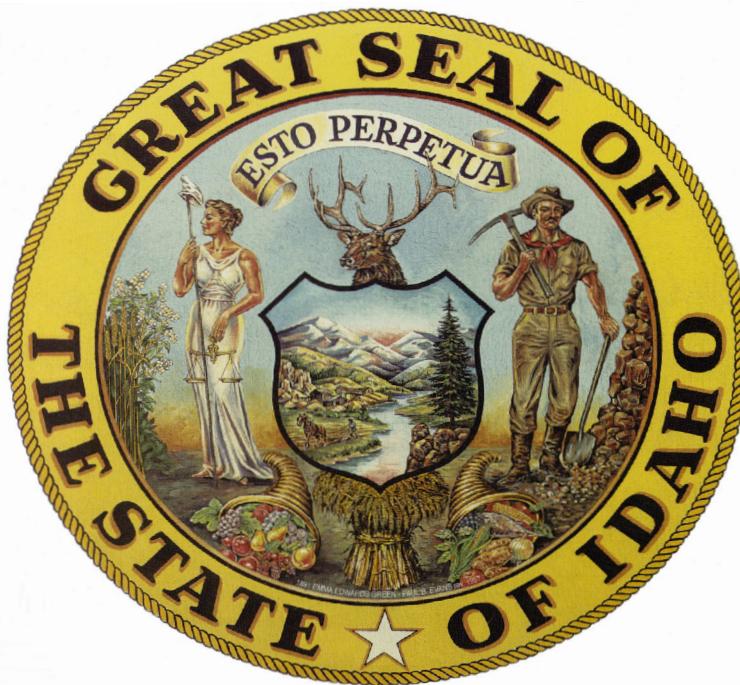


IDAHO ADMINISTRATIVE BULLETIN

December 3, 2025 – Vol. 25-12

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



The Idaho Administrative Bulletin is published monthly by the Office of the Administrative Rules Coordinator, Division of Financial Management, Office of the Governor, pursuant to Title 67, Chapter 52, Idaho Code.

Brad Little, Governor
Lori Wolff, Administrator, Division of Financial Management
Lauren Smyser, Regulatory & Legislative Affairs Chief
Bradley A. Hunt, Administrative Rules Coordinator
Logan P. Medel, Administrative Rules Specialist

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IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

December 3, 2025 – Vol. 25-12

PREFACE	5
IDAPA 11 – IDAHO STATE POLICE	
11.05.01 – <i>Rules Governing Alcohol Beverage Control</i>	
Docket No. 11-0501-2501	
Notice of Rulemaking – Adoption of Pending Rule	12
IDAPA 15 – OFFICE OF THE GOVERNOR / IDAHO COMMISSION ON AGING	
15.01.01 – <i>Rules Governing Senior Services and Older Americans Act Programs</i>	
Docket No. 15-0101-2501 (ZBR Chapter Rewrite)	
Notice of Rulemaking – Adoption of Pending Rule	16
15.01.20 – <i>Rules Governing Area Agency on Aging (AAA) Operations</i>	
Docket No. 15-0120-2501 (ZBR Chapter Repeal)	
Notice of Rulemaking – Adoption of Pending Rule	17
IDAPA 15 – OFFICE OF THE GOVERNOR /	
MILITARY DIVISION – IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION	
15.06.01 – <i>Rules Governing the Idaho Public Safety Communications Commission</i>	
Docket No. 15-0601-2501	
Notice of Rulemaking – Adoption of Pending Rule	18
IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES	
24.02.01 – <i>Rules of the State Athletic Commission</i>	
Docket No. 24-0201-2501 (Fee Rule)	
Notice of Rulemaking – Vacation of Proposed Rulemaking	19
24.06.01 – <i>Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants</i>	
Docket No. 24-0601-2501 (Fee Rule)	
Notice of Rulemaking – Adoption of Pending Rule	20
24.09.01 – <i>Rules of the Board of Examiners of Nursing Home Administrators</i>	
Docket No. 24-0901-2501 (Chapter Repeal)	
Notice of Rulemaking – Adoption of Pending Rule	22
24.13.01 – <i>Rules Governing the Physical Therapy Licensure Board</i>	
Docket No. 24-1301-2501 (Fee Rule)	
Notice of Rulemaking – Adoption of Pending Rule	23
24.17.01 – <i>Rules of the State Board of Acupuncture</i>	
Docket No. 24-1701-2501 (Fee Rule)	
Notice of Rulemaking – Adoption of Pending Rule	25
24.19.01 – <i>Rules of the Board of Examiners of Residential Care Facility Administrators</i>	
Docket No. 24-1901-2501 (Chapter Repeal)	
Notice of Rulemaking – Adoption of Pending Rule	26
24.21.01 – <i>Rules of the Idaho State Contractors Board</i>	
Docket No. 24-2101-2501 (Fee Rule)	
Notice of Rulemaking – Adoption of Pending Rule	27

<i>24.22.01 – Rules of the Idaho State Liquefied Petroleum Gas Safety Board</i>	
<i>Docket No. 24-2201-2501 (Fee Rule)</i>	
Notice of Rulemaking – Adoption of Pending Rule	28
<i>24.23.01 – Rules of the Speech, Hearing, and Communication Services Licensure Board</i>	
<i>Docket No. 24-2301-2501 (Fee Rule)</i>	
Notice of Rulemaking – Adoption of Pending Rule	29
<i>24.28.01 – Rules of the Barber and Cosmetology Services Licensing Board</i>	
<i>Docket No. 24-2801-2501 (Fee Rule)</i>	
Notice of Rulemaking – Adoption of Pending Rule	30
<i>24.35.01 – Rules of the Outfitters and Guides Licensing Board</i>	
<i>Docket No. 24-3501-2501</i>	
Notice of Rulemaking – Adoption of Pending Rule	31
<i>24.41.01 – Rules of the Long-Term Care Administrators Board</i>	
<i>Docket No. 24-4101-2501 (New Chapter, Fee Rule)</i>	
Notice of Rulemaking – Adoption of Pending Rule	47
IDAPA 35 – STATE TAX COMMISSION	
<i>35.01.02 – Idaho Sales and Use Tax Administrative Rules</i>	
<i>Docket No. 35-0102-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	48
<i>35.01.06 – Hotel/Motel Room and Campground Sales Tax Administrative Rules</i>	
<i>Docket No. 35-0106-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	52
IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES	
<i>37.02.04 – Shoshone Bannock Tribal Water Supply Bank Rules</i>	
<i>Docket No. 37-0204-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	53
<i>37.03.07 – Stream Channel Alteration Rules</i>	
<i>Docket No. 37-0307-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	54
<i>37.03.12 – Idaho Department of Water Resources Water Distribution Rules – Water District 34</i>	
<i>Docket No. 37-0312-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	55
IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT	
<i>39.02.60 – Rules Governing License Plate Provisions</i>	
<i>Docket No. 39-0260-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	56
<i>39.03.49 – Rules Governing Ignition Interlock Devices</i>	
<i>Docket No. 39-0349-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	57
IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD	
<i>57.01.01 – Rules of the Sexual Offender Management Board</i>	
<i>Docket No. 57-0101-2501</i>	
Notice of Rulemaking – Adoption of Pending Rule	58

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – <i>Rules for the Control of Air Pollution in Idaho</i>	
<i>Docket No. 58-0101-2501</i>	
Notice of Rulemaking – Adoption of Pending Rule	59
58.01.02 – <i>Water Quality Standards</i>	
<i>Docket No. 58-0102-2501</i>	
Notice of Rulemaking – Adoption of Pending Rule	60
58.01.05 – <i>Rules and Standards for Hazardous Waste</i>	
<i>Docket No. 58-0105-2501</i>	
Notice of Rulemaking – Adoption of Pending Rule	61
58.01.06 – <i>Solid Waste Management Rules</i>	
<i>Docket No. 58-0106-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	62
58.01.08 – <i>Idaho Rules for Public Drinking Water Systems</i>	
<i>Docket No. 58-0108-2501</i>	
Notice of Rulemaking – Adoption of Pending Rule	63
<i>Docket No. 58-0108-2502</i>	
Notice of Rulemaking – Adoption of Pending Rule	64
58.01.11 – <i>Ground Water Quality Rule</i>	
<i>Docket No. 58-0111-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	70
58.01.12 – <i>Rules for Administration of Wastewater and Drinking Water Loan Funds</i>	
<i>Docket No. 58-0112-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	71
58.01.13 – <i>Rules for Ore Processing by Cyanidation</i>	
<i>Docket No. 58-0113-2501</i>	
Notice of Rulemaking – Adoption of Pending Rule and Amendment to Temporary Rule	72
<i>Docket No. 58-0113-2502</i>	
Notice of Intent to Promulgate Rules – Negotiated Rulemaking	90
58.01.16 – <i>Wastewater Rules</i>	
<i>Docket No. 58-0116-2501 (ZBR Chapter Rewrite)</i>	
Notice of Rulemaking – Adoption of Pending Rule	92

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

62.01.01 – <i>Idaho Rules of Administrative Procedure</i>	
<i>Docket No. 62-0101-2501</i>	
Notice of Rulemaking – Adoption of Pending Rule	126

SECTIONS AFFECTED INDEX	127
--------------------------------------	-----

LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS	128
---	-----

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES	129
--	-----

SUBJECT INDEX	142
----------------------------	-----

PREFACE

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

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

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin 22-1 refers to the first Bulletin issued in calendar year 2022; Bulletin 24-1 refers to the first Bulletin issued in calendar year 2024. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 22-1 refers to January 2022; Volume No. 24-2 refers to February 2024; and so forth. Example: The Bulletin published in January 2022 is cited as Volume 22-1. The December 2022 Bulletin is cited as Volume 22-12.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho's administrative rulemaking process, governed by the Idaho 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. For a rule to become final, at a minimum, a rulemaking includes proposed, pending, and final rulemaking. Some rules may be adopted as temporary rules when they meet the required statutory criteria. Agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In some cases, the process may begin with proposed rulemaking and end 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. 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.

4. FINAL RULEMAKING

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

5. 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) reducing a regulatory burden that would otherwise impact individuals or businesses.

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.

Agencies must concurrently promulgate a temporary rule and a proposed rule when the text of the two rulemakings is the same, unless the temporary rule will expire before a proposed rule could become final.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

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

IDAPA 38.05.01.041.02.c.ii.

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

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

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

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

“**041.**” refers to Major Section **041**, “Acquisition Procedures”

“**02.**” refers to Subsection **041.02**.

“**c.**” refers to Subsection **041.02.c**.

“**ii.**” refers to Subsection **041.02.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 “-”, (38-0501-2201). 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. 38-0501-2201”

“**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**).

“**2201**” 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 2022**. A subsequent rulemaking on this same rule chapter in calendar year 2022 would be designated as “**2202**”. The docket number in this scenario would be 38-0501-**2202**.

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)

RULEMAKING DEADLINES CY 2025

BULLETIN MONTH / VOL.	FEB 25-2	MAR 25-3	APR 25-4	MAY 25-5	JUN 25-6	JUL 25-7	AUG 25-8	SEPT 25-9	OCT 25-10	NOV 25-11	DEC 25-12	JAN '26 26-1
ARRF DUE	Dec 20	Jan 24	Feb 21	Mar 21	April 18	May 23	June 20	July 18	Aug 15	Sept 19	Oct 24	Nov 21
AGENCY FILING DUE	Jan 3	Feb 7	Mar 7	April 4	May 2	June 6	July 3	Aug 1	*Aug 29	Oct 3	Nov 7	**Dec 5
BULLETIN PUBLISHED	Feb 5	Mar 5	April 2	May 7	June 4	July 2	Aug 6	Sept 3	Oct 1	Nov 5	Dec 3	Jan 7
21-DAY COMMENT ENDS	Feb 26	Mar 5	April 23	May 28	June 25	July 23	Aug 27	Sept 24	Oct 22	Nov 26	Dec 24	Jan 28

***August 29, 2025: Last day to submit a Proposed Rule for the upcoming Legislature**

****December 5, 2025: Last day to submit a Pending Rule for the upcoming Legislature**

RULEMAKING DEADLINES CY 2026

BULLETIN MONTH / VOL.	FEB 26-2	MAR 26-3	APR 26-4	MAY 26-5	JUN 26-6	JUL 26-7	AUG 26-8	SEPT 26-9	OCT 26-10	NOV 26-11	DEC 26-12	JAN '27 27-1
ARRF DUE	Dec 26	Jan 23	Feb 20	March 20	April 17	May 15	June 19	July 17	Aug 14	Sept 18	Oct 16	Nov 20
AGENCY FILING DUE	Jan 9	Feb 6	Mar 6	April 3	May 1	May 29	July 3	July 31	*Aug 28	Oct 2	Oct 30	**Dec 4
BULLETIN PUBLISHED	Feb 4	Mar 4	April 1	May 6	June 3	July 1	Aug 5	Sept 2	Oct 7	Nov 4	Dec 2	Jan 6
21-DAY COMMENT ENDS	Feb 25	Mar 25	April 22	May 27	June 24	July 22	Aug 26	Sept 23	Oct 28	Nov 25	Dec 23	Jan 27

***August 28, 2026: Last day to submit a Proposed Rule for the upcoming Legislature**

****December 4, 2026: Last day to submit a Pending Rule for the upcoming Legislature**

[Access to DFM's Administrative Rules Request Form \(ARRF\)](#)

[Access the Idaho Rule Writer's Manual](#)

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

IDAPA 38	Administration , Department of
IDAPA 62	Administrative Hearings , Office of
IDAPA 02	Agriculture , Idaho State Department of Idaho Honey Commission (02.06.16) Idaho Hop Grower's Commission (02.07) Idaho Sheep and Goat Health Board (02.08)
IDAPA 40	Arts , Idaho Commission on the
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 55	Career Technical Education , Division of
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Idaho Department of
IDAPA 63	Domestic Violence and Victim Assistance , Idaho Council on
IDAPA 08	Education , State Board of and State Department of
IDAPA 32	Endowment Fund Investment Board
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Idaho Department of
IDAPA 13	Fish and Game , Idaho Department of
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 Military Division (Division of Homeland Security) (15.06) Idaho State Liquor Division (15.10)
IDAPA 48	Grape Growers and Wine Producers Commission , Idaho
IDAPA 16	Health and Welfare , Department of
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission , Idaho
IDAPA 18	Insurance , Idaho Department of
IDAPA 05	Juvenile Corrections , Department of

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

IDAPA 09	Labor , Idaho Department of
IDAPA 20	Lands , Idaho Department of
IDAPA 52	Lottery Commission , Idaho State
IDAPA 24	Occupational and Professional Licenses , Division of Accountancy, Board of (24.30) Acupuncture, Board of (24.17) Architects and Landscape Architects, Board of (24.01) Athletic Commission, State (24.02) Barber and Cosmetology Services Licensing Board (24.28) Building Safety, Division of (24.39) 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, State Board of (24.31) Denturitry, State Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Engineers and Land Surveyors, Board of Licensure of Professional (24.32) Genetic Counselors Licensing Board (24.24) Geologists, Board of Registration for Professional (24.04) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Medicine, Board of (24.33) Midwifery, Board of (24.26) Morticians, Board of (24.08) Naturopathic Health Care, Board of (24.40) Nursing, Board of (24.34) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, Board of (24.10) Outfitters and Guides Licensing Board (24.35) Pharmacy, Board of (24.36) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Real Estate Commission (24.37) 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) Veterinary Medicine, State Board of (24.38)
IDAPA 43	Oilseed Commission , Idaho
IDAPA 50	Pardons and Parole , Commission of
IDAPA 26	Parks and Recreation , Idaho Department of

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

IDAPA 11	Police, Idaho State Alcohol Beverage Control (11.05) Brand Board (11.02) Commercial Vehicle Safety (11.13) Forensic Laboratory (11.03) Motor Vehicles (11.07) Peace Officer Standards and Training Council (11.11) Public Safety and Security Information (11.10) Racing Commission (11.04)
IDAPA 29	Potato Commission, Idaho
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board
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 21	Veterans Services, Division of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission, Idaho

IDAPA 11 – IDAHO STATE POLICE
11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL
DOCKET NO. 11-0501-2501
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 23-932, 23-946\(b\)](#), and [23-1330](#), 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. 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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 177–180](#).

After further discussion, the following changes were made to help clarify and reduce the regulatory burden on the industry. Language was added to further clarify actual use and multi-purpose use of liquor licenses. In addition, it strikes language included in restaurant licensing requirements.

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

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

There is no fiscal impact as a result of this rulemaking.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Captain Rocky Gripton, (208) 884-7062, email – rocky.gripton@isp.idaho.gov.

DATED this 5th day of November, 2025.

Lt Col. Russ Wheatley, Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Russ.wheatley@isp.idaho.gov

DOCKET NO. 11-0501-2501 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 177 through 180.

