulletin Vol. 19-9 (eff. 7-16-19)T

(*Temporary Rulemaking changes chapter name to: “Rules Governing Mined Land Reclamation”
from: “Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities”)

20-0302-1901 2nd Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-10

20.03.03, Rules Governing Administration of the Reclamation Fund

20-0303-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

20-0303-1901 Proposed Rulemaking, Bulletin Vol. 19-9

20-0303-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

20.03.04, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho

20-0304-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

20-0304-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9

20-0304-1901 Adoption of Pending Fee Rule, Bulletin Vol. 19-12 (PLR 2020)

IDAPA 21 -- DIVISION OF VETERANS SERVICES

21-0000-1900 *Rules of the Division of Veterans Services* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 06 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

21-0000-1900 *Rules of the Division of Veterans Services* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

21-0000-1900F *Rules of the Division of Veterans Services* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 01, 04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

21-0000-1900F *Rules of the Division of Veterans Services* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 22 – BOARD OF MEDICINE

- 22-0000-1900** *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 05 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 22-0000-1900** Notice of Public Hearing (Omnibus Rulemaking), Bulletin Vol. 19-8
- 22-0000-1900** *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 22-0000-1900F** *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 01, 03, 10, 11, 13 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 22-0000-1900F** Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-8
- 22-0000-1900F** *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

22.01.07, Rules for the Licensure of Naturopathic Medical Doctors

- 22-0107-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-8
- 22-0107-1901** Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11

IDAPA 23 – BOARD OF NURSING

- 23-0101-1900F** *Rules of the Idaho Board of Nursing* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 23-0101-1900F** Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-9
- 23-0101-1900F** *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

23.01.01, Rules of the Idaho Board of Nursing

- 23-0101-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 23-0101-1901** Proposed Rulemaking, Bulletin Vol. 19-10
- 23-0101-1901** Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

- 24-0101-1900F** *Rules of the Board of Architectural Examiners* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0101-1900F** *Rules of the Board of Architectural Examiners* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0201-1900F*** *Rules of the State Athletic Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes re-designated Title 02, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
**(Re-designated from IDAPA 03.01.01 to 24.02.01)*
- 24-0201-1900F*** *Rules of the State Athletic Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0301-1900F** *Rules of the State Board of Chiropractic Physicians* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 03, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0301-1900F** *Rules of the State Board of Chiropractic Physicians* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0401-1900F*** *Rules of Procedure of the Board of Registration for Professional Geologists* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes re-designated Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
**(Re-designated from IDAPA 14.01.01 to 24.04.01)*
- 24-0401-1900F*** *Rules of Procedure of the Board of Registration for Professional Geologists* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

- 24-0501-1900F** *Rules of the Board of Drinking Water and Wastewater Professionals* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 05, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0501-1900F** *Rules of the Board of Drinking Water and Wastewater Professionals* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0601-1900F** *Rules for the Licensure of Occupational Therapists & Occupational Therapy Assistants* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 06, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0601-1900F** *Rules for the Licensure of Occupational Therapists & Occupational Therapy Assistants* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0701-1900F** *Rules of the Idaho State Board of Landscape Architects* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 07, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0701-1900F** *Rules of the Idaho State Board of Landscape Architects* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0801-1900F** *Rules of the State Board of Morticians* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 08, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0801-1900F** *Rules of the State Board of Morticians* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0901-1900F** *Rules of the Board of Examiners of Nursing Home Administrators* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 09, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0901-1900F** *Rules of the Board of Examiners of Nursing Home Administrators* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1001-1900F** *Rules of the Board of Optometry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 10, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1001-1900F** *Rules of the Board of Optometry* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1101-1900F** *Rules of the State Board of Podiatry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 11, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1101-1900F** *Rules of the State Board of Podiatry* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1201-1900F** *Rules of the Idaho State Board of Psychological Examiners* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 12, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1201-1900F** *Rules of the State Board of Psychological Examiners* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1301-1900F** *Rules Governing the Physical Therapy Licensure Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 13, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1301-1900F** *Rules Governing the Physical Therapy Licensure Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1401-1900F** *Rules of the State Board of Social Work Examiners* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 14, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1401-1900F** *Rules of the State Board of Social Work Examiners* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1501-1900F** *Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 15, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1501-1900F** *Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1601-1900F** *Rules of the State Board of Dentistry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 16, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 24-1601-1900F** *Rules of the State Board of Dentistry* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1701-1900F** *Rules of the State Board of Acupuncture* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 17, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1701-1900F** *Rules of the State Board of Acupuncture* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1801-1900F** *Rules of the Real Estate Appraiser Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 18, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1801-1900F** *Rules of the Real Estate Appraiser Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1901-1900F** *Rules of the Board of Examiners of Residential Care Facility Administrators* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 19, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1901-1900F** *Rules of the Board of Examiners of Residential Care Facility Administrators* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2001-1900** *Rules of the Bureau of Occupational Licenses* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 20, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2001-1900** *Rules of the Bureau of Occupational Licenses* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2101-1900F** *Rules of the Idaho State Contractors Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 21, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2101-1900F** *Rules of the Idaho State Contractors Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2201-1900F** *Rules of the Idaho State Liquefied Petroleum Gas Safety Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 22, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2201-1900F** *Rules of the Idaho State Liquefied Petroleum Gas Safety Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2301-1900F** *Rules of the Speech, Hearing and Communication Services Licensure Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 23, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2301-1900F** *Rules of the Speech, Hearing and Communication Services Licensure Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2401-1900F** *Rules of the Genetic Counselors Licensing Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 24, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2401-1900F** *Rules of the Genetic Counselors Licensing Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2501-1900F** *Rules of the Idaho Driving Businesses Licensure Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 25, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2501-1900F** *Rules of the Idaho Driving Businesses Licensure Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2601-1900F** *Rules of the Idaho Board of Midwifery* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 26, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2601-1900F** *Rules of the Idaho Board of Midwifery* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2701-1900F** *Rules of the Idaho State Board of Massage Therapy* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 27, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2701-1900F** *Rules of the Idaho State Board of Massage Therapy* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

24-2801-1900F *Rules of the Barber and Cosmetology Services Licensing Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 28, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

24-2801-1900F *Rules of the Barber and Cosmetology Services Licensing Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

24-2901-1900F* *Rules of Procedure of the Idaho Certified Shorthand Reporters Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes re-designated Title 29, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

**(Re-designated from IDAPA 49.01.01 to 24.29.01)*

24-2901-1900F* *Rules of Procedure of the Idaho Certified Shorthand Reporters Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD

25-0101-1900F *Rules of the Outfitters and Guides Licensing Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

25-0101-1900F *Rules of the Outfitters and Guides Licensing Board* - Notice of Public Hearing for Omnibus Fee Rule, Bulletin Vol. 19-9

25-0101-1900F *Rules of the Outfitters and Guides Licensing Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

25.01.01, Rules of the Outfitters and Guides Licensing Board

25-0101-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

25-0101-1902 Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 4-26-19)T, (5-22-19)T

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26-0000-1900 *Rules of the Department of Parks and Recreation* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 03, 21-22, 24, 30-31, 34, 37 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

26-0000-1900 *Rules of the Department of Parks and Recreation* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

26-0000-1900F *Rules of the Department of Parks and Recreation* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 10, 20, 33, 36 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

26-0000-1900F *Rules of the Department of Parks and Recreation* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

26-0120-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7

26-0120-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-10

26.01.36, Rules Governing the Winter Recreational Parking Permit Program

26-0136-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7

26-0136-1901 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-10

IDAPA 27 – BOARD OF PHARMACY

27-0101-1900F* *Rules of the Idaho Board of Pharmacy* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 (**This rulemaking consolidates contents from Chapters 27.01.02, 27.01.03, 27.01.04, and 27.01.05 into IDAPA 27.01.01*) -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

27-0000-1900F *Rules of the Idaho Board of Pharmacy* - Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin 19-8

27-0000-1900F *Rules of the Idaho Board of Pharmacy* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

27.01.01, General Provisions

27-0101-1901* *1st Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*

27-0101-1901* *2nd Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7 (*Rulemaking Terminated)*

IDAPA 28 – DEPARTMENT OF COMMERCE

28-0000-1900 *Rules of the Idaho Department of Commerce - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapters 03-05, 07; Titles 03, Chapter 01; Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T*

28-0000-1900 *Rules of the Idaho Department of Commerce - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)*

IDAPA 29 – IDAHO POTATO COMMISSION

29-0000-1900 *Rules of the Idaho Potato Commission - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T*

29-0000-1900 *Rules of the Idaho Potato Commission - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)*

IDAPA 30 – IDAHO COMMISSION FOR LIBRARIES

30-0101-1900 *Rules of the Idaho Commission for Libraries Governing the Use of Commission Services - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T*

30-0101-1900 *Rules of the Idaho Commission for Libraries Governing the Use of Commission Services - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)*

IDAPA 31 – PUBLIC UTILITIES COMMISSION

31-0000-1900 *Rules of the Idaho Public Utilities Commission - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01; Title 11, Chapter 01; Title 12, Chapter 01; Title 21, Chapter 01; Title 26, Chapter 01; Title 31, Chapter 01; Title 36, Chapter 01; Title 41, Chapter 01; Title 46, Chapters 01-02; Title 51, Chapter 01; Title 61, Chapter 01; Title 71, Chapters 01, 03; Title 81, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T*

31-0000-1900 *Rules of the Idaho Public Utilities Commission - Notice of Public Hearing (Omnibus Rulemaking), Bulletin 19-8*

31-0000-1900 *Rules of the Idaho Public Utilities Commission - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)*

IDAPA 32 - ENDOWMENT FUND INVESTMENT BOARD

32-0101-1900F *Rules of the Credit Enhancement Program for School Districts - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T*

32-0101-1900F *Rules of the Credit Enhancement Program for School Districts - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)*

IDAPA 33 -- REAL ESTATE COMMISSION

33-0000-1900F *Rules of the Idaho Real Estate Commission - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T*

33-0000-1900F *Rules of the Idaho Real Estate Commission - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)*

IDAPA 34 – SECRETARY OF STATE

- 34-0000-1900** *Rules of the Idaho Secretary of State* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapter 02; Title 03, Chapter 01; Title 04, Chapter 02; Title 05, Chapter 05; Title 06, Chapter 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 34-0000-1900** *Rules of the Idaho Secretary of State* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 34-0000-1900F** *Rules of the Idaho Secretary of State* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 04, Chapter 01; Title 05, Chapter 01-03, 06 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 34-0000-1900F** *Rules of the Idaho Secretary of State* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 35 – STATE TAX COMMISSION

- 35-0000-1900** *Rules of the Idaho State Tax Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-03, 05-10, 12, 14; Title 02, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 35-0000-1900** *Rules of the Idaho State Tax Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

35.01.01, Income Tax Administrative Rules

- 35-0101-1901** Adoption of Temporary Rule, Bulletin Vol. 19-2 (eff. 1-4-19)T
- 35-0101-1901** OARC Omnibus Notice of Legislative Action - Extension of Temporary Rule - SCR 113, Bulletin Vol. 19-5 (eff. 1-4-19)T
- 35-0101-1902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0101-1903** Proposed Rulemaking, Bulletin Vol. 19-7
- 35-0101-1902** Proposed Rulemaking, Bulletin Vol. 19-8
- 35-0101-1904** Proposed Rulemaking, Bulletin Vol. 19-8

35.01.02, Idaho Sales and Use Tax Administrative Rules

- 35-0102-1901** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*
- 35-0102-1902** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*
- 35-0102-1903** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0102-1904** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*
- 35-0102-1905** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0102-1906** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0102-1907** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7
- 35-0102-1901*** *Proposed Rulemaking, Bulletin Vol. 19-8*
- 35-0102-1902*** *Proposed Rulemaking, Bulletin Vol. 19-8*
- 35-0102-1903** Proposed Rulemaking, Bulletin Vol. 19-8
- 35-0102-1904*** *Proposed Rulemaking, Bulletin Vol. 19-8*
- 35-0102-1901*** *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10*
- 35-0102-1902*** *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10*
- 35-0102-1904*** *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10*

35.01.03, Property Tax Administrative Rules

- 35-0103-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0103-1902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0103-1903** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0103-1904** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0103-1905** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0103-1906** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0103-1907** Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 1-1-19)T
- 35-0103-1908** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7
- 35-0103-1901** Proposed Rulemaking, Bulletin Vol. 19-8
- 35-0103-1909** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

- [35-0103-1910](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1911](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1912](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1913](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1914](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1915](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1903](#) Proposed Rulemaking, Bulletin Vol. 19-9
- [35-0103-1906](#) Proposed Rulemaking, Bulletin Vol. 19-9
- [35-0103-1902](#) Proposed Rulemaking, Bulletin Vol. 19-10
- [35-0103-1904](#) Proposed Rulemaking, Bulletin Vol. 19-10
- [35-0103-1905](#) Proposed Rulemaking, Bulletin Vol. 19-10

35.01.05, Motor Fuels Tax Administrative Rules

- [35-0105-1901](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- [35-0105-1902*](#) *Proposed Rulemaking, Bulletin Vol. 19-8*
- [35-0105-1901](#) Proposed Rulemaking, Bulletin Vol. 19-9
- [35-0105-1902*](#) *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10*

35.01.06, Hotel/Motel Room and Campground Sales Tax Administrative Rules

- [35-0106-1901](#) Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

35.01.09, Idaho County Option Kitchen and Table Wine Tax Administrative Rules

- [35-0109-1901](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

35.01.12, Idaho Beer Tax Administrative Rules

- [35-0112-1901](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

35.01.15, Idaho Beer and Wine Tax Administrative Rules

- [35-0115-1901](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-7

35.02.01, Tax Commission Administration and Enforcement Rules

- [35-0201-1901](#) Proposed Rulemaking, Bulletin Vol. 19-10

IDAPA 36 -- IDAHO BOARD OF TAX APPEALS

- [36-0101-1900F](#) *Idaho Board of Tax Appeals Rules* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- [36-0101-1900F](#) *Idaho Board of Tax Appeals Rules* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

- [37-0000-1900](#) *Rules of the Idaho Department of Water Resources* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapters 01, 04; Title 03, Chapters 11, 12 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- [37-0000-1900](#) *Rules of the Idaho Department of Water Resources* - Notice of Public Hearing, Bulletin 19-8
- [37-0000-1900](#) *Rules of the Idaho Department of Water Resources* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

- [37-0000-1900F](#) *Rules of the Idaho Department of Water Resources* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01; Title 02, Chapter 03; Title 03, Chapters 01-10 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- [37-0000-1900F](#) *Rules of the Idaho Department of Water Resources* - Notice of Public Hearing (Fee Rules), Bulletin 19-8
- [37-0000-1900F](#) *Rules of the Idaho Department of Water Resources* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION

38-0000-1900 *Rules of the Idaho Department of Administration* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 04, Chapters 06-09; Title 05, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

38-0000-1900 *Rules of the Idaho Department of Administration* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