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.**

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 11-0501-2501

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

11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL

010. DEFINITIONS.

In addition to the applicable definitions found in Sections 23-902, 23-942, 23-1001, and 23-1303, Idaho Code, the following apply: (7-1-25)

01. Actual Use. The Actual Use of a liquor license by a licensee requires that the premises be open for business to the public and advertised to the public for regular scheduled availability of the sale, service, and dispensing of alcoholic beverages including liquor by the drink on a weekly basis. at least three (3) days or twenty-four (24) hours per week. The licensee is required to notify ABC within fifteen (15) days of any reduction of the regular scheduled day(s) and time(s) due to construction or refurbishment. (7-1-25)()

02. Business. Business means any operation to carry out the normal day to day activities to exercise the privilege of holding a liquor license and operating a premises, for purposes of Section 23-903, Idaho Code. (7-1-25)

03. Multipurpose Arena Facility. For purposes of Section 23-944(3), Idaho Code, a Multipurpose Arena Facility is a publicly or privately owned or operated arena, coliseum, stadium, or other facility where sporting events, concerts, live entertainment, community events, and other functions are presented for a ticketed price of admission or one whose premises are leased for private events such as receptions. (7-1-25)

04. Owner. An owner as stated in Section 23-903 subsections 16-18, Idaho Code, may hold the privilege to a license as between that person and the state of Idaho, and is subject to the qualifications and restrictions contained in Idaho Code Chapters 9, 10 and 13 of Title 23. (7-1-25)

05. Partition. A partition, as used in Section 23-944 Idaho Code, is defined as a structure separating the place from the remainder of the premises. (7-1-25)

06. Stock Transfer. For the purposes of Section 23-908, Idaho Code, the sale or exchange of stock in a closely held corporation holding a license is deemed a transfer of the license. However, the sale or exchange of shares in a family corporation among family members, is not a transfer. (3-23-22)

07. Transfer. Any change to a person as defined in Section 23-902(13), Idaho Code, who owns, operates, or leases an alcohol beverage license as a privilege granted by ABC except the transfer conditions set forth in Section 23-903(16), Idaho Code. For purposes of Sections 23-903(16)(d) and (e), Idaho Code, other than the “onetime-only transfer” where referenced, transfer means sale of the license. (7-1-25)

011. GENERAL PROVISIONS.

01. Delegation of Authority to License Alcoholic Beverages. The Director hereby delegates his authority for alcohol beverage licensing as defined in Title 23, Chapters 9, 10, and 13, Idaho Code, to the Alcohol Beverage Control Bureau, Idaho State Police pursuant to Section 67-2901(4), Idaho Code. (7-1-25)

02. Restaurant Licensure Requirements. In order to receive a license under these rules and Chapter 9, Title 23, a Restaurant must: (7-1-25)

- a. Have a dining room, kitchen, and cooking facilities for the preparation of food; and (7-1-25)
- b. Demonstrate to the satisfaction of the Director: (7-1-25)
 - i. An established menu identifying individually priced meals; (7-1-25)
 - ii. Food service and preparation occurs on the premises; (7-1-25)
 - iii. Stoves, ovens, refrigeration equipment or such other equipment commonly found in restaurants are located on the premises; and (7-1-25)
 - iv. Through appropriate business records, that the establishment is advertised and held out to the public as primarily a food-eating establishment, or that at least forty percent (40%), *or at least sixty percent (60%) for resort city restaurant liquor licenses as set forth in Section 23-903e, Idaho Code*, of the establishment's consumable purchases are derived from purchases of food and non-alcoholic beverages. (7-1-25) *(7-1-25) (7-1-25)*

[Proposed amendments to new Subsections 011.02.b.v. and vi. have been withdrawn]

03. Premises Loss, License Display, and Actual Use Requirement. (7-1-25)

a. In the event of loss or move of the physical licensed premises, or reversion under Section 23-903(17), Idaho Code, a licensee has one hundred eighty (180) days to secure and occupy a new premises in which to display the license. An additional sixty (60) days may be granted by ABC, upon petition by the license holder. (7-1-25)

b. All licenses must be prominently displayed in suitable premises and remain in Actual Use. (7-1-25)

04. Notification of Renewals and Administrative Actions. For the purposes of Section 23-903(18)(e), Idaho Code, the owner and lessee must each include in the lease agreement a primary email contact to which the renewal notice, filings, and payment of administrative actions will be sent. It is the responsibility of the owner and lessee to notify ABC of any change in contact information. (7-1-25)

05. Controlled Access to Minors. Access through any premises will be controlled to prevent minors from entering the place: (7-1-25)

a. Except for a one (1) room restaurant without a barrier or partition, rooms must be separated by a permanently fixed partition no less than six (6) feet in height; (7-1-25)

b. Exterior portions of a premises must be constructed in a manner that prevents loitering or access by a minor and must be in compliance with local ordinances; (7-1-25)

c. Partitions must be constructed of such material designed to prevent alcohol beverages from being passed over, under, or through the partition; and (7-1-25)

d. Approved by the Director. (7-1-25)

06. Multipurpose Arena Facility Licensure Requirements. A Multipurpose Arena Facility must renew the endorsement annually on the alcohol beverage license. To receive a multipurpose arena endorsement under these rules, the facility must: (7-1-25)

a. ~~Prepare cooked~~Have adequate food available based on the anticipated crowd size for purchase during events during the time alcohol is available for sale; and (7-1-25) ()

b. Submit with the application an operating/security plan to ABC and the local law enforcement agency for review and approval. Once approved, the plan remains in effect until the licensee requests a change or ABC determines that a change is necessary due to demonstrated problems or conditions not previously considered or addressed in the original plan. The plan must contain the following elements: (7-1-25)

i. How the licensee will prevent the sale and service of alcohol to persons under twenty-one (21) years of age and those who appear to be intoxicated; (7-1-25)

ii. ~~The ratio of employees and security staff to the size of audiencees at events where alcohol is being served or dispensed;~~ (7-1-25) ()

iii. ~~Alcohol server~~ Training provided to staff who serve dispense, or supervise the service and consumption of alcohol; (7-1-25) ()

iv. ~~The licensee's policy on the number of alcohol beverages that will be served to an individual patron during one (1) transaction;~~ (7-1-25) ()

viii. ~~A list description~~ of event types to be held in the facility; and (7-1-25) ()

vi. ~~Diagrams and designation of alcohol service areas for each event, category type, with identified areas to restrict minors.~~ (7-1-25) ()

c. ABC may restrict the type of events at the facility at which beer, wine, and liquor by the drink may be served. (7-1-25)

d. ABC will consider the seating accommodations, dining, operational plans, and other amenities available at the facility prior to endorsement. (7-1-25)

e. Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to ABC and local law enforcement showing the date and time of any events where alcohol service is planned. The licensee must notify ABC and local law enforcement at least twenty-four (24) hours in advance of any events where alcohol service is planned but was not included in the monthly schedule. (7-1-25)

f. ~~For those premises only operating as a venue that leases or rents its facility for private events, such as weddings, receptions, or other events defined in Section 23-902 (12), Idaho Code, the monthly schedule of events and updates necessary under Paragraph 011.06.e. are not required to be submitted.~~ ()

g. When the facility ceases to meet the qualifications of the endorsement, Sections 23-943 and 23-945 Idaho Code, apply. The licensee shall advise ABC that facility no longer constitutes a Multipurpose Arena. (7-1-25)

07. Product Replacement. Any beer or wine products removed from the licensed retailer's premises by a wholesaler/distributor for quality control or public health are not considered to be a violation of Section 23-1033 or 23-1325, Idaho Code. (7-1-25)

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING**

15.01.01 – RULES GOVERNING SENIOR SERVICES AND OLDER AMERICANS ACT PROGRAMS

DOCKET NO. 15-0101-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 67-5003](#), Idaho Code.

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

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

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 252–257](#).

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

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

There is no fiscal impact as a result of this rulemaking.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Bettina Briscoe, 208-577-2858.

DATED this 4th day of November, 2025.

Judy Taylor, Director
Idaho Commission on Aging
6305 Overland Rd., Suite 110
Boise, ID 83709
Phone: 208-334-3833
Email: ICOA@aging.idaho.gov
Website: <https://aging.idaho.gov/>

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING**

15.01.20 – RULES GOVERNING AREA AGENCY ON AGING (AAA) OPERATIONS

DOCKET NO. 15-0120-2501 (ZBR CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 67-5003](#), Idaho Code.

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

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

As a part of the negotiated rulemaking process, the Commission determined that these rules are duplicative of federal law and contractual terms with the Area Agencies on Aging (AAA) and therefore, can be repealed.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, page 258](#).

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

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

There is no fiscal impact as a result of this rulemaking.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Bettina Briscoe, 208-577-2858.

DATED this 19th day of November, 2025.

Judy Taylor, Director
Idaho Commission on Aging
6305 Overland Rd., Suite 110
Boise, ID 83709
Phone: 208-334-3833
Email: ICOA@aging.idaho.gov
Website: <https://aging.idaho.gov/>

**IDAPA 15 – OFFICE OF THE GOVERNOR
MILITARY DIVISION – IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION**

15.06.01 – RULES GOVERNING THE IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION

DOCKET NO. 15-0601-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 31-4821\(18\)](#), 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 adoption and use of this rule will change saved administrative burden and significant costs through the ability to execute long term contracts for emergency communication equipment and services. There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the May 7, 2025, Idaho Administrative Bulletin, [Vol. 25-5, pages 46-50](#).

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

Not Applicable.

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

There is no fiscal impact associated with this rule change.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Eric Newman, 208-995-6984.

DATED this 30th day of October, 2025.

Eric Newman, 911 Program Manager
Idaho Public Communications Commission/Idaho Military Division
4040 Guard St. Gowen Field
Boise, Idaho 83705
208-995-6984

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.02.01 – RULES OF THE STATE ATHLETIC COMMISSION

DOCKET NO. 24-0201-2501 (FEE RULE)

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 rulemaking previously initiated under this docket. The action is authorized pursuant to [Section 54-406\(1\)](#), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

The proposed rule, promulgated under this Docket, No. 24-0201-2501, was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 303–306](#). This Notice of Rulemaking hereby vacates the proposed rulemaking.

This vacation of the proposed rulemaking is required to ensure compliance with the cash balance expectations set forth in [Section 67-2608\(3\)](#), Idaho Code. The Commission's current cash balances and financial projections indicate that the Commission would be unable to maintain the required cash balance if the proposed fee reductions were adopted.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with questions concerning this vacation of proposed rulemaking, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.06.01 – RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

DOCKET NO. 24-0601-2501 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-3712](#), 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:

Reinstatement fees have been removed from the fee table to allow reinstatements to be standardized at \$35, pursuant to [Section 67-2614\(9\)](#), Idaho Code.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 313–314](#).

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

As authorized in Section 54-3712, Idaho Code, the fees in this rulemaking are increased by one hundred (100) percent of the current fees. Despite the increase, Idaho's fees will remain competitive with, or lower than, those in comparable states. This adjustment is necessary to comply with the cash balance expectations of [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

DOCKET NO. 24-0601-2501 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 313 through 314.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-0601-2501

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

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

400. FEES.

All fees are non-refundable. Annual fees may be aggregated for biennial licensure.

FEE TYPE	AMOUNT (Not to Exceed)	ANNUAL RENEWAL FEE (Not to Exceed)
Initial Licensure for Occupational Therapists	\$80 <u>160</u>	\$40 <u>80</u>
Initial Licensure for Occupational Therapy Assistants	\$60 <u>120</u>	\$30 <u>70</u>
Limited Permit or Temporary License	\$25 <u>50</u>	
<i>Reinstatement Fee</i>	As provided in Section 67-2614, Idaho Code.	

(7-1-24)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.09.01 – RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

DOCKET NO. 24-0901-2501 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 54-1605\(2\) and \(4\)](#), Idaho Code.

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

This chapter is proposed to be repealed and replaced with Docket No. 24-4101-2501. [2025 HB 28](#) merged two Boards within the Division to create the newly established Board of Long-Term Care Administrators. This rulemaking will merge the substance of the predecessor Board rules, approved by the Legislature in 2025, into a new chapter of rules for the merged Board. As such, the chapters of 24.09.01 and 24.19.01 are consolidated into what is proposed to be entitled IDAPA 24.41.01 – Rules of the Long-Term Care Administrators Board.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, page 315](#).

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

Fees will not be increased as a result of this rulemaking.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

DOCKET NO. 24-1301-2501 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-2207](#), 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:

Reinstatement fees have been removed from the fee table to allow reinstatements to be standardized at \$35, pursuant to [Section 67-2614\(9\)](#), Idaho Code.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 316-317](#).

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

As authorized in Section 54-2207, Idaho Code, the fees in this rulemaking are increased by fifty (50) percent of the current fees. Despite the increase, Idaho's fees will remain competitive with, or lower than, those in comparable states. This adjustment is necessary to comply with the cash balance expectations of [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

DOCKET NO. 24-1301-2501 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 316 through 317.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-1301-2501

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

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

400. FEES.

All fees are non-refundable. The examination or reexamination fee are in addition to the application fee and must accompany the application. Annual fees may be aggregated for biennial licensure.

FEE TYPE	AMOUNT (NOT TO EXCEED)	ANNUAL RENEWAL FEE (NOT TO EXCEED)
Physical Therapist License	\$25 <u>40</u>	\$25 <u>40</u>
Physical Therapist Assistant License	\$20 <u>30</u>	\$20 <u>30</u>
Examination	Established by examination entity plus an administrative fee not to exceed \$20 <u>25</u>	
Application	\$25 <u>40</u>	

(7-1-24) ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.17.01 – RULES OF THE STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-2501 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-4705\(1\)\(c\)](#), Idaho Code.

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

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 318–320](#).

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

As authorized in [Section 54-4710\(2\)](#), Idaho Code, the fees in this rulemaking are increased by one hundred (100) to one hundred fifty (150) percent of the current licensure fees, with a slightly higher adjustment for renewals. Despite the increase, Idaho's fees will remain competitive with, or lower than, those in comparable states. This adjustment is necessary to comply with the cash balance requirements outlined in [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.19.01 – RULES OF THE BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS

DOCKET NO. 24-1901-2501 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 54-1605\(2\) and \(4\)](#), Idaho Code.

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

This chapter is proposed to be repealed and replaced with Docket No. 24-4101-2501. [2025 HB 28](#) merged two Boards within the Division to create the newly established Board of Long-Term Care Administrators. This rulemaking will merge the substance of the predecessor Board rules, approved by the Legislature in 2025, into a new chapter of rules for the merged Board. As such, the chapters of 24.09.01 and 24.19.01 are consolidated into what is proposed to be entitled IDAPA 24.41.01 – Rules of the Long-Term Care Administrators Board.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, page 321](#).

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

Fees will not be increased as a result of this rulemaking.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.21.01 – RULES OF THE IDAHO STATE CONTRACTORS BOARD

DOCKET NO. 24-2101-2501 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-5206\(1\)](#), Idaho Code.

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

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 322–323](#).

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

As authorized in [Section 54-5207\(1\)](#), Idaho Code, the fee(s) in this rulemaking will increase between ten (10) and twenty (20) percent of the current fee. This is to comply with the cash balance requirements of [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.22.01 – RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

DOCKET NO. 24-2201-2501 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-5310\(11\)](#), 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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 324–325](#).

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

As authorized in [Section 54-5313\(3\)](#), Idaho Code, the fee(s) in this rulemaking will be increased between fifteen and twenty percent to address the Liquefied Petroleum Gas Safety Board's cash balances.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.23.01 – RULES OF THE SPEECH, HEARING, AND COMMUNICATION SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-2501 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 54-2910\(3\)](#), Idaho Code and [Section 54-2916B\(1\)](#), Idaho Code.

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

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 326–329](#).

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

As authorized in [Section 54-2916B\(1\)](#), Idaho Code, the fee amount in this rulemaking for Video Remote Interpreting Providers, set at \$150 per five interpreters, was selected by the Board to maintain the expected cash balance while continuing to deliver necessary services.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

DOCKET NO. 24-2801-2501 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-5807\(1\)\(h\)](#), 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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 330–336](#).

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

The increase proposed is fifteen (15) to twenty (20) percent of the current fees. Fee authorized by Section 54-5807(1)(h), Idaho Code. This increase is necessary to comply with the cash balance expectations of [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 24-3501-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with **Section 67-5224(2)(c)**, Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 36-2107, 36-2109\(a\), and 36-2110\(c\)](#), Idaho Code.

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

Two technical corrections have been made to the rule's text, to: (1) update designated tag rounding methodology and (2) update two river section descriptions.

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 1, 2025 Idaho Administrative Bulletin, [Vol. 25-10, pages 339–357](#).

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

Fees will not be increased as a result of this rulemaking.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

DOCKET NO. 24-3501-2501 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 339 through 357.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3501-2501

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

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

257. DESIGNATION OF ALLOCATED DEER AND ELK TAGS.

For the purposes of this section, an outfitting operation is an outfitter licensee whose licensed activities include hunting for the species in the area of the allocated tag being designated. When IFGC allocates tags, the allocated tags will be designated pursuant to Section 36-2120, Idaho Code, and this rule. The designation applies for the next season unless IFGC adjusts the number of allocated tags for the hunt. (4-6-23)

01. Notification. All notices, orders, or other documents may be made to the email address on file with the Board. (4-6-23)

02. Outfitted Hunter Tag Use History. Each outfitter's hunter tag use history will be determined from the use recorded by IFGC pursuant to Section 36-408(4), Idaho Code, and as may be adjusted as a result of a tag transfer or hardship request that is approved by the Board. (4-6-23)

a. Transfers. An outfitting operation is credited for use of an allocated tag that it transfers to another outfitting operation for use that year in the same hunt. The receiving outfitting operation is not credited for using the transferred tag. (4-6-23)

b. Surrenders. An outfitting operation may surrender a designated allocated tag(s) to the undesignated tag pool for use by any outfitting operation in the same hunt. The surrendering outfitting operation is not credited for use of the surrendered tag unless it later uses the tag from the pool. (4-6-23)

03. New Hunt Allocated Tag Designation. When the IFGC allocates tags for a newly capped, limited, or controlled hunt, the allocated tags will be designated proportionately as follows: (4-6-23)

a. Divide each outfitting operation's base allocation by the total of all base allocations in the hunt, resulting in a percentage of total use. Truncate the decimal at the hundredths place. (4-6-23)

b. Multiply the percentage of total use from Subsection 257.03.a. of these rules by the total number of allocated tags for the hunt, which determines the number of allocated tags designated to the outfitting operation.

(4-6-23)

04. Use of Previously Designated Allocated Tags. For established capped, limited, or controlled hunts, allocated tags will first be designated to each outfitting operation in an amount equal to the outfitting operation's use of the allocated tags previously designated to it for the same hunt. (4-6-23)()

a. In a capped or limited hunt, the use of previously designated allocated tags is the average use of allocated tags in the preceding two (2) years; in the event that IFGC adjusts the number of allocated tags in a hunt where there is only one (1) year of allocation, the Board will not average the use. (4-6-23)()

b. In a controlled hunt, the use of previously designated allocated tags is the highest year of use of allocated tags in the preceding two (2) years. (4-6-23)

c. In any hunt where the average use of the last two years' results in a number ending in point five (.5) and the resulting designation is rounded down, apply the following: ()

i. If there are sufficient remaining or additional tags in the hunt to round up every outfitter designation that has been rounded down in Subsection 257.04.a. or b. above, then designate one (1) additional tag to those outfitters designations. If there are not sufficient tags available, then proceed to Subsection 257.05 below. ()

05. Remaining or Additional Allocated Tags. Allocated tags not designated above will be designated proportionately as follows: (4-6-23)

a. Subtract each outfitting operation's use of previously designated allocated tags from Subsection 257.04 from its base allocation number to determine the number of non-allocated tags it used for a capped or limited hunt or the matching hunt with non-allocated tags for a controlled hunt, when necessary to determine non-allocated tag use; then (4-6-23)()

b. Divide the result by the total number of non-allocated tags used by all outfitting operations, resulting in a percentage of the total non-allocated tags used by outfitting operations in that hunt. Truncate the decimal at the hundredths place; and finally (4-6-23)

c. Multiply the percentage of total use from Subsection 257.05.b. by the number of allocated tags yet to be designated, which determines the number of allocated tags designated to the outfitting operation. (4-6-23)

06. Rounding. If allocated tag designation results in a partial tag, the calculation will be rounded up when a decimal equals or exceeds six tenths (0.6) and rounded down when a decimal is less than six tenths (0.6). When calculating after a reduction of allocated tags pursuant to Section 36-2120(4), Idaho Code, the calculation will be rounded up when a decimal equals or exceeds five tenths (0.5) and rounded down when a decimal is less than five tenths (0.5). (4-6-23)

07. Tie-breaker. If, after applying Subsections 257.03 through 06, there is a surplus or deficit of allocated tags to be designated, the unrounded proportion from Subsection 257.05, with as many decimal places as necessary, will be used, and then as follows: (4-6-23)

a. After a reduction in allocated tags, surplus tags will first be designated in amounts to restore outfitter operations to the number of tags that would have otherwise been designated pursuant to Subsection 257.04 or as close thereto as practicable. (4-6-23)

b. If a surplus, the outfitting operation whose unrounded proportion is the greatest will be designated one (1) tag, and if there are additional surplus tags, the outfitter with the next greatest unrounded proportion will be designated one (1) allocated tag, and repeated in descending unrounded proportions until all surplus tags are designated. In the event there is more than one outfitting operation with the same unrounded proportion and there are insufficient undesignated tags to designate to each outfitter, the undesignated tag will be designated based on a random drawing between those outfitting operations. (4-6-23)

c. A deficit will be resolved from the outfitting operation whose unrounded proportion is closest to six tenths (0.6), and then next closest to six tenths (0.6) when there is a deficit of more than one (1) allocated tag. If there is more than one (1) outfitting operation with the same unrounded proportion, a random drawing will be held between those outfitters. (4-6-23)

08. Stipulation by Outfitters. Outfitting operations in a hunt may submit to the Board a written stipulation determining the number of allocated tags designated to each outfitting operation in that hunt. The stipulation must be signed by all eligible outfitting operations for the hunt; however, under special circumstances, the Board may waive the requirement of approval from all other outfitting operations. If the Board approves the stipulation, the stipulation will be effective until the next designation of allocated tags for the hunt. On or before November 1 preceding the hunt, any outfitting operation may petition the Board to vacate the stipulation for good cause that would make it unconscionable or unjust to enforce the stipulation. If the Board vacates the stipulation, the allocated tags in that hunt will be designated pursuant to Section 36-2120, Idaho Code, and this rule. (4-6-23)

09. Undesignated Tag Pool. Any designated allocated tags that are surrendered or have not been utilized by an outfitting operation on or before July 16 or the next business day for a capped or limited hunt, or on or before September 10 or the next business day for a controlled hunt, will be available in an undesignated pool for any outfitting operation, as follows: (4-6-23)()

a. Beginning April 10 preceding the hunt, an outfitting operation may submit a request for an allocated tag from the pool. The request must be on a Board-approved form. (4-6-23)

b. Beginning April 20 preceding the hunt, or next business day thereafter, until July 16, allocated tags will be designated from the pool on a first-come, first-served basis to an outfitting operation without any designated allocated tags or which has utilized all of its designated allocated tags, with a maximum of two (2) tags per operation per round until all tags are designated. (7-1-25)

c. No tags designated from the pool will be considered for historical use calculations until all tag transfers are recorded and all hardship requests have been resolved. (7-1-24)

d. After July 16, tags will be designated on a first-come, first-served basis. Any remaining tags will be distributed among all requesting operations with a maximum of two (2) tags per operation per round until all requested tags have been allocated. (7-1-25)

10. Objection to Calculation. If an outfitting operation believes the calculation is incorrect, it may object by filing a petition with the Board within fourteen (14) days from the date the notification was sent and in accordance with the Idaho Administrative Procedures Act. The petition will include any supporting information or documentation. (4-6-23)

a. All outfitting operations in the hunt in question will be notified of the petition. (4-6-23)

b. The outfitting operation bears the burden of establishing that the calculation was incorrect. (4-6-23)

11. Hardship Request. An outfitting operation may submit a written hardship request to maintain all or a portion of previous outfitted hunter tag use history when the outfitting operation shows good cause that its use of allocated designated tags was impacted by circumstances beyond the outfitting operation's control. The request must be submitted on or before a deadline set by the Board. The outfitting operation must provide information or documentation as requested by the Board to substantiate the request. (4-6-23)

12. Change in Operating Area or Owner of Business. When an outfitting operation is sold or when an operating area is adjusted through a sale and designated allocated tags are associated with the affected operating area, the associated designated allocated tags and tag use history will transfer to the new owner. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

259. RIVER, LAKE, AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.

For the express purpose of safeguarding the health, safety and welfare of the public, for the conservation of wildlife and range resources, and to enable the outfitted and non-outfitted public to enjoy the recreational value of Idaho's rivers, streams, lakes, reservoirs and other natural resources, the Board has discretion to limit the number of outfitters licensed on waters that lie totally or partially within the State of Idaho. Pursuant to Section [36-2107\(e\)](#), Idaho Code, the Board may cooperate with federal and state government to evaluate relevant factors in decisions related to setting outfitter licensure limits on navigable waterways. The following rivers and streams or sections that lie totally or partially within the state of Idaho are open to commercial boating operations by outfitters and guides. (4-6-23)

01. Licensable Waters – River Sections (BL1) Blackfoot River through (PR1) Priest River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(BL1) Blackfoot River - Blackfoot Reservoir/Government Dam to Trail Creek Bridge. For each license/permit issued, no more than two (2) boats per section/per day may be used by any outfitter at any one time in each of the following river sections: a) Blackfoot Reservoir/Government Dam to Sage Hen Flats/Cutthroat Campground b) Sage Hen Flats/Cutthroat Campground to Morgan Bridge c) Morgan Bridge to Trail Creek Bridge No outfitter may have more than six (6) boats on the BL1 in any one (1) day. OGLB licenses are for the entire BL1 segment; a section of BL1 cannot be separated from BL1 for the purposes of selling a portion of an outfitter's business.	none	2
(BO1) Boise River, South Fork - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fisherman. No overnight camping or walk-and-wade fishing allowed.	none	2
(BO1A) Boise River - Eckert Road Bridge to Main Street Bridge.	none	
(BO1B) Boise River - Main Street Bridge to West side of Garden City limits.	none	
(BO2) Boise River - Downstream from the west side of the Garden City municipal limits to the east side of the Caldwell municipal limits. A maximum of two (2) outfitters may be licensed for fishing in addition to float boating. Each outfitter may use at any time a maximum of four (4) boats for boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	none	4
(CF1) Clark Fork River - Entire river upstream of a straight line extending north of county boat dock (near mouth of Johnson Creek) to Bear Paw Point (southwest tip of Denton Slough). Each outfitter may use at any one time a maximum of two (2) boats prior to the Friday preceding Memorial Day of each year, there is no limit thereafter.	2 outfitters for either power or float or combination thereof	
(CF2) Clark Fork River - Entire river upstream of a straight line extending north of county boat dock (near mouth of Johnson Creek) to Bear Paw Point (southwest tip of Denton Slough) (boating limited to the Friday preceding Memorial Day through November 30)	2 outfitters for either power or float or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
(CL1) Clearwater River - Lowell to the Lower Bridge at Kooskia. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. Fishing may not be conducted downstream from the Upper Bridge at Kooskia by CL1 outfitters. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5
(CL2) Clearwater River - The Upper Bridge at Kooskia to the Orofino Bridge. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	6	10
(CL3) Clearwater River - The Orofino Bridge to the mouth of the Clearwater River with the Snake River at Lewiston. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	10	10
* (NFCL) North Fork Clearwater River - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir	none	4
(CDNF) Headwaters of North Fork Coeur d'Alene - Including tributaries (Independence and Tee Pee Creeks) upstream from Devils Elbow Campground. Three (3) walk and wade only licenses. Up to four (4) clients on the river at one time per license.	none	none
(CD1) Coeur d'Alene River - Devil's Elbow to South Fork confluence. Fishing limit is two (2) float boats per license with a maximum of two (2) clients at a time per boat. Two (2) additional walk and wade licenses can be issued. Walk and wade limited to a maximum of two (2) clients at a time per license.	none	1
(CD2) Coeur d'Alene River - South Fork confluence downstream to Cataldo Mission Boat Ramp. Fishing limit is one (1) float boat per license with a maximum of two (2) clients or two walk and wade clients per license at a time. Walk and wade activities do not have to be initiated from a float boat.	none	1
(CD3) Lateral (Coeur d'Alene chain) Lakes - Connected by the Coeur d'Alene River. Cataldo Mission Boat Ramp to Highway 97 Bridge. A limit of one (1) power boat per license with a maximum of two (2) clients at a time or a limit of one (1) guide per license and two (2) float tubes at a time or two (2) clients walking and wading. The walk and wade activities must be associated with the power boating.	3	none
* (JB1) Jarbidge/Bruneau Rivers	none	4
(KO1) Kootenai River - Montana state line to Canada boundary	5	5
(LCL1) Little North Fork Clearwater River - Mouth of Canyon Creek to first bridge on the Little North Fork Clearwater River. Fishing only. Each outfitter may use only two (2) boats per day with a maximum of two (2) fishermen per boat.	none	2
* (LO1) Lochsa River	none	5

River/Section	Maximum No. Power	Maximum No. Float
(MO1) Moyie River - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20)	none	5
* (OW1) Owyhee River - Nevada state line to Oregon state line or South Fork to confluence with Owyhee River and continuing on to a take-out point.	none	6
(PN1) Payette River, North Fork - Payette Lakes Outlet to Hartsell Bridge. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN1A) Payette River, North Fork - Cascade City Park, $\frac{1}{4}$ mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F & G rules apply. No stopping by commercial groups from $\frac{1}{4}$ mile above to $\frac{1}{2}$ mile below heron nesting trees. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN2) Payette River, North Fork - Cabarton to Smiths Ferry Bridge	none	5
(PS1) Payette River, South Fork - Grandjean to Deadwood River	none	5
* (PS2) Payette River, South Fork - Deadwood River to Banks	none	5
(PA1) Payette River - Banks to Black Canyon Dam	none	5
(PO1) Pend Oreille River	5	5
(PR1) Priest River - Dickensheet Campground to Priest River City	none	2

(7-1-25)

02. Licensable Waters – River Sections (MF1) Middle Fork Salmon River through (SE2) Selway River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(LS1) Little Salmon River – From Highway 95 bridge at Hazard Creek to confluence of the Main Salmon River. Annually, prior to May 15, portage of the amphitheater rapid on river right is required when anglers are present in the hole below the rapid. Closed for operating below mouth of the Rapid River in May through July. No fishing.	none	2
* (MF1) Salmon River, Middle Fork - Boundary Creek to Cache Bar on the Salmon River	none	27
(SA1) Salmon River - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar	none	6
(SA2) Salmon River - Torrey's Bar to first Highway 93 bridge above Challis. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	5

River/Section	Maximum No. Power	Maximum No. Float
(SA3) Salmon River - First Highway 93 bridge above Challis to Kilpatrick River access. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	6
(SA4A) Salmon River - Kilpatrick River access to North Fork - License period from May 1 to September 30. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	5	11
(SA4B) Salmon River - Kilpatrick River access to North Fork - License period from October 1 to April 30. Each power boat outfitter may use at any one time a maximum of one (1) boat and each float boat outfitter may use at any one time a maximum of three (3) boats.	2	8
(SA5) Salmon River - North Fork to Corn Creek	3	9
*##(SA6) Salmon River - Corn Creek to Spring Bar Boat Ramp with no outfitter fishing below Vinegar Creek from September 15 through March 31 except that on a case-by-case basis, outfitter fishing may occur when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer.	14	31
* (SA7A) Salmon River - Vinegar Creek to Hammer Creek - License period from March 15 to October 15. No power boating is allowed from the Saturday before Memorial Day through Labor Day from 10:30 a.m./Mountain Time to 5:00 p.m./Mountain Time daily between the Riggins City Boat Dock and Lucile.	10	26
* (SA7B) Salmon River - Power boats from Vinegar Creek to Spring Bar Boat Ramp and float boats from Vinegar Creek to Island Bar Boat Ramp, open from September 15 to March 31 only. Each float boat outfitter may use at any one time a maximum of three (3) boats for fishing, or two (2) additional boats for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer; and each power boat outfitter may use at any one time a maximum of two (2) boats for fishing, or one (1) additional boat for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer.	6	12
* (SA7C) Salmon River - Riggins City Park Boat Ramp to Hammer Creek. Three (3) designated outfitters may utilize float boats to fish from the Riggins City Boat Dock to Hammer Creek during the period from September 15 to March 31.	none	3
*##(SA8) Salmon River - Hammer Creek to <u>Heller Bar</u> or <u>the Idaho/Washington State line near Lewiston on the Snake River</u>	15	35
* (SE1) Selway River - Paradise Campground to Selway Falls	none	4

River/Section	Maximum No. Power	Maximum No. Float
(SE2) Selway River - Selway Falls to the mouth of the Selway River at Lowell. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5

(7-1-25)()

03. Licensable Waters – River Sections (SH1) Henry's Fork Snake River through (TE3) Teton River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford. (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	7
(SH2) Snake River, Henry's Fork - Mesa Falls to St. Anthony. Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing, no more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Stone Bridge, Stone Bridge to Ashton Dam, and Ashton Dam to Chester Dam, and Chester Dam to St. Anthony, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	8

River/Section	Maximum No. Power	Maximum No. Float
<p>(SH3) Snake River, Henry's Fork - No more than three (3) boats for fishing may be used by an outfitter at any one (1) time in each of the following river sections:</p> <p>a) St. Anthony to Red Road Bridge Boat Access (i.e., Parker/Salem or Fort Henry) b) Red Road Bridge Boat Access to Warm Slough Boat Access c) Warm Slough Boat Access to Menan Boat Access</p> <p>No outfitter may have more than six (6) boats on the SH3 in any one (1) day.</p> <p>When permitted by the BLM and with the notification to and concurrence of the Board Executive Officer, each outfitter may be allowed adjustments to the maximum boat limits in order to accommodate non-fishing boating activities (e.g., canoeing, paddle boards, and kayaks) and hazardous excursions that are part of an outfitter's operating plan. These adjustments must be reviewed and approved annually.</p> <p>OGLB licenses are for the entire SH3 segment; a section of SH3 cannot be separated from SH3 for the purposes of selling a portion of an outfitter's business.</p>	none	4