38-0000-1900F *Rules of the Idaho Department of Administration* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 04, Chapter 04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

38-0000-1900F *Rules of the Idaho Department of Administration* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39-0000-1900 *Rules of the Idaho Transportation Department* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapters 01-03, 05, 09, 11-12, 24, 27, 42-43, 45-46, 61, 70-73, 75-76, 80; Title 03, Chapters 01-02, 04-08, 40-44, 47-50, 60-65, 80-81; Title 04, Chapters 01-08 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

39-0000-1900 *Rules of the Idaho Transportation Department* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

39-0000-1900F *Rules of the Idaho Transportation Department* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 02, Chapter 04, 07, 22, 26, 41, 60; Title 03, Chapter 03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

39-0000-1900F *Rules of the Idaho Transportation Department* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

Omnibus Negotiated Rulemaking – Rules Regulating Vehicles Titles

Chapters 39.02.05, 39.02.07, 39.02.11, 39.02.12, 39.02.24

39-0200-1901 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

Omnibus Negotiated Rulemaking – Rules Regulating Commercial Motor Vehicle Permits and Registration

Chapters 39.02.22, 39.03.01, 39.03.05, 39.03.06

39-0300-1901 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

Omnibus Negotiated Rulemaking – Traffic Signs and Right-Of-Way Rules

Chapters 39.03.41, 39.03.60, 39.03.61, 39.03.62, 39-03.63, 39.03.64

39-0300-1902 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

39.02.03, Rules Governing Vehicle Dealer's Principle Place of Business and Claims to the Idaho Consumer Asset Recovery Fund

39-0203-1901* Temporary and Proposed Rulemaking, Bulletin Vol. 19-10 (eff. 8-22-19)T

*(Rulemaking changes chapter name from: "Rules Governing Vehicle Dealer's Principle Place of Business")

39.02.22, Rules Governing Registration and Permit Fee Administration

39-0222-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39.02.42, Temporary Vehicle Registration When Proof of Ownership Is Insufficient

39-0242-1901 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

39-0242-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39.02.75, Rules Governing Names on Driver's Licenses and Identification Cards

39-0275-1901 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

39-0275-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39.02.76, Rules Governing Driver's License Renewal-by-Mail and Electronic Renewal Process

39-0276-1901 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

39-0276-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39.03.01, Rules Governing Definitions Regarding Special Permits

39-0301-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39.03.05, Rules Governing Special Permits - Oversize Non-Reducible

39-0305-1901 Proposed Rulemaking, Bulletin Vol. 19-10

**39.03.06, Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000
Pound Vehicle Combinations**

39-0306-1901 Adoption of Temporary Rules, Bulletin Vol. 19-7 (eff. 7-1-19)T

39-0306-1902 Proposed Rulemaking, Bulletin Vol. 19-10

39.03.49, Rules Governing Ignition Interlock Breath Alcohol Devices

39-0349-1901 Proposed Rulemaking, Bulletin Vol. 19-7

IDAPA 40 – IDAHO COMMISSION ON THE ARTS

40-0101-1900 *Rules of the Idaho Commission on the Arts* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

40-0101-1900 *Rules of the Idaho Commission on the Arts* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

40-0101-1901 *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8*

40-0101-1901* *Proposed Rulemaking, Bulletin Vol. 19-10 (*Combined with docket no. 40-0101-1900)*

IDAPA 41 -- PUBLIC HEALTH DISTRICTS

41-0101-1900 *Rules of the Idaho Public Health Districts (Panhandle Health District #1)* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

41-0101-1900 *Rules of the Idaho Public Health Districts (Panhandle Health District #1)* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 42 -- IDAHO WHEAT COMMISSION

42-0101-1900F *Rules of the Idaho Wheat Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

42-0101-1900F *Rules of the Idaho Wheat Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 43 -- IDAHO OILSEED COMMISSION

43-0101-1900F *Rules Governing the Idaho Oilseed Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

43-0101-1900F *Rules Governing the Idaho Oilseed Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 45 -- HUMAN RIGHTS COMMISSION

- 45-0101-1900** *Rules of the Idaho Human Rights Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 45-0101-1900** *Rules of the Idaho Human Rights Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS

- 46-0101-1900F** *Rules of the Idaho Board of Veterinary Medicine* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 46-0101-1900F** *Rules of the Idaho Board of Veterinary Medicine* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

46.01.01, Rules of the State of Idaho Board of Veterinary Medicine

- 46-0101-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 46-0101-1902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 46-0101-1902** Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-10
- 46-0101-1902** Adoption of Fee Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

***IDAPA 47 -- STATE BOARD OF EDUCATION/
DIVISION OF VOCATIONAL REHABILITATION***

47.01.01, Rules Governing Vocational Rehabilitation Services

- 47-0101-1901** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 19-10 (eff. 8-29-19)T

IDAPA 48 -- GRAPE GROWERS AND WINE PRODUCERS COMMISSION

- 48-0101-1900F** *Rules of the Idaho Grape Growers and Wine Producers Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 48-0101-1900F** *Rules of the Idaho Grape Growers and Wine Producers Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

CERTIFIED SHORTHAND REPORTERS BOARD

(Moved and Re-designated) - Rules of Procedure of the Idaho Board of Certified Shorthand Reporters (This chapter has been re-designated from *IDAPA 49.01.01* to *IDAPA 24.29.01* under the Bureau of Occupational Licenses - See *IDAPA 24* in this Index.)

IDAPA 50 -- COMMISSION FOR PARDONS AND PAROLE

- 50-0101-1900** *Rules of the Commission of Pardons and Parole* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 50-0101-1900** *Rules of the Commission of Pardons and Parole* - Notice of Omnibus Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-10
- 50-0101-1900** *Rules of the Commission of Pardons and Parole* - Notice of Omnibus Rulemaking - Adoption of Pending Rule - Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 51 -- IDAHO BEEF COUNCIL

51-0101-1900F *Rules of the Idaho Beef Council* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

51-0101-1900F *Rules of the Idaho Beef Council* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 52 – IDAHO STATE LOTTERY COMMISSION

52-0000-1900F *Rules of the Idaho State Lottery Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 02-03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

52-0000-1900F *Rules of the Idaho State Lottery Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020) (*Rulemaking consolidates IDAPA 52.01.02 into IDAPA 52.01.03)

IDAPA 53 -- IDAHO BARLEY COMMISSION

53-0101-1900F *Rules of the Idaho Barley Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

53-0101-1900F *Rules of the Idaho Barley Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 54 -- OFFICE OF THE STATE TREASURER

54-0000-1900 *Rules of the Idaho State Treasurer* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapter 01; Title 03, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

54-0000-1900 *Rules of the Idaho State Treasurer* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55-0000-1900 *Rules of the Idaho Division of Career Technical Education* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 03-04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

55.01.03, Rules of Career Technical Schools

55-0103-1901 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 19-7

55-0103-1901 Proposed Rulemaking, Bulletin Vol. 19-10

55-0103-1902 Adoption of Temporary Rule, Bulletin Vol. 19-12 (eff. 10-17-19)T

IDAPA 56 -- IDAHO RANGELAND RESOURCES COMMISSION

56-0101-1900F *Rules of the Idaho Rangeland and Resources Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01-- Bulletin Vol. 19-6SE (eff. 6-30-19)T

56-0101-1900F *Rules of the Idaho Rangeland and Resources Commission* - Notice of Vacation of Omnibus Proposed Rulemaking, Bulletin Vol. 19-11SE

IDAPA 57 -- SEXUAL OFFENDER MANAGEMENT BOARD

57-0101-1900F *Rules of the Sexual Offender Management Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01-- Bulletin Vol. 19-6SE (eff. 6-30-19)T

57-0101-1900F *Rules of the Sexual Offender Management Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

57-0101-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-10

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58-0000-1900 *Rules of the Department of Environmental Quality* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 02, 04, 10, 16, 21-24 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

58-0000-1900 *Rules of the Department of Environmental Quality* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

58-0000-1900F *Rules of the Department of Environmental Quality* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 05-08, 12-14, 18, 20, 25 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

58-0000-1900F *Rules of the Department of Environmental Quality* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

TMDLs:

58-0000-1901 Curlew Valley Subbasin Assessment and Total Maximum Daily Load (TMDL): 2018 (HUC 16020309), Bulletin Vol. 19-1

58-0000-1902 Curlew Valley Subbasin Assessment and Total Maximum Daily Load (TMDL): 2019 (HUC 16020309), Bulletin Vol. 19-6

58-0000-1903 Big Lost River Subbasin Temperature Total Maximum Daily Load (TMDL): 2019 Addendum and Five-Year Review (HUC 17040218), Bulletin Vol. 19-7

58-0000-1904 Palisade Subbasin 2019 Total Maximum Daily Load (TMDL) And Five-Year Review (HUC 17040104), Bulletin Vol. 19-8

58-0000-1905 Hatwai Creek Subbasin Assessment and Total Maximum Daily Loads (TMDL) – 2019 Temperature TMDL (HUC 17060306), Bulletin Vol. 19-9

58.01.01, Rules for the Control of Air Pollution in Idaho

58-0101-1901 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 19-3

58-0101-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

58-0101-1903 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

58-0101-1904 Adoption of Temporary Fee Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T

58-0101-1903 Proposed Rulemaking, Bulletin Vol. 19-8

58-0101-1905 Proposed Rulemaking, Bulletin Vol. 19-8

58-0101-1904 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9

58-0101-1903 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58-0101-1904 Adoption of Pending Fee Rule, Bulletin Vol. 19-12 (PLR 2020)

58-0101-1905 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.02, Water Quality Standards

58-0102-1901 Notice of Meeting of the Idaho Board of Environmental Quality, Bulletin Vol. 19-9

58-0102-1901 Proposed Rulemaking, Bulletin Vol. 19-9

58-0102-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.03, Individual/Subsurface Sewage Disposal Rules

58-0103-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

58-0103-1902 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T

58-0103-1902 Proposed Rulemaking, Bulletin Vol. 19-9

58-0103-1902 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.04, Rules for Administration of Wastewater Treatment Facility Grants

58-0104-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

58-0104-1901 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-11 (**Repealed and Consolidated into 58.01.22*)

58.01.05, Rules and Standards for Hazardous Waste

58-0105-1901 Proposed Rulemaking, Bulletin Vol. 19-8

58-0105-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.06, Solid Waste Management Rules

- 58-0106-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
58-0106-1901 Proposed Rulemaking, Bulletin Vol. 19-11

58.01.09, Rules Regulating Swine Facilities

- 58-0109-1901** Adoption of Temporary Fee Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T
58-0109-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9
58-0109-1901 Adoption of Pending Fee Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.11, Ground Water Quality Rule

- 58-0111-1901** Adoption of Temporary Fee Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T
58-0111-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9
58-0111-1901 Adoption of Pending Fee Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.12, Rules for Administration of Water Pollution Control Loans

- 58-0112-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
58-0112-1901* Proposed Rulemaking**, Bulletin Vol. 19-11 (**Consolidates 58.01.20 into this chapter*)

(**Rulemaking changes chapter name to: "Rules for Administration of Wastewater and Drinking Water Loan Funds")

58.01.13, Rules for Ore Processing by Cyanidation

- 58-0113-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

58.01.15, Rules Governing the Cleaning of Septic Tanks

- 58-0115-1901** Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T
58-0115-1901 Notice of Status of Rulemaking, Bulletin Vol. 19-9

58.01.17, Recycled Water Rules

- 58-0117-1901** Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T
58-0117-1901 Proposed Rulemaking, Bulletin Vol. 19-9
58-0117-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.20, Rules for Administration of Drinking Water Loan Program

- 58-0120-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
58-0120-1901* Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-11 (**Repealed and Consolidated into 58.01.12*)

58.01.22, Rules for Administration of Planning Grants for Drinking Water Facilities

- 58-0122-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
58-0122-1901* Proposed Rulemaking**, Bulletin Vol. 19-11 (**Consolidates 58.01.04 into this chapter*)

(**Rulemaking changes chapter name to: "Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities")

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

- 59-0000-1900** *Rules of the Idaho Public Retirement System of Idaho* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-06, 08; Title 02, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
59-0000-1900 *Rules of the Idaho Public Retirement System of Idaho* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

- 60-0000-1900** *Rules of the Idaho State Soil and Water Conservation Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 05, Chapter 04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
60-0000-1900 *Rules of the Idaho State Soil and Water Conservation Commission* - Notice of Vacation of Omnibus Proposed Rulemaking, Bulletin Vol. 19-11SE

60-0000-1900F *Rules of the Idaho State Soil and Water Conservation Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 05, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

60-0000-1900F* *Rules of the Idaho State Soil and Water Conservation Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 19-11SE (PLR 2020)
(*Consolidates IDAPA 60.05.01 and 60.05.04 into a new chapter designated 60.05.01))

60.05.01, Resource Conservation and Rangeland Development Program

60-0501-1901 *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*

60-0501-1901 *Proposed Rulemaking, Bulletin Vol. 19-10*

60-0501-1901* *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-12*

(*Consolidates IDAPA 60.05.01 and 60.05.04 into a new chapter designated 60.05.01, "Rules of the Idaho Soil and Water Conservation Commission")

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

61-0000-1900 *Rules of the Idaho State Public Defense Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-04, 06-08 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

61-0000-1900 *Rules of the Idaho State Public Defense Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

61.01.08, Rules Governing the Administration of Idaho's Indigent Defense Delivery Systems - Rule Definitions

61-0108-1901 *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7*

61-0108-1902 *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7*

Subject Index

A

Abbreviations 17
ISDA, Idaho State Department of
Agriculture 17
NIST, National Institute of Standards
& Technology 17
Acreage And Reclamation Cost
Limitations 154
Actual Allowable Participation 154
Maximum Disturbance &
Reclamation Cost 154
Multiple Plans or Permits 154
Administrative Appeals 152
Adoption & Incorporation By
Reference 41
Advertising Packages For Sale, Weights
& Measures 34
Affected Lands 152
Alternate Routes To Certification
Alternative Authorization -- Content
Specialist 115
Alternative Authorization - Pupil
Service Staff 115
Alternative Authorization -- Teacher
To New Certification 114
Alternative Authorization
Renewal 116
Alternative Authorization -
Certification 114
Annual License Period 17
Application & License Fees 143
Application Procedures / Professional
Development 116
State Board of Education
Professional Development
Requirement 117
State Board of Education
Requirements for Professional
Growth 116
Application Process 169
Applications 158
Encroachment Applications 158
Other Permits 158
Repairs, Reinstallation of
Structures 158
Signature Requirement 158
Assessment In The Public Schools 126
Comprehensive Assessment
Program 127
Comprehensive Assessment Program
Schedule 128
Content 126
Costs of Additional Services 128
Costs Paid by the State 128
Demographic Information 128
Dual Enrollment 129
Philosophy 126
Purposes 126
Scoring & Report Formats 127
Services 128
Test Security, Validity &
Reliability 128
Testing Population 126