River/Section	Maximum No. Power	Maximum No. Float
<p>(SS1) Snake River - South Fork - No more than four (4) boats per section/per day may be used by an outfitter at any one (1) time in each of the following river sections:</p> <p>a) Palisades Dam Boat Access to the Spring Creek Boat Access (Swan Valley Bridge) or Conant Boat Access. Exception: Not more than eight boats would be permitted between Spring Creek Boat Access and Conant Boat Access to allow for the flexibility to launch/take-out boats.</p> <p>b) Spring Creek or Conant Boat Access to Fullmer Boat Access. Exception: Not more than eight (8) boats would be permitted in Section (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m. due to overnight use at designated outfitter camps.</p> <p>c) Fullmer Boat Access to Byington Boat Access.</p> <p>d) Byington Boat Access to Lorenzo Boat Access.</p> <p>e) Lorenzo Boat Access to Menan Boat Access.</p> <p>Additionally, no outfitter may have more than twelve (12) boats on the SS1 in any one day.</p> <p>A one-time per year exception after July 15 may be granted from Conant Boat Access to Byington Boat Access that would allow two (2) additional boats per section to accommodate large client groups. During this one-time exception, if the two (2) additional boats do not accommodate the large client group, additional boats must come from slots allocated to other outfitters. The maximum daily boat limit for SS1 may not be exceeded. This would require written concurrence from the BLM/USFS and the Board Executive Officer.</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire SS1 segment; a section of SS1 cannot be separated from SS1 for the purposes of selling a portion of an outfitter's business.</p>	None*	8**
<p>* Each licensed float boat outfitter may use one (1) supply boat (float or power) that does not carry clients. During periods of preparing overnight camps (i.e., setting up tents and portable toilet facilities, boating in grills and other cooking supplies) for the season, usually May or June of each year; and removing the same items listed above from overnight camps at the end of the season, usually October or November; multiple supply boats may be used.</p> <p>** One (1) license additional for waterfowl hunting covering both BLM and USFS managed lands and waters for the South Fork (Palisades Dam to Wolf Flats Boat Access may be issued. This license opportunity is in addition to the eight (8) float licenses and is limited to providing waterfowl hunting during waterfowl hunting season as defined by Idaho Fish and Game Rules and where no more than two (2) float or power boat boats per day per section a and b only can be used by the outfitter at any one time for that purpose. Fishing may not be provided or conducted unless the outfitter is also licensed and permitted as one (1) of the eight (8) outfitters addressed in this rule who may not provide hunting activities. This business opportunity may be sold separately.</p>		

River/Section	Maximum No. Power	Maximum No. Float
<p>(SN1) Snake River - For each license/permit issued, no more than four (4) boats per section/per day may be used by an outfitter at any one time in each of the following river sections:</p> <p>a) Menan Boat Access to Mike Walker Boat Access (includes Federally managed lands). b) Mike Walker Boat Access to Gem State Power Plant (includes non-Federal lands).</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire SN1 segment; a section of SN1 cannot be separated from SN1 for the purposes of selling a portion of an outfitter's business.</p>	3 outfitters either float or power or combination thereof	
<p>(SN2) Snake River - Gem State Power Plant. Idaho Falls, downstream to headwaters of American Falls Reservoir. For each license/permit issued, no more than four (4) boats per section/per day may be used by any outfitter at any one time in each of the following river sections:</p> <p>a) Gem State Power Plant to Shelley/Firth b) Shelley/Firth to Porterville c) Porterville to Blackfoot (Boating limited, walk-wade if there is access) d) Blackfoot to Tilden Bridge e) Tilden Bridge to the headwaters of American Falls Reservoir</p> <p>No outfitter may have more than twelve (12) boats on the SN2 in any one day.</p> <p>OGLB licenses are for the entire SN2 segment; a section of SN2 cannot be separated from SN2 for the purposes of selling a portion of an outfitter's business.</p>	3 outfitters either float or power or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
<p>(SN3) Snake River - American Falls Dam to Massacre Rocks State Park. For each license/permit issued, no more than five (5) boats per section/per day may be used by any outfitter at any one time in each of the following river sections:</p> <p>a) American Falls Dam to Pipeline (includes federally and non- federally managed lands) b) Pipeline to Vista (includes federally and non- federally managed lands) c) Vista to Eagle Rock (includes non-federally managed lands) d) Eagle Rock to Massacre Rocks (includes non-federally managed lands)</p> <p>No outfitter may have more than ten (10) boats on the SN3 in any one day.</p> <p>Float boats may use motors (5HP or less) for downstream steerage only. Downstream steerage does not include holding or upstream travel of watercraft with a motor.</p> <p>Sturgeon Fishing: Pipeline to Massacre Rocks, no more than five (5) boats per section/per day may be used by any outfitter at any one time in each of the river sections between Pipeline to Massacre Rocks.</p> <p>American Falls Dam to Pipeline, one (1) boat within this section/two (2) weekdays per week/two (2) weekend days per month. Idaho Department of Fish and Game, Southeast Region (Pocatello) needs to be notified prior to Sturgeon Fishing.</p> <p>OGLB licenses are for the entire SN3 segment; a section of SN3 cannot be separated from SN3 for the purposes of selling a portion of an outfitter's business.</p>		3 outfitters either float or power or combination thereof
(SN4) Snake River - Massacre Rocks State Park to Milner Dam	3	3
* (SN5) Snake River - Milner Dam to Star Falls	none	3
* (SN6) Snake River - Star Falls to Twin Falls	none	5
(SN7) Snake River - Twin Falls to Lower Salmon Falls Dam	3	3
(SN8) Snake River - Lower Salmon Falls Dam to Bliss Dam	3	5
(SN9) Snake River - Bliss Dam to headwaters of C.J. Strike Reservoir	5	5
(SN10) Snake River - C.J. Strike Dam to Walter's Ferry	5 outfitters for either power or float or combination thereof	
(SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir	5	none
* (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing	18	15
* (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing, two (2) one-day float trips only	none	2
(SN14) Snake River - Pittsburg Landing to <u>Heller Bar or the Idaho/Washington State Line near Lewiston</u> , <u>Excludes the mouth of the Salmon River defined as a straight line perpendicular to flow from the most downstream point of land where the Salmon and Snake rivers merge.</u>	19	15

River/Section	Maximum No. Power	Maximum No. Float
(SN15) Snake River - Washington/Oregon state line to Lewiston	Limitations pending. (This section is set aside for future rules of fishing only outfitters.)	
(SJ1) St. Joe River - St. Joe River Headwaters to Red Ives. No outfitted boating. One (1) walk and wade only fishing outfitter.	none <u>2</u>	none
(SJ2) St. Joe River - Red Ives to Avery. In addition to one (1) float boat license, three (3) walk and wade only outfitters. No fishing from float boats, boat clients may fish via walk and wade.	none	1
(SJ3) St. Joe River - Avery to St. Joe City Bridge	none	2
(SJ4) St. Joe River - St. Joe City Bridge to Lake Coeur d'Alene	2	none
(SM1) St. Maries River	5	5
(TE1) Teton River - Upper put-in to Cache Bridge, motors not to exceed 10 hp	5 outfitters for either power or float or combination thereof	
(TE2) Teton River - Cache Bridge to Harrop Bridge, motors not to exceed 10 hp	6 outfitters for either power or float or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
<p>(TE3) Teton River - No more than two (2) boats per section/per day may be used by an outfitter at any one time in each of the following river sections: a), b), d), e) and f). No more than four (4) boats per section/per day may be used by an outfitter at any one time on river section c) and where two (2) boats from same outfitter must be spaced at three-hour (3) intervals:</p> <p>a) Harrop Bridge Boat Access to Felt Dam Boat Access. b) Felt Dam Boat Access to Spring Hollow Boat Access. c) Spring Hollow Boat Access to Teton Dam Site Boat Access. d) Teton Dam Site Boat Access to Hog Hollow Bridge Boat Access. e) Hog Hollow Bridge Boat Access to Teton Highway. f) Teton Highway to confluence with the Henry's Fork of the Snake River. Note: No boat access exists at the confluence with the Henry's Fork of the Snake River. Outfitters would utilize Hibbard Bridge or Warm Slough Access on SH3. No fishing on SH3.</p> <p>No outfitter may have more than eight (8) boats on the TE3 in any one day.</p> <p>Float boats may use motors not to exceed 10 hp in section a) (Harrop Bridge to Felt Dam Access) only. Float boats may use motors (5HP or less) for downstream steerage only in sections d), e) and f). Motors are not allowed in other sections. Downstream steerage does not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire TE3 segment; a section of TE3 cannot be separated from TE3 for the purposes of selling a portion of an outfitter's business.</p>	none	5

* Classified rivers

Floatboat and powerboat outfitters on these sections are considered within their area of operations when hiking from the river or fishing in tributaries away from the river but does not include overnight activities. Conflicts with land-based outfitters will be handled on a case-by-case basis. (16-23)()

04. Other -- Table. The following lakes and reservoirs or portions thereof that lie totally or partially within the state of Idaho are open to fishing by outfitters with the following limitations:

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Coeur d'Alene	8	2
Dworschak Reservoir	7	2
Henry's Lake	8	2
Island Park Reservoir	7	2
Magic Reservoir	3	2
Palisades Reservoir	10	2
Lake Pend Oreille	11	2

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Priest Lake	5	2
American Falls Reservoir	3	2
C.J. Strike Reservoir	4	2
Brownlee Reservoir	5	2
Oxbow Reservoir	3	2
Hells Canyon Reservoir	3	2

(7-1-25)

05. Other Lakes and Reservoirs. All other Idaho lakes and reservoirs are limited to two (2) fishing outfitters with a maximum of two (2) boats (float or power) per outfitter. (7-1-25)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.41.01 – RULES OF THE LONG-TERM CARE ADMINISTRATORS BOARD

DOCKET NO. 24-4101-2501 (NEW CHAPTER, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 54-1605\(2\) and \(4\)](#), Idaho Code.

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

This rule chapter is the initial rule chapter for the Board which came into existence on July 1, 2025, when [2025 HB 28](#) merged two Boards within the Division to create the newly established Board of Long-Term Care Administrators. This rulemaking will merge the substance of the predecessor Board rules, approved by the Legislature in 2025, into a new chapter of rules for the merged Board. As such, the chapters of 24.09.01 and 24.19.01 are consolidated into this rule, to be entitled IDAPA 24.41.01 – Rules of the Long-Term Care Administrators Board.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 367-370](#).

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

Section 54-1605(2), Idaho Code, requires the Board to establish fees in rule, not to exceed \$400. All fees, which have not been increased or modified by the merger of chapters 24.09.01 and 24.19.01, are subject to [Chapter 16, Title 54](#), Idaho Code.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 817-6126.

DATED this 30th day of October, 2025.

Kolby K. Reddish
Chief Legal Counsel
PO Box 83720
Boise, ID 83720-0063
Phone: (208) 817-6126
Email: kolby.reddish@dopl.idaho.gov

IDAPA 35 – STATE TAX COMMISSION
35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0102-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 63-105](#), 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 State Tax Commission performed a critical and comprehensive review of the statutes and existing rules chapter. We rewrote the chapter under the premise of zero-based rulemaking, as per Executive Order 2020-01: Zero Based Rule Regulation. After the proposed rule was published, we deleted one sentence that referred to a section that had been deleted.

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 3, 2025, Idaho Administrative Bulletin, [Vol. 25-9, pages 64-191](#).

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

Not Applicable.

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

Not Applicable.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Philip Johnson at philip.johnson@tax.idaho.gov or (208) 334-7505.

DATED this 21st day of October, 2025.

Philip Johnson, Tax Research Specialist
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36, Boise ID 83722-0036
philip.johnson@tax.idaho.gov
(208) 334-7505

DOCKET NO. 35-0102-2501 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-9, September 3, 2025, pages 64 through 191.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 35-0102-2501

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

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

085. SALES TO AND PURCHASES BY NONPROFIT ORGANIZATIONS [\(RULE 085\)](#)
Sections [63-3622](#), [63-3622O](#), Idaho Code

01. In General. The Sales Tax Act ~~does not~~ doesn't provide any general exemption for, charitable or nonprofit organizations, corporations, associations, or other entities. Specific statutory provisions provide exemptions for some charitable organizations. Unless an exemption is clearly granted to a specific organization or to specific sales or purchases by a specific organization or a class of organization, no exemption applies. Special rules apply to religious organizations. [See Rule 086 of these rules.](#) [\(3-31-22\)](#)

02. Educational Institutions. Sales to and purchases made by non profit educational institutions, as defined in Section [63-3622O](#), Idaho Code, are exempt from Idaho sales or use taxes. [\(3-31-22\)](#)

03. Health Related Entities. Sales to and purchases made by the specific health related entities listed in Section [63-3622O](#), Idaho Code, are exempt from Idaho sales or use taxes. Health related organizations not named are not entitled to any exemption from sales and use taxes as a health related entity. [\(3-31-22\)](#)

04. Hospitals. In addition to the health related entities listed in Section [63-3622O](#), Idaho Code, hospitals which are nonprofit institutions licensed for the care of ill persons are exempt. To qualify for the exemption the hospital needs to be a facility defined in Section 39-1301(a), Idaho Code, and licensed as provided in Chapter 13, Title 39, Idaho Code, or an equivalent law in another state. Hospitals operated for profit do not qualify for this exemption, nor do nursing homes, clinics, doctors' offices, or similar facilities unless the organization qualifies for an exemption under Section [63-3622O](#), Idaho Code. [\(3-31-22\)](#)

05. Idaho Foodbank Warehouse, Inc. The Idaho Foodbank Warehouse, Inc. is a nonprofit corporation which gathers food and food products at one (1) central location for distribution to food banks throughout Idaho. All sales to, donations to, and purchases by the Idaho Foodbank Warehouse, Inc., are exempt from sales and use taxes. [\(3-31-22\)](#)

a. Example 1: The X-Y-C Corporation buys food from a grocer to donate to the Idaho Foodbank

~~Warehouse, Inc. The XYZ Corporation pays sales tax on the purchase since they are not purchasing the food for resale and no other exemption applies.~~ (3-31-22)

b. ~~Example 2: The Idaho Food Bank Warehouse, Inc. buys office supplies. No tax is due on the purchase.~~ (3-31-22)

06. Food Banks and Soup Kitchens. ~~Food banks or soup kitchens are nonprofit organizations, other than the Idaho Foodbank Warehouse, Inc., which, as one of their regular activities, furnish food to others without charge. Sales to, donations to, and purchases of food or tangible personal property used by food banks and soup kitchens other than the Idaho Foodbank Warehouse, Inc. to grow, store, prepare, or serve food are exempt from sales and use taxes. However, there is no exemption from the sales tax if goods are purchased with the intent and purpose of donation to a qualified organization. This exemption does not extend to the sale, purchase, or use of licensed motor vehicles by food banks or soup kitchens.~~ (3-31-22)

a. ~~Example 1: A grocer removes food from their inventory of goods held for resale to donate to a food bank or soup kitchen. The grocer is exempt from the use tax on their cost of the inventory donated.~~ (3-31-22)

b. ~~Example 2: The XYZ Corporation buys food from a grocer to donate to a food bank. The XYZ Corporation is not purchasing the food items for resale, and no other exemption from sales tax applies. Sales tax is paid on the purchase.~~ (3-31-22)

c. ~~Example 3: A food bank buys a licensed motor vehicle. The purchase is subject to sales tax because the motor vehicle is not used to grow, prepare, or serve food.~~ (3-31-22)

07. Red Cross. ~~See Rule 094 of these rules.~~ (3-31-22)

08. Nonsale Clothiers. ~~Nonprofit organizations, one of whose primary functions is to provide clothing to the needy without charge, may purchase the clothing without paying tax. Only clothing qualifies for the exemption. Other purchases by the organization are taxable. Clothing may also be removed from a resale inventory and donated to these organizations exempt from use tax. However, there is no exemption from the sales tax if goods are purchased with the intent and purpose of donation to a qualified organization.~~ (3-31-22)

a. ~~Example 1: A department store removes clothing from resale merchandise to donate to a nonprofit, nonsale clothier. The store is exempt from the use tax on the cost of the inventory donated.~~ (3-31-22)

b. ~~Example 2: A nonprofit, nonsale clothier buys clothing and bed sheets from a department store to give to the needy. No tax is due on the clothing, but the store charges the organization sales tax on the bed sheets.~~ (3-31-22)

09. Exemption Certificate. ~~The organizations listed in this rule may make purchases without paying sales tax to the vendor by completing an exemption certificate. See Rule 128 of these rules.~~ (3-31-22)

10. Literature. ~~The sale, purchase, use, or other consumption of literature, pamphlets, periodicals, tracts, books, tapes, audio CDs, and other literature which is produced in a machine readable format that are both published and sold by an entity qualified under Section 501(e)(3) of the Internal Revenue Code are exempt from the tax if no part of the net earnings benefits any individual or shareholder.~~ (3-31-22)

11. Sales by Nonprofit Organizations. ~~An exemption from sales tax on sales to one of the foregoing entities does not constitute an exemption from the requirements to collect and remit tax when the entity makes taxable sales to buyers not exempt from tax. When an exempt organization qualifies as a retailer the organization is to register with the Commission, obtain a seller's permit, and collect and remit sales taxes on sales as defined in Section 63-3612, Idaho Code, in the same manner and in accordance with the same statutes and rules which govern all other retailers in the state. There are two (2) exceptions to this rule.~~ (3-31-22)

a. ~~Sales of places to sleep by the Idaho Ronald McDonald house are exempt from sales taxes.~~ (3-31-22)

b. ~~Sales of admissions by an entity qualified under Section 501(c)(3) of the Internal Revenue Code, or by an organization conducting an exempt function defined in Section 527 of the Internal Revenue Code when:~~ (3-31-22)

i. ~~The event is not predominately recreational or commercial; and~~ (3-31-22)

ii. ~~Any entertainment value included in the admission charge is minimal when compared to the charge for admission; and~~ (3-31-22)

iii. ~~Such entity has paid a sales or use tax on taxable purchases or tangible personal property or services consumed during the event.~~ (3-31-22)

12. Senior Citizen Centers. ~~Sales to certain senior citizen centers are exempt from sales tax. The definition of "senior citizen center" in Section 63-3622O, Idaho Code, is the same as the definition of a "multipurpose senior center" as defined in the Older Americans Act, Title 42, Section 3002, United States Code. To qualify for the exemption the center needs to have been granted exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code. Long term care facilities do not qualify for this exemption.~~ (3-31-22)

13. Free Dental Clinics. ~~Sales to and purchases by organizations providing free dental care to children are exempt from sales and use tax. For the purposes of this exemption "children" means persons under the age of eighteen (18). To qualify for the exemption property or services need to be:~~ (3-31-22)

a. ~~Purchased by an organization whose primary purpose is providing free dental care to children; and~~ (3-31-22)

b. ~~Primarily used by an organization whose primary purpose is providing free dental care to children.~~ (3-31-22)

IDAPA 35 – STATE TAX COMMISSION

35.01.06 – HOTEL/MOTEL ROOM AND CAMPGROUND SALES TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0106-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 63-105](#), 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 State Tax Commission performed a critical and comprehensive review of the statutes and existing rules chapter. We rewrote the chapter under the premise of zero-based rulemaking, as per [Executive Order 2020-01: Zero Based Rule Regulation](#).