Assignments 162
Approval Required for
Assignment 162
Assignment Fee 162
Assignment of Encroachment
Permit 162
Assignment With New Permit 162

B

Biodiesel 36
Documentation For Dispenser
Labeling Purposes 36
Exemption 36
Identification of Product 36
Labeling of Retail Dispensers 36
Bread, Weights & Measures 38
Broker-Dealer Agent/Issuer Agent
Registration 132
Agents of Issuer 132
Annual Renewal 133
Broker-Dealer Agents 132
Completion of Filing 134
Deferral of Effectiveness 134
Incomplete Applications 133
Updates & Amendments 133

C

Cable Yarding 67
Safety A 68
Safety B 68
Safety C 68
Safety D 68
Safety E 68
Career Technical Component
Criteria 169
Career Technical School
Program 169
Program Criteria 169
Career Technical School Added Cost
Unit Funding & Eligibility 169
Career Technical School Unit Funding
Calculation 170
Career Technical School Unit Funding
Distribution 170
Payment Distribution 170
Charges For Special Request Testing Or
Examination 18
Fee Collection 19
Mileage Charges 18
Personnel Charges 19
Cleaning Of Septic Tanks – General
Requirements
Disposal Methods 221
Equipment to Be Cleanable 221
Equipment to Be Watertight 221
Cleaning Of Septic Tanks – Permit
Requirements 221
Permit Application Contents 221
Permit Fee 221
Permit Suspension or
Revocation 222
Vehicle Number to Be
Displayed 222
Code Of Ethics For Idaho Professional

Educators 117
Aspirations & Commitments 117
Principle I - Professional
Conduct 118
Principle II - Educator/Student
Relationship 118
Principle III - Alcohol & Drugs Use
or Possession 118
Principle IV - Professional
Integrity 119
Principle IX - Duty to Report 120
Principle V - Funds & Property 119
Principle VI - Compensation 120
Principle VII - Confidentiality 120
Principle VIII - Breach of Contract or
Abandonment of
Employment 120
Principle X - Professionalism 121
Content, Pedagogy & Performance
Assessment For Certification 106
Assessments 106
Idaho Comprehensive Literacy
Assessment 106
Out-of-State Waivers 106
Continuing Education
Requirements 144
Documentation 144
Nature of Education 144
Number of Credits 144
Prorated Credits 144
Volunteer Practice 144
Criteria For The Management Of
Granular Mine Tailings (CHAT) In
Asphalt Concrete & Portland Cement
Concrete In Transportation
Construction Projects Funded In
Whole Or In Part By Federal
Funds 229

D

Declaration Of Quantity - Consumer
Packages 20
Abbreviations 21
Combination Declaration 20
Largest Whole Unit 20
Lines of Print or Type 20
Net Quantity 20
Terms - Weight, Liquid Measures, or
Count 20
Units -- Weight, Measure 20
Units With Two or More
Meanings 21
Use of Net Weight 20
Declaration Of Quantity --
Nonconsumer Packages 24
Abbreviations 25
Character of Declaration --
Average 25
Location 24
Terms -- Weight, Liquid Measure, or
Count 24
Units -- Weight, Measure 24
Definitions 92, 152
Actual Allowable Cost 152

- Actual Allowable Disturbance 152
Board 152
Course 92
Department 152
Disturbed Acres 152
Dredge Mining Act 153
Financial Assurance 153
Mine 153
Mined Land Reclamation Act 153
Mineral Lease 153
Mineral Leasing Act 153
Mineral Lessee 153
Motorized Exploration 153
Operator 153
Permit 153
Reclamation Fund 153
Reclamation Fund Act 153
Surface Mining Reclamation Plan 153
Virtual Course 92
Definitions For Use With The Code Of Ethics For Idaho Professional Educators 121
Administrative Complaint 121
Allegation 121
Certificate Denial 121
Certificate Suspension 121
Conditioned Certificate 121
Education Official 121
Educator 121
Executive Committee 121
Hearing 121
Hearing Panel 121
Investigation 121
No Probable Cause 122
Principles 122
Probable Cause 122
Reprimand 122
Respondent 122
Revocation 122
Stipulated Agreement 122
Definitions, IDAPA 02.02.14 14
15, 16
Biodiesel 15
Biodiesel Blends 15
Certificate of Conformance 15
Commercial Weighing & 15
Compressed Natural Gas (CNG) 15
Diesel Gallon Equivalent (DGE) 15
Gasoline Gallon Equivalent (GGE) 15
Gasoline Liter Equivalent (GLE) 15
Liquefied Natural Gas (LNG) 16
Methanol 16
Multi-Unit Package 16
Package 16
Participating Laboratory 16
Principal Display Panel or Panels 16
Random Package 16
Registered Service Agency 16
Registered Serviceman 16
Retail Dealer 16
Sale from Bulk 17
Spark-Ignition Motor Fuel 17
Type 17
Type Evaluation 17
Wholesale Dealer 17
Definitions, IDAPA 08.02.02 95
Clinical Experience 95
Clinical Practice 95
Credential 95
Endorsement 95
Field Experience 95
Idaho Student Achievement Standards 95
Individualized Professional Learning Plan 95
Institutional Recommendation 96
Internship 96
Local Education Agency (LEA) 96
Paraprofessional 96
Pedagogy 96
Practicum 96
Student Learning Objective (SLO) 96
Student Teaching 97
Teacher Leader 97
Definitions, IDAPA 55.01.03 168
Administrator 168
Capstone Course 168
Career Technical Schools 168
Concentrator Student 168
Credit Hours 168
EDUID 168
Enrollment Units 168
Field Experience 168
Intermediate Course 168
Participation Total 168
Technical Skill Assessment 168
Work-based Learning Course 168
Definitions, IDAPA 58.01.03 199
Abandoned System 199
Alternative System 199
Authorized or Approved 199
Blackwaste 199
Blackwater 199
Board 199
Building Sewer 199
Central System 199
Construct 199
Director 199
Existing System 199
Expand 199
Failing System 199
Ground Water 199
High Groundwater Level - Normal Seasonal 199
High Water Mark 200
Individual System 200
Install 200
Installer 200
Large Soil Absorption System 200
Limiting Layer 200
Mottling 200
New System 200
Nondischarging System 200
Permit 200
Pollutants 200
Public System 200
Repair 200
Scarp 200
Service Provider 200
Sewage 200
Soil Texture 201
Standard System 201
Subsurface System 201
Surface Water - Intermittent, Permanent, Temporary 201
System 201
Wastewater 201
Water Table 201
Waters of the State 201
Dental Assistants – Practice 145
Curriculum Approval 147
Direct Supervision 146
Expanded Functions
Qualifications 147
Other Credentials 148
Prohibited Duties 146
Dental Therapists – Practice 145
Dental Therapists – Prohibited Practice 145
All Extractions with Exception 145
Cutting Procedures 145
Periodontal Therapy 145
Sedation 145
Dock Reconfiguration 158
- E**
- Employee's Responsibility 55
Employee Accidents 55
Employee Responsibilities 55
General Requirements 55
Study Requirements 55
Employer's Responsibility 53
General Requirements 53
Management Responsibility 54
Endorsements 107
Alternative Authorization - Teacher to New Endorsement 107
Clinical Experience Requirement 107
Enforcement & Failure To Comply 155
Forfeiture 155
Penalties 155
Examinations For Licensure 143
Clinical Examination 143
Written Examination 143
Exemptions 30
Automotive Cooling System Antifreeze 33
Butter 32
Camera Film 33
Cigarettes & Small Cigars 31
Combination Packages 32
Corn Flour 33
Cuts, Plugs, & Twists of Tobacco & Cigars 30
Decorative Containers 32
Eggs 32
Flour 32

- Fluid Dairy Products, Ice Cream, & Similar Frozen Desserts 31
 General 30
 Individual Servings 30
 Margarine 33
 Motor Oils 33
 Multi-Unit Soft Drink Packages 32
 Packaged Commodities With Labeling Requirements Specified in Federal Law 31
 Paints & Kindred Products 33
 Prescription & Insulin Containing Drugs 33
 Random Packages 30
 Reusable (Returnable) Glass Containers 31
 Single Strength & Less Than Single Strength Fruit Juice Beverages, Imitations Thereof, & Drinking Water 31
 Small Confections 30
 Small Packages 32
 Soft-Drink Bottles 32
- F**
- Falling & Bucking 61
 General Requirements 61
 Federal Agency Non-Acceptance Of Reclamation Fund 155
 Federal Covered Securities 131
 Investment Company Notices 131
 Regulation D Rule 506 Notice Filing 131
 Fees 51, 166
 Administrative Fees 166
 Application Filed With Fees 51
 Construction Manager Licensing Fees 51
 License & Certification 166
 Payment of Fees 51
 Public Works Contractor Licensing Fees 51
 First Aid 56
 Attendance for Seriously Injured 57
 Communication 56
 First Aid Kits 57
 First Aid Training 57
 Stretcher or Spine Board 57
 Transportation 56
- G**
- General Requirements 201
 Alternative System 202
 Compliance With Intent Required 201
 Duties of the Technical Guidance Committee 202
 Failing System 202
 Increased Flows 202
 Intent of Rules 201
 Subsurface System Replacement Area 202
 System Limitations 202
 Technical Guidance Committee 202
- Technical Guidance Manual for Individual & Subsurface Alternative Sewage Disposal 202
- H**
- Hazardous Waste Management System 224
 Hazardous Waste Permit Program 228
- I**
- Idaho Educator Credential 97
 Additional Renewal Requirements 104
 Administrator Certificate 100
 American Indian Language 104
 Certification Standards For Career Technical Educators 101
 Degree Based Career-Technical Certification 101
 Industry Based Occupational Specialist Certificate 102
 Junior Reserved Officer Training Corps (Junior ROTC) Instructors 104
 Postsecondary Specialist 103
 Pupil Service Staff Certificate 97
 Standard Instructional Certificate 97
 Idaho Interim Certificate 105
 Codes of Ethics 106
 Foreign Institutions 106
 Idaho Comprehensive Literacy Course 105
 Interim Certificate Not Renewable 105
 Mathematical Thinking for Instruction 105
 Non-Traditional Route to Teacher Certification 105
 Reinstatement of Expired Certificate 106
 Technology 106
 Identification & Listing Of Hazardous Waste 224
 Excluded Wastes 224
 Hazardous Secondary Materials Managers Emergency Notification 224
 Identity 19
 Declaration of Identity -- Consumer Package 19
 Declaration of Identity -- Nonconsumer Package 19
 Declaration of Responsibility -- Consumer & Nonconsumer Packages 19
 Parallel Identity Declaration -- Consumer Package 19
 Incorporation By Reference 14, 95, 124, 136, 138, 140
 Availability of Documents 136, 138, 140
 Credit Repair Organizations Act 136
 Credit Reporting Agencies Act or "Fair Credit Reporting Act." 136
 Debt Collection Practices Act or "Fair Debt Collection Practices Act." 136
 Electronic Funds Transfer Act 136
 Equal Credit Opportunity Act 136
 Idaho Standards for the Initial Certification of Professional School Personnel as approved on June 9, 2019 95
 Operating Procedures for Idaho Public Driver Education Programs as approved on June 16, 2016 95
 Regulation B 136
 Regulation E 136
 Regulation V 136
 Regulation X 138
 Regulation Z 136, 138
 Restrictions on Garnishment Act 136
 Standards for Idaho School Buses and Operations as approved on August 10, 2017 95
 The English Language Development (ELD) Standards 125
 The Idaho Alternate Assessment Achievement Standards 125
 The Idaho Content Standards 124
 The Idaho Content Standards Core Content Connectors 125
 The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. 125
 The Idaho Special Education Manual 125
 The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors 125
 The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired 125
 The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing 125
 The Real Estate Settlement Procedures Act 138, 140
 The Truth in Lending Act 136, 138
 Incorporation By Reference Of Federal Regulations 224
 Availability of Referenced Material 224
 Exceptions 224
 Incorporations By Reference 175
 Availability of Referenced Material 175
 Documents Incorporated by Reference 175
 General 175
 Ineligible Mines Or Operators 153
 Disturbed Acres Limit 154
 Geothermal 154
 Hardrock Mines 154

- Off Lease Exploration 154
Oil & Gas Conservation 154
Oil & Gas Leasing 154
Operators Providing Acceptable Financial Assurance 154
Other Forfeitures 154
Phosphate Mines 154
Potential Heavy Metal Releases 154
Reclamation Cost Limit 154
Reclamation Fund Forfeitures 154
Violators 154
- Infection Control 144
Clinical Contact Surfaces 145
Disposal 145
Gloves 144
Instrument Sterilization 144
Masks and Eyewear 144
Non-Critical Surfaces 145
Sterilizing Devices Testing 144
- Inspections 218
Advance Notice by Permittee 218
Duty to Uncover 218
One or More Inspections Required 218
Substantiating Receipts & Delivery Slips 218
- Installation 161
Compliance With Permit 162
Installation Only After Permit Issued 162
Removal of Construction Waste 162
Sunset Clause 162
- Installer's Registration Permit & Service Provider Certification 205
Application Fee 207
Bond Required 206
Contents of Application 205
Examination 205
Exemption 206
Grounds for Revocation 207
Permit & Certification Required 205
Permits & Certifications Required Annually 205
Service Provider Responsibilities 206
Transfer from Non-Profit Operation & Maintenance Entity to Certified Service Provider 207
- Instructional Certificate Endorsements A - D 107
All Subjects (K-8) 107
American Government /Political Science (5-9 or 6-12) 107
Bilingual Education (K-12) 107
Biological Science (5-9 or 6-12) 108
Blended Early Childhood Education/ Early Childhood Special Education (Birth - Grade 3) 108
Blended Elementary Education/ Elementary Special Education (Grade 4 - Grade 6) 108
Chemistry (5-9 or 6-12) 108
Communication (5-9 or 6-12) 108
Computer Science (5-9 or 6-12) 108
Deaf/Hard of Hearing (Pre-K-12) 108
Instructional Certificate Endorsements E - L 109
Early Childhood Special Education (Pre-K-3) 109
Earth & Space Science (5-9 or 6-12) 109
Economics (5-9 or 6-12) 109
Engineering (5-9 or 6-12) 109
English (5-9 or 6-12) 109
English as a Second Language (ESL) (K-12) 109
Exceptional Child Generalist (K-8, 6-12, or K-12) 109
Geography (5-9 or 6-12) 109
Geology (5-9 or 6-12) 109
Gifted and Talented (K-12) 109
Health (5-9, 6-12, or K-12) 110
History (5-9 or 6-12) 110
Humanities (5-9 or 6-12) 110
Journalism (5-9 or 6-12) 110
Literacy (K-12) 110
Instructional Certificate Endorsements M - Z 110
Mathematics - Middle Level (5-9) 110
Mathematics (6-12) 110
Music (5-9 or 6-12 or K-12) 110
Natural Science (5-9 or 6-12) 110
Online-Teacher (K-12) 111
Physical Education (PE) (5-9 or 6-12 or K-12) 111
Physical Science (5-9 or 6-12) 111
Physics (5-9 or 6-12) 111
Psychology (5-9 or 6-12) 111
Science - Middle Level (5-9) 111
Social Studies - Middle Level (5-9) 112
Social Studies (5-9 or 6-12) 112
Sociology (5-9 or 6-12) 112
Sociology/Anthropology (5-9 or 6-12) 112
Teacher Leader 112
Teacher Librarian (K-12) 113
Theater Arts (5-9 or 6-12) 113
Visual Arts (5-9, 6-12, or K-12) 114
Visual Impairment (Pre-K-12) 114
World Language (5-9, 6-12 or K-12) 114
Interim Status Standards For Owners & Operators Of Hazardous Waste Treatment, Storage & Disposal Facilities 228
Investment Adviser Brochure Rule 134
- L**
- Land Disposal Restrictions 228
Large Soil Absorption System Design & Construction 218
Installation Permit Plans 218
Large Septic Tanks 220
Module Size 218
Monitoring & Reporting 220
Operation & Maintenance 220
Site Investigation 218
Standard Large Soil Absorption System Design Specifications 218
Legal Authority 14, 152, 198
License Application 17
License Displayed 18
License Renewals 17
License Required For Commercially-Used Weighing Or Measuring Instrument Or Device 17
Annual License 17
Specific Device 17
Lines, Shackles & Blocks 64
Blocks 66
Cable Cutting 66
Damaged or Worn Wire Rope 66
General Requirements 64
Pins 66
Shackles 66
Splices 64
Wire Rope Clips or Clamps 65
Loan Modification Confirmation 138
Local Anesthesia 148
Log Truck Transportation 79
Adequate Reaches Required 85
Binder Placement Requirements 84
Binders & Wrappers to be Placed Before Leaving Landing Area 85
Bunks to be Kept in Good Condition & Repair 85
Construction of Wrappers & Binders 84
Following Other Vehicles 85
General 79
Inserting of Compensating Pin 86
Lighting Equipment Required 79
Linkage for Stakes or Chocks 80
Metal Parts Between Bunk & Cab to be Covered 85
Notify Engineer When Around Truck 80
Number of Wrappers Required 80
Precautions When Placing or Removing Binders & Wrappers 84
Proper Lay of Logs in Stakes or Bunks 85
Reaches to Be Clamped When Towing Unloaded Trailer 86
Requirements for Crosswise Loaded Trucks 83
Safe Operating Requirements 79
Safety Chains 86
Scaling & Branding 85
Stake & Chock Tripping Mechanisms 80
Stake Extensions 80
Stakes, Bunks, or Chock Blocks 79
Stopping & Holding Devices for Log Trucks 79
Towing of Trucks 85