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2025, Idaho Administrative Bulletin, [Vol. 25-9, pages 192–198](#).

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not Applicable.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Philip Johnson at philip.johnson@tax.idaho.gov or (208) 334-7505.

DATED this 21st day of October, 2025.

Philip Johnson, Tax Research Specialist
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36, Boise ID 83722-0036
philip.johnson@tax.idaho.gov
(208) 334-7505

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.02.04 – SHOSHONE BANNOCK TRIBAL WATER SUPPLY BANK RULES

DOCKET NO. 37-0204-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 42-1762](#), Idaho Code, and [Article 7.3](#) of the 1990 Fort Hall Indian Water Rights Agreement.

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:

Adoption of the pending rule is necessary for a more concise rule of the operation of the Shoshone-Bannock Water Bank without redundant or duplicative language. The pending rule is consistent with the language, spirit, and intent of the 1990 Fort Hall Indian Water Rights Agreement, including incorporating by reference relevant definitions and the entirety of Article 7.3 covering the creation and operation of the Shoshone-Bannock Water Bank.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 384–389](#).

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

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

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Erik Boe at Erik.Boe@idwr.idaho.gov, (208) 287-4800.

DATED this 7th day of November, 2025.

Erik Boe, Resource Protection Bureau Chief, Rules Review Officer
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4800

IDA PA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.07 – STREAM CHANNEL ALTERATION RULES

DOCKET NO. 37-0307-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 42-1805\(8\)](#), 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:

Adoption of the pending rule removes unnecessary language, removes outdated minimum standards, and adds current industry standards so that permitting can be expedited under minimum standards.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 390–421](#).

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

As authorized in [Section 42-221\(M\)](#), Idaho Code, the fee(s) in this rulemaking consist of a twenty-dollar (\$20.00) fee for each stream channel alteration permit.

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 WITH TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Erik Boe at Erik.Boe@idwr.idaho.gov, (208) 287-4800.

DATED this 7th day of November, 2025.

Erik Boe, Resource Protection Bureau Chief, Rules Review Officer
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4800

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.12 – IDAHO DEPARTMENT OF WATER RESOURCES WATER DISTRIBUTION RULES – WATER DISTRICT 34

DOCKET NO. 37-0312-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with **Section 67-5224(2)(c)**, Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 42-1805(8)**, 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:

Adoption of the pending rule removes unnecessary language, revises language for readability, removes unnecessary provisions, and provides consistent and efficient distribution of surface water and groundwater water rights in Water District 34.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 422–430](#).

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

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

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Erik Boe at Erik.Boe@idwr.idaho.gov, (208) 287-4800.

DATED this 7th day of November, 2025.

Erik Boe, Resource Protection Bureau Chief, Rules Review Officer
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098
Phone: (208)-287-4800

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS

DOCKET NO. 39-0260-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 49-201\(1\)](#) and [49-443B\(1\)](#), Idaho Code.

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

The department is seeking to clean up and clarify provisions in this rule related to proof of registration, custom vehicle program fees, plates sizes, and exempt personalized plates. These are not regulatory measures.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 431–442](#).

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

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 7th day of November, 2025.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.49 – RULES GOVERNING IGNITION INTERLOCK DEVICES

DOCKET NO. 39-0349-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 18-8008\(4\)](#), 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:

Pursuant to Idaho Code 18-8008(4), the department is required to maintain rules concerning the certification, installation, repair, and removal of ignition interlock devices. This rule was reviewed in accordance with the agency's [Zero-Based Regulation review schedule](#). The proposed edits clarify several provisions and are non-substantive in nature.

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 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 443–451](#).

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

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brendan Floyd at 208-334-8474.

DATED this 7th day of November, 2025.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
Brendan.floyd@itd.idaho.gov

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01 – RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD

DOCKET NO. 57-0101-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with **Section 67-5224(2)(c)**, Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 18-8314](#), Idaho Code.

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

This rule reduces the number of continuing education hours required of SOMB certified senior and associate level psychosexual evaluators and sexual offender treatment providers from forty (40) hours of specialized continuing education to thirty (30) hours of specialized continuing education. This rule also reduces the number of continuing education hours required of SOMB certified provisional level psychosexual evaluators and sexual offender treatment providers from twenty (20) hours of specialized continuing education to fifteen (15) hours of specialized continuing education. This rule change mirrors the continuing education requirement of related licensing boards in recent years. This rule incorporates by reference the Board's updated standards and guidelines related to continuing education for adult and juvenile certified providers based upon the reduction of continuing education hours provided above. The SOMB is also removing SOMB IDAPA Rule 101, Continuing Education for Psychosexual Evaluators and Sexual Offender Treatment Provider, and SOMB IDAPA Rule 231, Continuing Education for POST Conviction Sexual Offender Polygraph Examiners. These Rules are redundant as continuing education requirements are detailed in the SOMB Standards and Guidelines for Adult Sexual Offender Management Practices and the Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders, which are incorporated by reference in Rule 003. The SOMB is also eliminating redundant, non-substantive information from the rules.

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 1, 2025 Idaho Administrative Bulletin, [Vol. 25-10, pages 454–459](#).

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 18-8314](#), Idaho Code.

This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There will not be any impact on the general fund as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Nancy Volle at (208) 605-4782.

DATED this 29th day of October, 2025.

Nancy Volle, Program Manager
Sexual Offender Management Board
1299 N Orchard St Ste #110
Boise, ID 83706

Phone: (208) 605-4782
Email: somb@idoc.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2501

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 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

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](#). This rulemaking updates federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency 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\(1\)](#) 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: This rulemaking was initiated to update federal regulations incorporated by reference. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 3, 2025, [Vol. 25-9, pages 209–211](#). DEQ received no comments, and the rule has been adopted as initially proposed. The board meeting documents are available at [Air Quality: Docket No. 58-0101-2501 | Idaho Department of Environmental Quality](#).

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

FISCAL IMPACT 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 with questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-2501

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 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

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 [Chapter 36, Title 39](#), Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was initiated to include revisions for consistency with final actions taken by EPA under the Clean Water Act and deletes arsenic from the Factors for Calculating Hardness Dependent Metals Criteria Table as the calculations no longer apply for arsenic. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, July 2, 2025, [Vol. 25-7, pages 130–148](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at [Water Quality: Docket No. 58-0102-2501 | Idaho Department of Environmental Quality](#).

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

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-2501

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 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by [Chapters 1, 44, and 58](#), Title 39, Idaho Code. In addition, 40 CFR 271.21(e)(1) and [Section 39-4404](#), Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

DESCRIPTIVE SUMMARY: This rulemaking was initiated to update federal regulations incorporated by reference. A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 6, 2025, [Vol. 25-8, pages 231–232](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at [Hazardous Waste: Docket No. 58-0105-2501 | Idaho Department of Environmental Quality](#).

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

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.06 – SOLID WASTE MANAGEMENT RULES

DOCKET NO. 58-0106-2501 (ZBR CHAPTER REWRITE)

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 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

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 [39-7408C](#), Idaho Code.

DESCRIPTIVE SUMMARY: Rulemaking was initiated in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Brad Little on January 16, 2020. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, August 6, 2025, [Vol. 25-8, pages 233–267](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at [Solid Waste Management: Docket No. 58-0106-2501 | Idaho Department of Environmental Quality](#).

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

FISCAL IMPACT 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 with questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-2501

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 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by [Chapter 1, Title 39](#), Idaho Code.

DESCRIPTIVE SUMMARY: Federal drinking water regulations for the Consumer Confidence Report rule revisions and the Lead and Copper Rule Improvements rule revisions are being incorporated by reference into state rule. This proposed rule updates federal regulations incorporated by reference with the July 1, 2025 CFR effective date. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, September 3, 2025, [Vol. 25-9, pages 212–259](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at [Drinking Water: Docket No. 58-0108-2501 | Idaho Department of Environmental Quality](#).

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

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-2502

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 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by [Chapter 1, Title 39](#), Idaho Code.

DESCRIPTIVE SUMMARY: Rulemaking was initiated to revert the 80 psi maximum static distribution system pressure limit to its previous 100 psi limit. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, October 1, 2025, [Vol. 25-10, pages 460–466](#).

After consideration of public comments, the proposed rule has been revised at Subsection 552.01.b.v. The remainder of the rule has been adopted as initially proposed. The board meeting documents are available at [Drinking Water: Docket No. 58-0108-2502 | Idaho Department of Environmental Quality](#).

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

Not applicable.

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

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

DOCKET NO. 58-0108-2502 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is **double underscored** indicates
amendments to the proposed text as adopted in the pending rule.

**The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 460 through 466.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.**

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 58-0108-2502

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

552. OPERATING CRITERIA FOR PUBLIC WATER SYSTEMS.

01. Quantity and Pressure Requirements. Design requirements regarding pressure analysis are found in Section 542.13. (7-1-24)

a. The minimum capacity of a PWS must be at least eight hundred (800) gallons per day per residence. (7-1-24)

i. The minimum capacity of eight hundred (800) gallons per day is the design maximum day demand rate exclusive of irrigation and fire flow requirements. (7-1-24)

ii. The minimum capacity of eight hundred (800) gallons per day is only acceptable if the PWS has equalization storage of finished water in sufficient quantity to compensate for the difference between a PWS's maximum pumping capacity and peak hour demand. (7-1-24)

iii. The design capacity of a PWS for material modifications may be less than eight hundred (800) gallons per day if the PWS owner provides information that demonstrates to the Department's satisfaction the maximum day demand for the PWS, exclusive of irrigation and fire flows, is less than eight hundred (800) gallons per day per residence. (7-1-24)

b. All PWS owners must meet the following pressure requirements: (7-1-24)

i. Be capable of providing sufficient water during maximum day demand conditions, including fire flow where provided, to maintain a minimum pressure of twenty (20) psi throughout the distribution system, at ground level, as measured at the service connection or along the property line adjacent to the consumer's premises. (7-1-24)

ii. If an initial investigation by the water supplier fails to discover the causes of inadequate or excessive pressure, the Department may require the water supplier to conduct a local pressure monitoring study to diagnose and correct pressure problems. Compliance with these requirements by PWSs that do not have a meter vault or other point of access at the service connection or along the property line adjacent to the consumer's premises where pressure in the distribution system can be reliably measured must be determined by measurements within the consumer's premises, or at another representative location acceptable to the Department. (7-1-24)

iii. Copies of pressure monitoring study reports required under Subsection 552.01.b.iii. detailing study results and any resulting corrective actions planned or performed by the PWS owner must be submitted to the Department in accordance with these rules. (7-1-24)

iv. The following PWSs or service areas of PWSs must maintain a minimum pressure of forty (40) psi throughout the distribution system, during peak hour demand conditions, excluding fire flow, measured at the service connection or along the property line adjacent to the consumer's premises. (7-1-24)

(1) Any PWS constructed or substantially modified after July 1, 1985. (7-1-24)

(2) Any new service areas. (7-1-24)

(3) Any PWS that is undergoing material modification where it is feasible to meet the pressure requirements as part of the material modification. (7-1-24)

v. ~~Any newly constructed PWSs, or portions of existing systems that are materially modified after July 1, 2024, must~~ Any PWS must keep static pressure within the distribution system below one hundred (100) psi and ~~should ordinarily~~ keep static pressure ~~within the distribution system~~ below eighty (80) psi. (7-1-24)

(1) Pressures above ~~eighty one hundred~~ (80~~100~~) psi must be controlled by pressure reducing valve stations installed in the distribution main. In areas where failure of installed pressure reducing valve stations result in extremely high pressure, pressure relief valves may be required. (7-1-24)

(2) The Department may approve the use of pressure-reducing devices ~~at~~ individual service connections on a case-by-case basis, if it can be demonstrated that higher pressures in portions of the distribution system are required for efficient PWS operation. (7-1-24)

(3) If PWS modification will cause pressure to routinely exceed eighty (80) psi, or if a check valve or an individual pressure reducing device is added to the service line, the PWS owner must notify affected customers. Notification may include reasons for the elevated pressure, problems or damage that elevated pressure can inflict on appliances or plumbing systems, and suggested procedures or mitigation efforts affected property owners may initiate to minimize problems or damage. (7-1-24)

vi. The Department may allow the installation of booster pump systems at individual service connections on a case-by-case basis. However, such an installation may only occur with the full knowledge and agreement of the PWS owner, including assurance by the PWS that the individual booster pump will cause no adverse effects on PWS operation. (7-1-24)

vii. For elevated storage tanks, pressure calculations during peak hour demand are based on the lowest water level after both operational storage and equalization storage have been exhausted. Pressure calculations during fire flow demands are based on the lowest water level after operational storage, equalization storage, and fire suppression storage have been exhausted. (7-1-24)

viii. For hydropneumatic tanks, pressure calculations are based on the lowest pressure of the pressure cycle and this requirement must be noted in the operation and maintenance manual. (7-1-24)

c. Any PWS designed to provide fire flows must ensure that such flows are compatible with the water demand of existing and planned fire-fighting equipment and fire fighting practices in the area served by the PWS. (7-1-24)

d. Irrigation Flows. (7-1-24)

i. Any PWS constructed after November 1, 1977, must be capable of providing water for uncontrolled, simultaneous foreseeable irrigation demand, which includes all acreage that the PWS is designed to irrigate. (7-1-24)

(1) The Department must concur with assumptions regarding the acreage to be irrigated. In general, an

assumption that no outside watering will occur is considered unsound and is unlikely to be approved. (7-1-24)

(2) An assumption of minimal outside watering, as in recreational subdivisions, may be acceptable if design flows are adequate for maintenance of “green zones” for protection against wildland fire. (7-1-24)

ii. The Department may modify the requirement of Subsection 552.01.d.i. if: (7-1-24)

(1) A separate irrigation system is provided; or (7-1-24)

(2) The supplier of water can regulate the rate of irrigation through its police powers, and the PWS is designed to accommodate a regulated rate of irrigation flow. The Department may require the PWS to submit a legal opinion addressing the enforceability of such police powers. (7-1-24)

iii. If a separate non-potable irrigation system is provided for the consumers, all mains, hydrants and appurtenances must be easily identified as non-potable. The Department must concur with a plan to ensure that each new potable water service is not cross-connected with the irrigation system. (7-1-24)

02. Groundwater. (7-1-24)

a. PWSs supplied by groundwater, must treat water within the PWS by disinfection if the groundwater source is not protected from contamination. (7-1-24)

b. The Department may require disinfection for any existing PWS supplied by groundwater if the PWS has repeated E.coli MCL exceedances, and if the PWS does not appear adequately protected from contamination. Adequate protection will be determined based upon at least the following factors: (7-1-24)

i. Location of possible sources of contamination; (7-1-24)

ii. Size of the well lot; (7-1-24)

iii. Depth of the source of water; (7-1-24)

iv. Bacteriological quality of the aquifer; (7-1-24)

v. Geological characteristics of the area; and (7-1-24)

vi. Adequacy of development of the source. (7-1-24)

03. Operating Criteria. The operating criteria for PWSs that provide filtration are as follows: (7-1-24)

a. A project specific operation and maintenance manual must be provided as required in Subsection 501.12. See definition of Operation and Maintenance Manual in Section 003 for the typical contents of an operation and maintenance manual and the included operations plan. For the operations plan in the operation and maintenance manual, additional guidance for several types of filtration systems can be found in the Department’s SWTR Compliance Guidance referenced in Subsection 002.02. (7-1-24)

b. The PWS must conduct monitoring specified by the Department before serving water to the public in order to protect the health of consumers served by the PWS. (7-1-24)

c. New treatment facilities must be operated in accordance with Subsection 552.03.a., and the PWS must conduct monitoring specified by the Department for a trial period specified by the Department before serving water to the public in order to protect the health of consumers served by the PWS. (7-1-24)

04. Disinfection. PWSs that regularly disinfect their water using chlorine are subject to the provisions of Section 320. PWSs using surface water or groundwater under the direct influence of surface water, are subject to the disinfection requirements of Sections 300 and 518. PWSs using chlorine, ozone, chlorine dioxide, or other

disinfecting agents for the purposes of disinfection must meet the facility and design standards of Sections 530 and 531. PWSs using ultraviolet light for the purposes of disinfection must meet the facility and design standards of Section 529. (7-1-24)

a. PWSs using only ground water that add a disinfectant for the purpose of disinfection, as defined in Section 003, are subject to the following requirements: (7-1-24)

i. The PWS must demonstrate that it is routinely achieving four (4) logs (ninety-nine point ninety-nine percent) (99.99%) inactivation/removal of viruses. The required effective contact time must be approved by the Department. This condition must be attainable even when the design capacity coincides with anticipated maximum disinfectant demands. (7-1-24)

ii. A detectable disinfectant residual must be maintained throughout the distribution system. PWSs disinfecting through ultraviolet light will need to maintain a supplemental disinfectant capable of maintaining a detectable disinfectant residual. (7-1-24)

iii. Analysis for disinfectant residual must be conducted at a location at or prior to the first service connection at least daily and records of these analyses are to be kept by the supplier of water for at least one (1) year. A report of all daily chlorine residual measurements for each calendar month must be submitted to the Department no later than the tenth day of the following month. The frequency of measuring disinfectant residuals must be sufficient to detect variations in demand or changes in water flow. (7-1-24)

iv. The Department may, in its discretion, require a treatment rate higher than that specified in Subsection 552.04.a.i. (7-1-24)

b. PWSs using only groundwater that add disinfectant for the purpose of maintaining a disinfectant residual in the distribution system, when the source(s) is not at risk of microbial contamination, are subject to analysis for disinfectant residual made at a frequency that is sufficient to detect variations in demand or changes in water flow. (7-1-24)

c. PWSs using only groundwater that add chlorine for other purposes, such as oxidation of metals or taste and odor control, when the source(s) is known to be free of microbial contamination, must ensure that chlorine residual entering the distribution system after treatment is less than four (4.0) mg/L. The requirements in Subsection 552.04.b.ii. also apply if the PWS maintains a chlorine residual in the distribution system. (7-1-24)

05. Fluoridation. (7-1-24)

a. Commercial sodium fluoride, sodium silico fluoride and hydrofluosilicic acid which conform to the applicable American Water Works Association (AWWA) Standards, incorporated by reference into these rules at Subsection 002.01, are acceptable. Use of other chemicals must be specifically approved by the Department. (7-1-24)

b. Fluoride compounds are to be stored in covered or unopened shipping containers. (7-1-24)

c. Provisions must be made to minimize the quantity of fluoride dust. Empty bags, drums, or barrels are to be disposed of in a manner that will minimize exposure to fluoride dusts. (7-1-24)

d. Daily records of flow and amounts of fluoride added must be kept. An analysis for fluoride in finished water must be made at least weekly. Records of these analyses are to be kept by the supplier of water for five (5) years. (7-1-24)

06. Cross Connection Control Program - Community Water Systems. The water purveyor is responsible through its cross connection control program to take reasonable and prudent measures to protect the PWS against contamination and pollution from cross connections through premises isolation, internal or in-plant isolation, fixture protection, or some combination of premises isolation, internal isolation, and fixture protection. Pursuant to Section 543, all suppliers of water for community PWSs must implement a cross connection control program to prevent the entrance to the PWS of materials known to be toxic or hazardous. The water purveyor is responsible to

enforce the PWS's cross connection control program. The program will at a minimum include: (7-1-24)

a. An inspection program to locate cross connections and determine required suitable protection. For new connections, PWS owners must verify suitable protection was installed prior to providing water service. (7-1-24)

b. Required installation and operation of adequate backflow prevention assemblies. Appropriate and adequate backflow prevention assembly types for various facilities, fixtures, equipment, and uses of water must be selected from the Uniform Plumbing Code, the AWWA Recommended Practice for Backflow Prevention and Cross Connection Control (M14), the USC Foundation Manual of Cross Connection Control, or other sources deemed acceptable by the Department. The assemblies must meet the requirements of Section 543 and comply with local ordinances. (7-1-24)

c. Annual inspections and testing of all installed backflow prevention assemblies by a tester licensed by a licensing authority recognized by the Department. Testing must be done in accordance with the test procedures published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. See the USC Foundation Manual of Cross-Connection Control referenced in Subsection 002.02. (7-1-24)

d. Discontinuance of service to any structure, facility, or premises where suitable backflow protection has not been provided for a cross connection. (7-1-24)

e. Assemblies that cannot pass annual tests or those found to be defective are to be repaired, replaced, or isolated within ten (10) business days. If the failed assembly cannot be repaired, replaced, or isolated within ten (10) business days, water service to the failed assembly must be discontinued. (7-1-24)

07. Cross Connection Control - Non-Community Water Systems. All suppliers of water for non-community water systems must ensure that cross connections do not exist or are isolated from the potable water system by an approved backflow prevention assembly. Backflow prevention assemblies must be inspected and tested annually for functionality by an Idaho licensed tester, as specified in Subsections 552.06.c. and 552.06.e. (7-1-24)

08. Start-up Procedures For Seasonal Systems Subject To Subsections 100.01.a., c., and d. (7-1-24)

a. All seasonal PWS owners must demonstrate completion of a Department approved start-up procedure, including start-up sampling, prior to serving water to the public. The PWS owner must submit information on a Department provided or approved form that includes a statement certifying that the PWS owner or operator followed proper start-up procedures. The form must be submitted to the Department within 30 (thirty) days following the PWS's start-up date. Start-up sampling must include total coliform samples submitted to a certified laboratory demonstrating the absence of total coliform within thirty (30) days prior to serving water to the public. (7-1-24)

b. The Department may exempt any seasonal PWS from Subsection 552.08.a. if the entire distribution system remains pressurized during the entire period that the PWS is not operating, except that the PWSs that monitor less frequently than monthly must still monitor during the vulnerable period designated by the Department. The Department may exempt a seasonal PWS from Subsection 552.08.a. if the owner or operator of the PWS meets all of the following conditions: (7-1-24)

i. Requests an exemption in writing to the Department for approval; (7-1-24)

ii. Demonstrates a clean compliance history as defined in Section 003 for a minimum of five (5) years; (7-1-24)

iii. Has no uncorrected significant deficiencies from the most recent sanitary survey; and (7-1-24)

iv. Total coliform samples submitted to a certified laboratory within 30 (thirty) days prior to serving water to the public demonstrate the absence of total coliform. (7-1-24)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.11 – GROUND WATER QUALITY RULE

DOCKET NO. 58-0111-2501 (ZBR CHAPTER REWRITE)

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 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

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

DESCRIPTIVE SUMMARY: Rulemaking was initiated in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Brad Little on January 16, 2020. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, September 3, 2025, [Vol. 25-9, pages 260–278](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The board meeting documents are available at [Ground Water Quality Rule: Docket No. 58-0111-2501 | Idaho Department of Environmental Quality](#).

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

FISCAL IMPACT 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 with questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.12 – RULES FOR ADMINISTRATION OF WASTEWATER AND DRINKING WATER LOAN FUNDS

DOCKET NO. 58-0112-2501 (ZBR CHAPTER REWRITE)

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 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1, 36 and 76, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: Rulemaking was initiated in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Brad Little on January 16, 2020. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, September 3, 2025, [Vol. 25-9, pages 279–302](#). DEQ received no public comments, and the rule has been adopted as initially proposed.

The board meeting documents are available at [Rules for Administration of Wastewater and Drinking Water Loan Funds: Docket No. 58-0112-2501 | Idaho Department of Environmental Quality](#).

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

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
Diane.Cutler@deq.idaho.gov

IDAFA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.13 – RULES FOR ORE PROCESSING BY CYANIDATION

DOCKET NO. 58-0113-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The amendment to temporary rule is effective December 3, 2025. This rule has been adopted by the Idaho Board of Environmental Quality (Board) and is now pending review by the 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and [67-5226](#), Idaho Code, notice is hereby given that the Board has adopted a pending rule and amended a temporary rule. This action is authorized by [Sections 39-105, 39-107](#), and [39-118A](#), Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking updates IDAPA 58.01.13 for consistency with Idaho Code § 39-118A recently revised under Senate Bill 1170, which directs DEQ to commence an administrative review and bring the rules into compliance with revised Idaho Code § 39-118A by July 1, 2025. In June 2025, the Board adopted a temporary rule that enabled DEQ to comply with the July 1, 2025, effective date of Senate Bill 1170. In July 2025, DEQ published the temporary-proposed rule, inviting the public to comment on the rule - Idaho Administrative Bulletin, July 2, 2025, [Vol. 25-7, pages 149-170](#). After consideration of public comments, the proposed rule has been revised at Sections 007 and 050. Revisions were also made in Subsections 100.03, 100.03.r., and 100.03.r.i. for clarification to Contents of Application. Additionally, non-substantive formatting changes to rule citations were made throughout the rule for consistency with statewide rule publication standards. The remainder of the rule has been adopted as initially proposed.

The text of the proposed rule has been amended in accordance with Section 67-5227, Idaho Code. To maintain regulatory consistency while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions made to the pending rule. The board meeting documents are available at [Rules for Ore Processing by Cyanidation: Docket No. 58-0113-2501 | Idaho Department of Environmental Quality](#).

TEMPORARY RULE JUSTIFICATION: In accordance with Section 67-5226(1), Idaho Code, the Governor finds that the following provisions require this rule to become effective before it has been submitted for legislative review:

Section 67-5226(1)(b), Idaho Code, compliance with deadlines in amendments to governing law; and Section 67-5226(1)(c), Idaho Code, reducing a regulatory burden that would otherwise impact individuals or businesses. The amendment to temporary rule is effective December 3, 2025. An earlier effective date is necessary to maintain regulatory consistency while the pending rule awaits legislative approval.

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

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
diane.cutler@deq.idaho.gov

**DOCKET NO. 58-0113-2501 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE**

Substantive changes have been made in the pending rule.

Italicized red text that is double underscored indicates
amendments to the temporary and proposed text as adopted in the pending rule.

Italicized green text underlined and struck through is codified temporary text that is being
removed from the temporary rule. This is also an amendment to the pending rule text.

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-7, July 2, 2025, pages 149 through 170.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 58-0113-2501**

(Only those sections or subsections that have changed from the original temporary and proposed rule
are printed in this Bulletin following this notice.)

58.01.13 – RULES FOR ORE PROCESSING BY CYANIDATION

007. DEFINITIONS.

The terms “Application,” “As-built Submittal,” “Component or Phase,” “eCyanidation,” “Cyanidation Facility,”
“Cyanidation Pollutants,” “Issued for Construction Data Package,” “Major Modification or Material Modification,”
and “Permit” are defined in 39-118A, Idaho Code. The terms “Department,” “Director,” “State,” “Person,” and
“Waters” have the meaning provided for that term in are defined in Section 39-103, Idaho Code. The term “ground
water” has the meaning provided is defined in Section 39-121, Idaho Code. The terms “Beneficial Use” and “Best
Management Practices (BMPs)” are defined in IDAPA 58.01.02, “Water Quality Standards.”

(3-24-22)(7-1-25)T(12-3-25)T

01. Beneficial Use. As defined in IDAPA 58.01.02, “Water Quality Standards,” Section 010, as
amended. (3-24-22)

02. Best Management Practices (BMPs). As defined in IDAPA 58.01.02, “Water Quality Standards,”
Section 010, as amended. (3-24-22)

031. **Degradation.** When referring to surface water, "degradation" has the meaning provided in IDAPA 58.01.02, "Water Quality Standards," Section 010. When referring to ground water, "degradation" has the meaning provided in IDAPA 58.01.11, "Ground Water Quality Rule," Section 007. *(3-24-22)(12-3-25)T*

042. **Discharge.** When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a cyanidation pollutant into waters. *(3-24-22)(7-1-25)T*

053. **Idaho Pollutant Discharge Elimination System (IPDES) Permit.** A permit issued by the Department for the purpose of regulating discharges into surface waters. *(3-24-22)*

064. **Land Application.** A process or activity involving application of liquids or slurries potentially containing cyanide from the cyanidation facility to the land surface for the purpose of treatment, neutralization, disposal, or ground water recharge. *(3-24-22)*

075. **Liner.** A continuous layer of natural or man-made materials beneath and, if applicable, on the sides of ponds, tailings impoundments, or leach pads that restricts the downward and lateral movement of liquids. *(3-24-22)*

08. **Material Modification or Material Expansion.** *(3-24-22)*

a. Any change to a permitted cyanidation facility, except as provided in Subsection 007.08.b., that the Department determines will: *(3-24-22)*

i. Cause or increase the potential to cause degradation of waters, such as a new cyanidation process or cyanidation facility component; *(3-24-22)*

ii. Significantly change the capacity, location, or process of an existing cyanidation facility component; or *(3-24-22)*

iii. Change the site condition in a manner that is not adequately described in the original permit application. *(3-24-22)*

b. Reclamation and closure related activities at a cyanidation facility with an existing permit that did not actively add cyanide after January 1, 2005 is not material modification or material expansion of the cyanidation facility. *(3-24-22)*

096. **Material Stabilization.** Managing or treating spent ore, tailings or other solids and/or sludges resulting from the cyanidation process to minimize water or all other applied solutions from migrating through the material and transporting pollutants associated with the cyanidation facility to ensure that all discharges comply with all applicable standards and criteria. *(3-24-22)*

1007. **Neutralization or Neutralized.** Treatment of process water such that discharge or final disposal of the process water does not, or will not, violate any applicable standards and criteria. *(3-24-22)*

1108. **Outstanding Resource Water (ORW).** A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been designated by the legislature and subsequently listed in IDAPA 58.01.02, "Water Quality Standards." ORW constitutes an outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality. *(3-24-22)(12-3-25)T*

1209. **Permanent Closure.** Those activities that result in neutralization, material stabilization and decontamination of cyanidation facilities and the facilities' final reclamation. *(3-24-22)*

130. **Permanent Closure Plan.** A description of the procedures, methods, and schedule that will be implemented to treat and dispose of cyanide containing materials including spent ore, tailings, and process water and in controlling and monitoring discharges and potential discharges for a reasonable period of time based on site-specific conditions in manner that As defined in Chapter 15, Title 47, Idaho Code, and meets the intent and purpose

of Section 39-118A, Idaho Code; Chapter 15, Title 47, Idaho Code, and all applicable rules. (3-24-22)(7-1-25)T

14. Permit. When used without qualification, any written authorization by the Director, issued pursuant to the application, public participation and appeal procedures in these rules, governing location, operation and maintenance, monitoring, seasonal and permanent closure, discharge response, and design and construction of a new cyanidation facility or a material expansion or material modification to a cyanidation facility. (3-24-22)

151. Permittee. The person in whose name a permit is issued and who is to be the principal party responsible for compliance with these rules and the conditions of a permit. (3-24-22)

16. Person. An individual, corporation, partnership, association, state, municipality, commission, federal agency, special district or interstate body. (3-24-22)

17. Pollutant. Chemicals, chemical waste, process water, biological materials, radioactive materials, or other materials that, when discharged, cause or contribute adverse effects to any beneficial use, or for any other reason, may impact waters. (3-24-22)

182. Pond. A process component that stores, confines, or otherwise significantly impedes the horizontal and downward movement of process water. This term does not include tailings impoundments or non-earthen containers such as vats and tanks. (3-24-22)

193. Post-Closure. The period of time after completion of permanent closure when the permittee is monitoring the effectiveness of the closure activities. Post-closure lasts a minimum of twelve (12) months but may extend until the cyanidation facility is shown to be in compliance with the stated permanent closure objectives and requirements of Chapter 15, Title 47, Idaho Code, and all applicable rules. (3-24-22)

2014. Process Water. Any liquid intentionally or unintentionally introduced into any portion of the cyanidation process. Such liquid may contain cyanide or other minerals, meteoric water, ground or surface water, elements and compounds added to the process solutions for leaching or the general beneficiation of ore, or hazardous materials that result from the combination of these materials which may contain cyanide pollutants. (3-24-22)(12-3-25)T

2115. Seasonal Closure. Annual cessation of operations that is due to weather. (3-24-22)

2216. Sensitive Resource Aquifer. Any aquifer or portion of an aquifer listed in IDAPA 58.01.11, Ground Water Quality Rule, Subsection 300.01. (3-24-22)(12-3-25)T

2317. Tailings Impoundment. A process component that is the final depository for processed ore from the mining, milling, or chemical extraction process. (3-24-22)