- Traffic Travel on Right Side of Road
Except Where Posted, Log Truck
Transportation 85
- M**
- Maximum & Minimum License Fee
Schedule For Commercially-Used
Weighing & Measuring Instruments
& Devices 17
- Measurement Of Container-Type
Commodities, How Expressed 27
- Capacity 28
- General 27
- Mine Panel 153
- Misleading Packages, Weights &
Measures 34
- N**
- Nitrous Oxide/Oxygen 148
- Patient Safety 148
- Personnel 148
- Required Facilities &
Equipment 148
- Numeric Criteria For Toxic Substances
For Waters Designated For Aquatic
Life, Recreation, Or Domestic Water
Supply Use 178
- Applicability 189
- Criteria for Toxic Substances 178
- Development of Toxic Substance
Criteria 192
- Factors for Calculating Hardness
Dependent Metals Criteria 188
- National Pollutant Discharge
Elimination System
Permitting 191
- O**
- Optional Participation 155
- Other Components 216
- Design Approval Required 216
- Effect of Design Approval 216
- Notice of Design Disapproval 216
- Plan & Specification Submittal 216
- P**
- Packaging & Labeling Rules 19
- Auxiliary Containers 19
- Inner Wrappings 19
- Open Carriers 19
- Retail Display Containers 19
- Shipping Containers 19
- Unpackaged Commodities 19
- Payment 155
- Acreage Calculation 155
- Annual Payments Non-
Refundable 155
- Assignment 155
- Board Approved Payment
Schedule 155
- Non-Payment Constitutes Lack of
Bonding 155
- Supplemental Payments 155
- Permit & Permit Application 202
- Abandonment May Be
Required 204
- Application & Permit Valid for One
Year 204
- As-Built Plans & Specifications 205
- Basis for Permit Application
Denial 204
- Contents of Application 203
- Cottage Site Facility
Certification 204
- Exceptions to Permit
Requirement 202
- Existing Installation Permits 204
- Immediate Effect of the Permit 204
- Issuance of Permit 204
- Notice of Denial 204
- Operation, Maintenance &
Monitoring 205
- Permit Application 203
- Permit Fee 205
- Permit Renewal 204
- Permit Required 202
- Petroleum Products 34
- Compressed Natural Gas 35
- Gauge Stick Measurement 34
- Liquefied Natural Gas 35
- Liquefied Petroleum 34
- Maintaining Scales 34
- Metering System Installation 34
- Single Meters 34
- Polyethylene Sheeting 23
- Bulk 23
- Count -- Ply 23
- Fractions 24
- Packages 23
- Prescribed Units 21
- Area Measure -- Dual Quantity
Declaration 22
- Bidimensional Commodities 22
- Fluid Measure -- Dual Quantity
Declaration 22
- Four Feet, Four Square Feet, Four
Pounds, One Gallon, or More 22
- Length Measure -- Dual Quantity
Declaration 22
- Less Than One Foot, One Square
Foot, One Pound, or One Pint 21
- Weight -- Dual Quantity
Declaration 22
- Procedures For Decision-Making (State
Procedures For RCRA Or HWMA
Permit Applications) 228
- Processing Of Applications For Single-
Family & Two-Family Navigational
Encroachments Within Line Of
Navigability 160
- Decision Following a Hearing 161
- Disposition Without Hearing 161
- Hearings 161
- Judicial Review 161
- Notification of Adjacent Littoral
Owners 160
- Single-Family & Two-Family
Navigational Encroachments 160
- Unusual Circumstances 161
- Written Objections 160
- Prominence & Placement -- Consumer
Packages 25
- Calculation of Area of Principal
Display Panel for Purposes of Type
Size 26
- Color Contrast 25
- Free Area 25
- General 25
- Location 25
- Minimum Height of Numbers &
Letters 26
- Minimum Height of Numbers &
Letters - Table 1 26
- Numbers and Letters --
Proportion 26
- Parallel Quantity Declaration 26
- Style of Type or Lettering, Consumer
Packages 25
- Prominence & Placement --
Nonconsumer Packages General 26
- Pupil Accounting & Required
Instructional Time 92
- Average Daily Attendance 93
- Day in Session When Counting
Pupils in Attendance 92
- Day of Attendance (ADA) - Grades
One Through Twelve 92
- Day of Attendance- Kindergarten 92
- Full-time Equivalent (FTE)
Enrollment Reporting 93
- Required Attendance 92
- Required Instructional Time 92
- R**
- Redredging 159
- Registration Of Servicemen & Service
Agencies For Commercial Weighing
& Measuring Devices 36
- Certificate of Registration 37
- Placed in Service Report 37
- Policy 37
- Privileges of a Voluntary
Registrant 37
- Publication of Lists of Registered
Servicemen & Registered Service
Agencies 38
- Reciprocity 37
- Revocation of Certificate of
Registration 37
- Standards & Testing Equipment 37
- Voluntary Registration 37
- Required Participants 153
- Requirement For BLS 144
- Requirements -- Specific Consumer
Commodities, Packages,
Containers 27
- Aerosols & Similar Pressurized
Containers 27
- Combination Packages 27
- Cylindrical Containers 27
- Display Card Package 27
- Eggs 27