2418. Temporary Closure. Any cessation of operations exceeding thirty (30) days, other than seasonal or permanent. (3-24-22)

2519. Treatment or Treated. Any method, technique or process, including neutralization, that changes the physical, chemical, or biological character or composition of a waste for the purpose of disposal, or the end result of such action. (3-24-22)

260. Water Balance. An inventory and accounting process, capable of being reconciled, that integrates all potential sources of water that are entrained in the cyanidation facility or may enter into or exit from the cyanidation facility. The inventory must include the water holding capacity of specific structures within the facility that contain process water. The water balance is used to ensure that all process water and other cyanidation pollutants can be contained as engineered and designed within a factor of safety as determined in the permanent closure plan. (3-24-22)(7-1-25)T

271. Water Management Plan. A document that describes the results of the water balance and the methods that will be used to ensure that cyanidation pollutants are not discharged from a cyanidation facility into waters unless permitted or otherwise approved by the Department. (3-24-22)(7-1-25)T

282. Weak Acid Dissociable (WAD) Cyanide. The cyanide concentration as determined by Method C, Weak Acid Dissociable Cyanide, D2036 of American Society of Testing Materials Book of Standards, "Standard Methods for the Examination of Water and Wastewater," Method 4500-CN- I, or other methods accepted by the scientific community and deemed appropriate by the Department. (3-24-22)

(BREAK IN CONTINUITY OF SECTIONS)

050. PRE-APPLICATION PROCESS AND PRELIMINARY DESIGN.

01. Pre-application Conference. Any person who intends to apply for a permit or proposes to construct or operate a facility that is intended to contain, treat, or dispose of process water and process-contaminated water generated in ore processing operations that utilize cyanide as a primary leaching agent should contact the Department during the initial stages of site characterization to schedule a pre-application conference. Once a cost recovery agreement in accordance with Section 39-1184(7), Idaho Code, has been executed. Prospective applicants are encouraged to begin meeting with agents of the Department at least one (1) year in advance of preliminary design submittal to discuss, at a minimum, the following. (3-24-22)(12-3-25)T

a. Environmental baseline data requirements; waste characterization requirements; siting requirements; operation and maintenance plans; emergency and spill response plans; quality assurance/quality control plans; required contents for permit applications; agency cyanidation facility visits. (3-24-22)

b. The proposed water quality monitoring and reporting required in Subsection 200.11 and the monitoring well siting and construction plans required in Subsection 200.12. The applicant is encouraged to submit a report describing the purpose, objectives, location, and proposed construction of monitoring wells to the Department for review and comment during the initial stages of site characterization. (3-24-22)

c. The preliminary design report and alternative design proposals required prior to application submittal under Subsection 050.02. (3-24-22)

d. The permitting process, application procedures, public review and comment periods, and permit schedule. (3-24-22)

e. The timing of additional pre-application meetings. The pre-application conference may trigger a period of collaborative effort between the applicant, the Department, and the Idaho Department of Lands to develop an application that complies with rule requirements and ensures the facility will not interfere with the impair beneficial uses of waters and will not endanger public safety or the environment or degrade waters. (3-24-22)(7-1-25)T

f. The cost recovery agreement required under Subsection 100.04 in accordance with Section 39-1184(7), Idaho Code. (3-24-22)(7-1-25)T

02. Information Required for Preliminary Design Report. Submittal of a preliminary design report is mandatory. Upon submittal, the preliminary design report must include sufficient detail to determine the following: (3-24-22)

a. The general framework and design criteria for the project; (3-24-22)

b. How the project will address each applicable requirement in Subsection 100.03 and Sections 200 through 205, or why a specific requirement in Subsection 100.03 and Sections 200 through 205 is not applicable; (3-24-22)

c. How the design criteria were identified, or the approach the applicant will use to determine design criteria for which insufficient data is available at the time of the preliminary design; (3-24-22)

- d. How the requirements of these rules will be met in the final permit application; and (3-24-22)
- e. How design, construction, operation, and closure will ensure the facility will not ~~interfere with the impair~~ beneficial uses of waters ~~and will not endanger public safety or the environment or degrade waters.~~ (3-24-22)(7-1-25)T

03. Notice of Preliminary Design Approval or Disapproval. Unless otherwise provided in this Subsection 050.03, the Director will notify the applicant in writing of the decision to approve or disapprove a preliminary design report within thirty (30) days after the Department receives all information required by Subsection 050.02. For alternative design proposals submitted under Section 205, the Director will notify the applicant in writing of the decision for alternative design approval or disapproval within ninety (90) days after the Department receives all information required by Section 205. The time required to review and, if appropriate, approve the preliminary design report is separate from and not included as part of the one hundred eighty (180) day period for issuing notice of rejection or notice of approval of the permit under Section 39-118A~~(2)(1)(b)(a)~~, Idaho Code. Approval of the preliminary design report does not authorize the construction, modification, or operation of the cyanidation facility. (3-24-22)(7-1-25)T

051. -- 099. (RESERVED)

100. PERMIT AND PERMIT APPLICATION.

01. Permit Required. No person may construct a new cyanidation facility prior to obtaining a permit from the Director. No person may ~~materially expand or materially modify~~ ~~make a major modification or material modification to~~ a cyanidation facility prior to obtaining a modified permit for such ~~expansion or~~ modification pursuant to Section 750. (3-24-22)(7-1-25)T

02. Permit Application. The owner or proposed operator of a cyanidation facility or the owner's or operator's authorized representative must: (3-24-22)

- a. Make application to the Director in writing and in a manner or form prescribed herein; and (3-24-22)
- b. Provide five (5) paper copies of the application to the Director, unless otherwise agreed to by the Department and the applicant. (3-24-22)

03. Contents of Application. A permit application and its contents will be used to determine if an applicant can locate, construct, operate, maintain, close, and monitor the proposed cyanidation facility in conformance with Section 39-118A, Idaho Code, and these and other applicable rules including, but not limited to, IDAPA 58.01.02, ~~“Water Quality Standards”~~; IDAPA 58.01.08, ~~“Idaho Rules for Public Drinking Water Systems”~~; IDAPA 58.01.05, ~~“Rules and Standards for Hazardous Waste”~~; IDAPA 58.01.06, ~~“Solid Waste Management Rules”~~; IDAPA 58.01.11, ~~“Ground Water Quality Rule”~~; and IDAPA 58.01.25, ~~“Rules Regulating the Idaho Pollutant Discharge Elimination System Program.”~~ The application must include all of the following information required by Section 39-118A(8), Idaho Code, and in this subsection, in sufficient detail to allow the Director to make necessary application review decisions concerning determine if the application is technically complete as defined in Section 39-118A(1)(o), Idaho Code, and is in compliance with Sections 200 through 205 as applicable and protection of human health and the environment, and Section 39-118A(8), Idaho Code. (3-24-22)(12-3-25)T

- a. Name, location, and mailing address of the cyanidation facility. (3-24-22)
- b. Name, mailing address, and phone number of the applicant, and a registered agent. (3-24-22)
- c. Land ownership status of the cyanidation facility (federal, state, private, or public). (3-24-22)
- d. Name, mailing address, and phone number of the applicant's construction and operations manager. (3-24-22)

- e. The legal structure (corporation, partnership, etc.) and residence of the applicant. (3-24-22)
- f. The legal description, to the quarter-quarter section, of the location of the proposed cyanidation facility. (3-24-22)
- g. Evidence the applicant is authorized by the Secretary of State to conduct business in the State of Idaho. (3-24-22)
- h. A general description of the operational plans for the cyanidation facility from construction through permanent closure. This description must include any proposed phases for construction, operations, and permanent closure. (3-24-22)
- i. The design maximum daily throughput of ore through the cyanidation facility and the total projected volume of material to be processed during the life of the operation. (3-24-22)
- j. Cyanidation facility layouts including water management systems designed to segregate storm water from process water. (3-24-22)
- k. A geotechnical evaluation of all process water and process chemical containment systems within the proposed cyanidation facility. (3-24-22)
- l. A preconstruction topographic site map or aerial photos extending at least one (1) mile beyond the outer limits of the cyanidation facility, identifying and showing the location and extent of the following features: (3-24-22)
 - i. All wells, perennial and intermittent springs, adit discharges, wetlands, surface waters, and irrigation ditches that may be affected by the cyanidation facility; (3-24-22)
 - ii. All process water supply source(s); (3-24-22)
 - iii. All public and private drinking water supply source(s) within at least one (1) mile of the cyanidation facility; (3-24-22)
 - iv. Identified floodplain areas (shown on USGS sectional Quadrangle maps); (3-24-22)
 - v. All service roads and public roads; (3-24-22)
 - vi. All buildings and structures within half (1/2) a mile of the cyanidation facility; (3-24-22)
 - vii. All outstanding resource waters and sensitive resource aquifers within one (1) mile of the cyanidation facility; and (3-24-22)
 - viii. All Clean Water Act Section 303(d) listed streams, and their listed impairments, within ten (10) miles of the site boundary that may be affected by the cyanidation facility. (3-24-22)
- m. To the extent such information is available, a description and location of underground mine workings and adits and a description of the structural geology that may influence ground water flow and direction. (3-24-22)
- n. A description of the proposed land application site. The description must include a potentiometric map, surface and subsurface soil characteristics, geology, hydrogeology and ground water quality. The description of these characteristics must be sufficient to determine anticipated impacts to the affected soils, associated vadose zone as well as anticipated changes in geochemistry that may affect surface and ground water quality. (3-24-22)
- o. Siting diagram for land application sites, monitoring wells, lysimeters, surface or ground water discharge sites, or surface water monitoring locations. (3-24-22)

- p. A description of measures to protect wildlife that may be affected by the facility. (3-24-22)
- q. Proposed post-construction topographic maps. (3-24-22)
- r. Engineering plans and specifications for all ~~portions~~ components or phases of the cyanidation facility must be submitted to the Department for review and approval. Preliminary designs for ~~future~~ components or phases of the cyanidation facility may be submitted as part of the permit application, ~~provided that~~, pursuant to Subsection 500.02, the Section 39-118A(18), Idaho Code, Department review and approval of ~~final plans and specifications the issued for construction data package~~ is required before construction of those components or phases may begin. All cyanidation facility engineering plans and specifications must bear the imprint of an Idaho licensed professional engineer that is both signed and dated by the engineer. These plans and specifications must, at a minimum, include all of the following information applicable to the proposed facility. ~~(3-24-22)(7-1-25)T(12-3-25)T~~
- i. Designs sufficient to demonstrate the facility's ability to meeting applicable criteria in Sections 200 through 204. ~~(3-24-22)(12-3-25)T~~
- ii. Any alternative design approved by the Department under Section 205. (3-24-22)
- iii. The water balance, ore flow, and processing calculations demonstrating the logic behind sizing of facilities. (3-24-22)
- iv. The general ore processing overview and analyses of chemical compatibility of containment materials with process chemicals and wastes, including a chemical mass balance at inputs and outputs from the cyanidation facility. (3-24-22)
- v. Geotechnical data and analyses demonstrating the logic for plans and specifications of foundation materials and placement. (3-24-22)
- vi. Requirements for site preparation. (3-24-22)
- vii. Pumping and dewatering requirements. (3-24-22)
- viii. Procedures for materials selection and placement for backfilling foundation areas. (3-24-22)
- ix. Criteria for caps and covers used as source control measures. (3-24-22)
- x. Criteria for ensuring stability of embankments for pads, ponds and tailings impoundments. (3-24-22)
- xi. Procedures to classify and modify, if necessary, excavated fill, bedding and cover materials for buildings, pads, ponds, and tailings impoundments. (3-24-22)
- xii. Plumbing and conveyance schematics and component specifications. (3-24-22)
- xiii. Plan views and cross-section drawings of leach pad, permanent heaps, vats, process water storage ponds, tailings impoundments, and spent ore disposal areas. (3-24-22)
- xiv. Leak detection and collection system plans and specifications including, but not limited to, schematics and narratives describing liner and geotextile material specifications, sumping capacity and layout, location of monitoring port(s), monitoring port components, construction operation and maintenance procedures for monitoring ports and pumping systems, including backup system, triggers for containment repairs, replacement or other contingency mitigation, frequency of monitoring, and monitoring parameters. (3-24-22)
- xv. Provisions to protect containment systems from heavy equipment, fires, earthquakes, and other natural phenomena. (3-24-22)

xvi. Quality assurance/quality control procedures. (3-24-22)

xvii. The identity and qualifications of the person(s) directly responsible for supervising construction and quality assurance/quality control. (3-24-22)

s. Operation and maintenance plans that include all of the following: (3-24-22)(7-1-25)T

i. Maintenance plans, including routine service procedures for containment systems, process chemical storage, and disposal of contaminated water or soils, ~~including petroleum contaminated soils~~. (3-24-22)(7-1-25)T

ii. A water management plan that provides for handling and containment of process water including the methods to manage and/or treat all process water and cyanidation pollutants, run-off or run-on water, emergency releases, and excess water due to flood, rain, snowmelt, or other similar events. The plan must include the basis for the designed containment volumes and estimations of the need for and operation of a land application site, injection wells, infiltration galleries or leach fields, or the need for an IPDES permit. The permittee will update the plan on a regular basis to reflect the reconciliation of the water balance changes in the project through construction, operation, maintenance, and permanent closure, including modifications to the cyanidation facility. (3-24-22)(7-1-25)T

iii. A proposed water quality monitoring plan. (3-24-22)

iv. An emergency and spill response plan that describes procedures and methods to be implemented for the abatement and clean up of any cyanidation pollutant that may be discharged from the cyanidation facility ~~during use, handling or disposal of processing chemicals, petrochemicals and/or fuels, and any other deleterious materials.~~ (3-24-22)(7-1-25)T

v. A seasonal/temporary closure plan, if applicable, that describes the procedures, methods, and schedule to be implemented for the treatment and disposal of process water and cyanidation pollutants, the control of drainage from the cyanidation facility during the period of closure, the control of drainage from the surrounding area, and the secure storage of process chemicals. (3-24-22)(7-1-25)T

t. The permanent closure plan must be the same as the plan submitted to the Idaho Department of Lands pursuant to the Idaho Mind Land Reclamation Act, Chapter 15, Title 47, Idaho Code, and the rules promulgated thereunder. (3-24-22)

u. Characterization of cyanidation pollutants contained in or released from the cyanidation facility, including the potential for the cyanidation pollutants to cause degradation of waters. (3-24-22)(7-1-25)T

101. -- 199. (RESERVED)

200. REQUIREMENTS FOR WATER QUALITY PROTECTION.

The following design and performance standards are intended as the minimum criteria for protection of public health and waters. These standards apply to all facilities unless the Department determines that other site-specific criteria, including an alternative design approved under Section 205, are appropriate to protect water quality and the public health. (3-24-22)

01. Professional Engineer. Plans and specifications for construction, alteration or expansion of any cyanidation facility must be prepared by or under the supervision of an Idaho licensed professional engineer and bear the imprint of the engineer's seal. Construction must be observed by an Idaho licensed professional engineer or a person under the supervision of an Idaho licensed professional engineer. (3-24-22)

02. Plans and Specifications. ~~Final plans and specifications for the construction of a cyanidation facility~~ ~~An issued for construction data package~~ must be submitted to and approved by the Department before construction may begin ~~(Section 39-118A(18)(b), Idaho Code)~~. All construction must be in compliance with ~~the plans and specifications approved by the Department~~ ~~Section 39-118A(17), Idaho Code~~. Within thirty (30) days of the completion of such construction, ~~modification or expansion, complete and accurate plans and specifications depicting that actual construction, modification or expansion does not deviate from the original~~

approved plans and specifications an as-built submittal must be submitted to the Department (Section 39-118A(19), Idaho Code). (3-24-22)(7-1-25)T

03. Manufacturer's Specifications. Manufacturer's specifications for materials and equipment necessary to meet the requirements of Subsection 100.03.r. and Sections 200 through 205 for containment of process water must be submitted to the Department with the plans and specifications required in Subsection 200.02 before construction may begin. (3-24-22)

04. Siting and Preparation. All cyanidation facilities including, but not limited to, the process building, laboratories, process chemical storage and containment facilities, plumbing fixtures that support process water, untreated or treated process water ponds, tailings impoundments, ore stock piles, and spent ore disposal areas must be appropriately sited and prepared for construction. Siting criteria must ensure that, at a minimum, the facilities are structurally sound and that containment systems can be adequately protected against factors such as wild fires, floods, land slides, storm water run-on, erosion, migrating stream channels, high ground water table, equipment operation, subsidence of underground workings, public access and public activities. All sites must be properly prepared prior to construction of foundations and facilities. Vegetation, roots, brush, large woody debris and other deleterious materials, top soil, historic foundations and plumbing, or other materials that may adversely affect appropriate construction and long term stability, must be removed from the footprint of the cyanidation facility unless approved by the Department. (3-24-22)