Multi-Unit Packages 27
Variety Packages 27
Requirements For Licensure 143
Rigging 63
Allowable Loading or Stress 63
Arrangement & Operation 63
Equipment Classification 63
General 63
Inspection of Rigging 64
Line Hazards 64
Placing, Condition, & Operation of Rigging 63
Reefing 64
Safe Loading 63
Rule For National Type Evaluation 38
Application 38
Certificate of Conformance 38
Participating Laboratory 38

S

Safety Equipment & Personal Protective Equipment 58
Additional Information & Requirements 61
Eye Protection 58
Foot & Leg Protection 59
General Requirements 58
Hand Protection 59
Head Protection 59
Hearing Protection 60
Inspection, Maintenance & Sanitizing 58
Life Jackets, Vests & Life Rings 59
Life Lines -- Safety Belts 60
Respiratory Equipment 60
Work Clothing 60
Sale & Labeling Of Gasoline Which Contains Oxygenates 35
Documentation for Dispenser Labeling Purposes 35
Fuel Specifications for Gasoline & Gasoline-Oxygenate Blends 35
Oxygenates Content Labels 35
Pump Labeling Requirements 35
Septic Tanks Design & Construction Standards 207
Concrete Septic Tanks 207
Construction Requirements 207
Effluent Pipe Separation Distances 212
Horizontal Dimension Limit 207
Inlet & Outlet Piping 212
Inlets 210
Inspection Ports 211
Installation of Manufactured Tanks 211
Liquid Depth 207
Manhole Extension 212
Manholes 211
Manufactured Tank Markings 207
Materials 207
Minimum Separation Distances Between Septic Tanks and Features of Concern 211

Minimum Tank Capacities 208
Multiple Tank or Compartment Capacity 211
Outlets 210
Scum Storage 211
Sectional Tanks 212
Septic Tank Abandonment 212
Split Flows 211
Total Volume 210
Signaling 61
Audible Signaling Device at the Machine to be Activated 61
Audible Signaling to be Installed & Used 61
Hand Signal Use Restricted 61
One Worker to Give Signals 61
Persons in Clear Before Signal Given 61
Signal Must Be Clear & Distinct 61
Throwing Material Prohibited 61
Single Draft Vehicle Weighing 38
Coupled Combination 38
Vehicle 38
Site-specific Aquatic Criteria For Selenium
Subsection of Salt Subbasin — Crow Creek 195
Site-specific Aquatic Life Criteria For Selenium 192
Portions of Idaho 195
Subsection of Bear Lake Subbasin 193
Subsection of Blackfoot Subbasin 192
Subsection of Salt Subbasin — Sage Creek 194
Specific Requirements 86
Log Dumps, Landings, Log Handling Equipment, Loading, & Unloading 86
Trailer Loading Hoist/Sawmill Log Dump 89
Standard Subsurface Disposal Facility Design & Construction 212
Aggregate 215
Excavation 215
Failing Subsurface Disposal System 216
Impermeable Surface Barrier 215
Seepage Pit 216
Site Suitability 212
Soil Barrier 215
Standard Absorption Bed 215
Standard Drainfield 212
Standard Subsurface Disposal Facility Specifications 214
Subsurface Disposal Facility Sizing 214
Wastewater Distribution 215
Standards Applicable To Generators Of Hazardous Waste 227
Generator Emergency Notification 227
Incorporation by Reference 227

Standards Applicable To Transporters Of Hazardous Waste 227
Standards For Owners & Operators Of Hazardous Waste Facilities Operating Under A Standardized Permit 229
Standards For Owners & Operators Of Hazardous Waste Treatment, Storage & Disposal Facilities 227
Standards For The Management Of Specific Hazardous Wastes & Specific Types Of Hazardous Waste Facilities 228
Standards For The Management Of Used Oil 228
Incorporation by Reference. 228
Used Oil as a Dust Suppressant 228
Standards For Universal Waste Management 229
Statement Of Purpose 169
Supplementary Declarations 24
Metric System Declarations 24
Qualification of Declaration Prohibited 24
Supplementary Quantity Declarations 24

T

Technicians/Technologists 164
Functions 164
Supervision 164
Textile Products, Threads, & Yarns 28
Exemption -- Variety Textile Packages 29
Sewing Threads, Handicraft Threads, & Yarns 30
Textiles 28
Textiles -- Variations from Declared Dimensions 29
Wearing Apparel 28
Title & Scope 14, 143, 152
Title, Scope, Conflict & Responsibilities 198
Conflict of Rules, Standards, & Ordinances 198
Responsibilities 198
Scope 198
Title 198
Tractors & Similar Logging Equipment 67
Blades or Similar Equipment 67
Brakes & Steering 67
Guards 67
Operating Condition 67
Pin Connections 67
Repairs or Adjustments 67
Seatbelts 67
Sideguards 67
Starting of Equipment 67

U

Unattended Vending Machines 36
Units of Measurement 36
Vending Machine Displays 36
Unprofessional Conduct 149

- Abandonment of Patients 149
 - Advertising 150
 - Altering Records 149
 - Compliance with Dental Hygienist Professional Standards 150
 - Compliance with Dentist Professional Standards 150
 - Consent 149
 - Delegating Duties 150
 - Discipline in Other States 149
 - Disclosure 150
 - Dividing Fees 149
 - Exploiting Patients 150
 - Failure to Cooperate with Authorities 150
 - Failure to Provide Records to a Patient or Patient's Legal Guardian 150
 - Fraud 149
 - Harassment 149
 - Legal Compliance 150
 - Mental or Physical Condition 149
 - Misrepresentation 150
 - Office Conditions 149
 - Patient Management 150
 - Prescription Drugs 149
 - Scope of Practice 150
 - Sexual Misconduct 150
 - Supervision 150
 - Unauthorized Treatment 150
 - Unlawful Practice 149
 - Unlicensed Practice 149
 - Use of Intoxicants 149
 - General Characteristics 68
 - Inspection & Care 70
 - Knobs, Ferrules, & Eyes 77
 - Line Connections 74
 - Other Common Wire Rope Considerations 73
 - Safety Factor 71
 - Shackles & Hooks 75
 - Synthetic Rope 70
 - Typical Wire Rope Specifications 68
 - Wire Labeling 71
 - Wire Line Life 71
 - Wire Rope Terms 68
 - Written Disclosures 138
 - Receipt of an Application 138
- V**
- Variances 216
 - Investigation & Decision 217
 - Limitations on Decision 217
 - Objections to Petition 217
 - Petition for Variance 217
 - Public Notice 217
 - Technical Allowance 216
 - Variations To Be Allowed 33
 - Magnitude of Permitted Variations 34
 - Packaging Variations 33
 - Violations & Penalties 218
 - Failure to Comply 218
 - System Operation 218
 - Violation a Misdemeanor 218
 - Voluntary Inspection Of Weighing & Measuring Instruments & Devices, Fees 18
- W**
- Wastewater Flows From Various Establishments in Gallons Per Day, Septic Tanks Design & Construction Standards 208
 - Wire Rope 68
 - Additional Precautions 70
 - Brush Blocks 77
 - Chains & Straps 78
 - Dynamic Loads 73