05. Process Water Storage Sizing Criteria. All aspects of the cyanidation facility that entrain, utilize, treat, discharge, pump, convey, or otherwise contain process water, treated process water, or run-off water from any portion of the cyanidation facility must be included in the water balance. Each pond, tailings impoundment, and ditch containing process water must be designed to maintain a minimum two (2) foot freeboard during storage or conveyance of the design climatic events plus maximum expected normal operating levels. Leach pad design must provide containment of the maximum expected operating flows plus storm flows from the design climatic event. At a minimum, a cyanidation facility must be designed to contain the maximum expected normal operating water balance and the volume of run-on and run-off water associated with a climatic event that has a one percent (1%) annual exceedance probability. Snowmelt events will be considered in determining the maximum flow volume during the design climatic event. Contingency plans for managing excesses of all water included as a part of the water balance must be described in the water management strategy. Each structure that impounds process water or process-contaminated water must include a means of passing excess water unless otherwise approved by the Department. (3-24-22)

06. Minimum Plans and Specifications. Unless the Department approves an alternative design under Section 205, the plans and specifications for any portion of a cyanidation facility that will contain process water must satisfy the applicable general design criteria in Subsection 200.06 and the design criteria in Sections 201 through 204 for the type of facility receiving process water. These provisions establish minimum cyanidation pollutant control technologies and define the site and operating conditions that must be evaluated. (3-24-22)(7-1-25)T

a. Cyanidation facility design must: (3-24-22)

i. Minimize releases of cyanidation pollutants into ground water or subsurface migration pathways so that any release will not cause unauthorized degradation of waters. (3-24-22)(7-1-25)T

ii. Preclude any differential movement or shifting of the subgrade, soil layer, liner or contained material that endangers containment integrity as a result of the proposed range of operating conditions for each component and anticipated seismic activity at the site. (3-24-22)

iii. Include additional containment of process water, as requested by the Department, in areas where ground water is considered to be near the surface. Ground water is considered to be near the surface if: (3-24-22)

(1) The depth from the surface to ground water is less than one hundred (100) feet and the top one hundred (100) feet of the existing formation has a hydraulic conductivity greater than 10^{-5} cm/sec; (3-24-22)

(2) Open fractured or faulted geologic conditions exist in the bedrock from the surface to the ground water; or (3-24-22)

(3) There is an inability to document that all borings beneath the cyanidation facility have been adequately abandoned. (3-24-22)

iv. Not locate new process component containing process water within one thousand (1,000) feet of any dwelling that is occupied at least part of the year and not owned by the permittee. This does not apply to modifications at a facility that predates such a dwelling. (3-24-22)

v. Include measures for preventing wildlife contact with process water having a WAD cyanide concentration in liquid fraction exceeding fifty (50) mg/L. The Department may require additional measures if wildlife mortality is observed. (3-24-22)

vi. Implement measures to protect birds, other wildlife and livestock from adverse effects of cyanide process water and ~~other cyanidation~~ pollutants. (3-24-22)(7-1-25)T

vii. Include a quality assurance/quality control plan for the construction of containment systems that provides a process for documenting owner acceptance of all underlying components of the containment system prior to construction of the overlying components. (3-24-22)

b. Liner systems must: (3-24-22)

i. Have a structurally stable subgrade for the overlying components and contained material. The subgrade should be constructed to resist consolidation, excessive differential settlement that compromises liner performance, and uplift resulting from pressures inside or outside the containment unit to prevent distortion of overlying components. (3-24-22)

ii. Have a smooth rolled and compacted soil layer, or equivalent layer approved by the Department, in intimate contact with the overlying geomembrane liner with the following characteristics: (3-24-22)

(1) A minimum thickness of twenty-four (24) inches compacted to ninety-five percent (95%) of maximum dry density according to Standard Proctor Test ASTM D698 or Modified Proctor Test ASTM D1557; (3-24-22)

(2) Soil placed in a minimum of four (4) lifts that each have a compacted thickness of six (6) inches and a hydraulic conductivity less than or equal to 10^{-6} cm/sec; (3-24-22)

(3) An uppermost lift of soil that does not contain particles in excess of point seven five (0.75) inches (nineteen (19) mm) in largest dimension unless larger particles are consistent with the manufacturer's specifications for the overlying liner and approved by the Department; (3-24-22)

(4) No putrescible, frozen, or other deleterious materials. (3-24-22)

(5) No angular, sharp material regardless of diameter; and (3-24-22)

(6) Soil placed within two percent (2%) of optimum moisture content to achieve the specified compaction and hydraulic conductivity. (3-24-22)

iii. Include the following if an equivalent layer replacing the soil layer described in Subsection 200.06.b.ii. is proposed: (3-24-22)

(1) A layer that is not a geomembrane and has a liquid flow rate no greater than that of twenty-four (24) inches of compact soil with a hydraulic conductivity less than or equal to 10^{-6} cm/sec; (3-24-22)

(2) Materials with appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste, process water, or process-contaminated water to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation; (3-24-22)

(3) Materials that provide appropriate shear resistance of the upper and lower component interface to prevent sliding of the upper component including on slopes; (3-24-22)

(4) Certification from an Idaho licensed professional engineer that the liquid flow rate per unit area through the equivalent layer is no greater than the liquid flow rate through two (2) feet of compacted soil with a hydraulic conductivity less than or equal to 10^{-6} cm/sec, considering the maximum hydraulic head anticipated on the liner system and the thickness of the equivalent layer replacing the two (2) feet of compacted soil; and (3-24-22)

(5) Plans and specifications for an equivalent layer that substantially reflect the manufacturer's specifications and standards for construction, operation and maintenance unless otherwise approved by the Department. (3-24-22)

iv. Include geomembrane liners consisting of high density polyethylene, linear low-density polyethylene, or equivalent, rated as having a resistance to the passage of process water equal to or less than a hydraulic conductivity of 10^{-11} cm/sec. Each geomembrane liner will be constructed of materials with appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation and permanent closure. (3-24-22)

v. Be constructed according to manufacturer's standards, or Department-approved design standards, and protect against damage from cracking, sun exposure, ice, frost penetration or heaving, wildlife, wildfires, and damage that may be caused by personnel or equipment operating in or around these facilities. (3-24-22)

vi. Have an appropriate coefficient of friction against sliding plus a factor of safety for each interface constructed on a slope. (3-24-22)

vii. Have minimum factors of safety, and the logic behind their selection, for the stability of the earthworks and the lining systems. (3-24-22)

viii. Include redundant systems for failures in primary power or pumping systems. (3-24-22)

ix. Have liner material that meets the manufacturer's quality assurance/quality control performance specifications. (3-24-22)

07. Process Buildings, Process Chemical Storage Containment Areas and General Facility Criteria. Storage, handling and use of all process chemicals, process wastes, process water and ~~pollutants associated with the cyanidation facility~~ cyanidation pollutants must be conducted within a clean, safe and secure work space to prevent unauthorized discharges to soils, ground water or surface water. The plans and specifications must contain sufficient detail, including pump capacity and plumbing for evacuation of collection sumps, triggering systems for sump evacuation, and monitoring and reporting requirements and, where appropriate, provide for:

(3-24-22)(7-1-25)T

- a. Structural integrity of the foundation, walls and roof for process and process chemical storage buildings; (3-24-22)
- b. Restriction of public access; (3-24-22)
- c. Protection of wildlife; (3-24-22)
- d. Internal sumps and spill cleanup plans; (3-24-22)
- e. Grouted and sealed concrete stemmed walls and floors in the process buildings and process chemical storage and containment facilities; (3-24-22)
- f. Vapor barriers and frost protection; (3-24-22)

- g. Segregation of process chemicals according to compatibility; (3-24-22)
- h. Communication systems; (3-24-22)
- i. Fire suppression systems, internal and external; and (3-24-22)
- j. Quality assurance/quality control for construction activities and construction materials. (3-24-22)

08. Cap and Cover Criteria. Caps and covers used as source control measures for facilities must be designed and constructed to minimize the interaction of meteoric waters, surface waters, and ground waters with wastes containing cyanidation pollutants that are likely to be mobilized and discharged to waters. Caps and covers designed for permanent closure must demonstrate permanence applicable to the permittee's designed and approved permanent closure plan. (3-24-22)(7-1-25)T

09. Plumbing and Conveyance Criteria. Plumbing and conveyance systems must: (3-24-22)

- a. Be structurally sound and chemically compatible with the materials being conveyed; (3-24-22)
- b. Provide adequate primary and secondary containment; and (3-24-22)
- c. Be protected against heat, cold, mechanical failures, impacts, fires, and other factors that may cause breakage and result in unauthorized discharges. (3-24-22)

10. Operation and Maintenance Plans. Operation and maintenance plans must be submitted to the Department for review and approval. Operation and maintenance plans must include, but are not limited to: (3-24-22)

- a. An overall plan that includes techniques for evaluating the integrity and performance of all containment systems; (3-24-22)
- b. Schedule for inspections of all containment systems; (3-24-22)
- c. Schedule for inspections on piping and conveyance systems that carry process water; (3-24-22)
- d. Response plans that detail specific actions that will result in mitigation of compromised or damaged containment systems; and (3-24-22)
- e. Response plans that detail specific thresholds identified under Subsection 200.11 Section 39-118A(9), Idaho Code, the locations and frequency at which the thresholds will be monitored, and actions that will result in mitigation of an exceedance of any threshold. (3-24-22)(7-1-25)T

11. Water Quality Monitoring and Reporting. The water quality monitoring plan submitted with the application must be reviewed and, if appropriate, approved by the Department. The approved water quality monitoring plan must comply with Section 39-118A(9), Idaho Code, and: (3-24-22)(7-1-25)T

- a. Provide for physical, chemical and biological monitoring, including measurements of surface water flow, wildlife and bird mortality, and aquatic indicator species in potentially affected surface and ground water, as appropriate; (3-24-22)
- b. Provide for sampling locations and frequency; (3-24-22)
- c. Provide an assessment of the existing surface and ground water conditions prior to construction of the proposed cyanidation facility; (3-24-22)
- d. Be site specific and dependent on location, design and operation of the cyanidation facilities included in the overall operating plan; (3-24-22)
- e. Specify compliance points and associated water quality compliance criteria; (3-24-22)

f. ~~Specify monitoring points and threshold concentrations that provide for early detection of discharges of pollutants;~~ (3-24-22)

g. Provide analytical methods and method detection limits for chemical analysis used in the determination of water quality; (3-24-22)

h. Provide a quality assurance quality control plan for data collection and analysis; (3-24-22)

i. Provide for appropriate and timely analytical data analyses including evaluations of water quality and quantity trends; (3-24-22)

j. Provide an annual environmental monitoring and data analysis report of water quality and quantity trends; (3-24-22)

k. Provide for the reporting and re-sampling of monitoring locations where detectable and statistically significant changes in water quality are found. The permittee must propose a statistical method to determine the significance of the changes in water quality; and (3-24-22)

l. Provide for anticipated changes or modifications to monitoring plans, which may be the result of a phased approach to cyanidation facility construction, operations and permanent closure. (3-24-22)

12. Monitoring Wells Siting and Construction Plans. The applicant is encouraged to submit a report describing the purpose, objectives, location and proposed construction of monitoring wells to the Department for review and comment during the initial stages of site characterization. A monitoring well siting and construction plan must be provided upon submittal of the preliminary design report under Subsection 050.02. (3-24-22)

a. Monitoring well siting and construction plans must provide for the following. (3-24-22)

i. A quality assurance/quality control plan for well construction. (3-24-22)

ii. A minimum of three (3) monitoring wells with one (1) located up gradient and two (2) located down gradient of primary components of the cyanidation facility to determine ground water flow direction. (3-24-22)

b. Siting and planning for additional wells or replacement wells may be required in the permit application and final permit. Specifically, additional wells may be required for: (3-24-22)

i. Large areas with multiple potential sources for cyanidation pollutants; (3-24-22)(7-1-25)T

ii. Areas with complex geology, fractured bedrock; and (3-24-22)

iii. Areas with insufficient background hydrogeology. (3-24-22)

c. All monitoring well construction must also conform to the well construction rules listed in IDAPA 37.03.09, “Well Construction Standards Rules.” (3-24-22)(12-3-25)T

d. Record diagrams including well construction details, well elevation and a detailed geologic log must be provided to the Department for each monitoring well. (3-24-22)

13. Land Application. Plans and specifications must include: (3-24-22)

a. An operation and maintenance plan including: (3-24-22)

i. Water balance for the land application site; (3-24-22)

ii. Pretreatment requirements and procedures; (3-24-22)

- iii. Operating season for land application; (3-24-22)
- iv. Seasonal closeout procedures; (3-24-22)
- v. Special soils or vegetative amendments; (3-24-22)
- vi. Storm water run-on/run-off controls; (3-24-22)
- vii. Best management practices for all areas impacted by the land application system; and (3-24-22)
- viii. A topographic map of the land application site and adjacent affected areas, of sufficient scale to facilitate site-specific analysis of soils, vegetation, surface water, and ground water; (3-24-22)
- b. Chemical, physical, and volumetric characteristics of the material to be land applied; (3-24-22)
- c. A complete description of the chemical and physical characteristics of the soils and applicable geology of the land application site; (3-24-22)
- d. Methods of process water treatment, distribution and disposal; (3-24-22)
- e. Hydraulic loading capacity of the soils; (3-24-22)
- f. Constituent loading capacity of the site; (3-24-22)
- g. Attenuation capacity of the vegetative covers and soils; (3-24-22)
- h. Evapotranspiration capacity of the site; (3-24-22)
- i. Testing and analytical procedures for water quality and soils samples prior to, during, and following the land application process; (3-24-22)
- j. Trend analysis of the constituent loading in the affected soils, vegetation, and water quality of the affected surface or ground water systems; (3-24-22)
- k. Reporting requirements including both frequency and form; and (3-24-22)
- l. Standby power and pumps sufficient to maintain all treatment and distribution works. (3-24-22)

14. Temporary or Seasonal Closure. Temporary and seasonal closure plans for the entire cyanidation facility must be submitted by an applicant to the Department for review and approval prior to issuance of a final permit. Temporary and seasonal closure plans may, subject to Department approval pursuant to Section 750, be modified to provide for changes in operating conditions of the facilities and must incorporate a water management plan for the period of inactivity as well as during shut down and reactivation. (3-24-22)

- a. Prior to seasonal closure, process buildings, process chemical storage, process water ponds, tailings impoundments, spent ore disposal areas and other ancillary facilities must be stabilized and/or conditioned to prevent any emergency or unauthorized discharges to surface or ground water. (3-24-22)
- b. Subsequent to seasonal closure, process buildings, process chemical storage, process water ponds, tailings impoundments, spent ore disposal areas and other ancillary facilities must be maintained to prevent any emergency or unauthorized discharges to surface or ground water. Cyanidation facilities must be conditioned and maintained to provide: (3-24-22)
 - i. Material stabilization for all solids affected by process waters; (3-24-22)
 - ii. Optimum freeboard in all ponds, as dictated by the water management plan; (3-24-22)

iii. Fully functional power and pumping systems that are ready for use; both power and pumps are to incorporate redundant systems to allow for failure of either power or a pumping system. A failed power supply or pump is not an acceptable reason for an unauthorized discharge; (3-24-22)

iv. Protection of all containment; and (3-24-22)

v. Sufficient availability of qualified staff to restrict public access, fully implement the water quality monitoring plan, and initiate the emergency and spill response plan. (3-24-22)

15. Employee Education Program. Operators and staff of facilities must be properly oriented and trained to operate, maintain, and protect containment systems; waste disposal and discharge systems; and to implement monitoring and emergency and spill response plans. An applicant must submit an employee orientation and continuing training plan to the Department for review prior to issuance of a final permit. The plan must provide the format and contents for training, the general qualifications of the person(s) responsible for training and testing, and the person(s) or positions who must receive such training. (3-24-22)

(BREAK IN CONTINUITY OF SECTIONS)

500. PERMIT CONDITIONS.

The following conditions apply to and must be specified in all permits:

(3-24-22)

01. Compliance Required. The applicant or permittee must comply with all conditions of the permit. Issuance or possession of a permit issued according to these rules does not relieve the applicant or permittee of the responsibility to comply with all other applicable local, state, and federal laws. (3-24-22)

02. Construction. Construction of individual components of a cyanidation facility may commence upon approval by the Department of the final plans and specifications issued for construction data package per Sections 39-118A(13)(c)(i) and 39-118A(18), Idaho Code, for that component. (3-24-22)(7-1-25)T

03. Record Plans and Specifications As-built Submittal. An Idaho licensed professional engineer must confirm in writing that all record drawings and specifications are complete and accurate. These record plans and specifications An as-built submittal must be submitted by the permittee to the Director within thirty (30) days after the completion of the construction of each critical component or phase of a cyanidation facility development as approved by the Department (Section 39-118A(19), Idaho Code). The record plans and specifications must be accompañado by a final construction report. If the construction does not deviate from the approved plans and specifications, a statement to the effect must be submitted by the engineer. The as-built submittal must include all the information required by Section 39-118A(1)(b), Idaho Code. The Department will review the final construction report, including record plans and specifications and results of quality control and quality assurance testing, as-built submittal to verify that the facility was constructed in compliance with and does not deviate from the approved plans and specifications issued for construction data package. If the Department determines that the facility was not constructed in compliance with or deviates from the approved plans and specifications issued for construction data package, the Department will provide the permittee written notice of necessary corrective actions within thirty (30) days of receipt of all submittals required by this subsection an as-built submittal. In the event the Department provides such written notice, operation of the facility may not begin until the Department inspects and provides written approval of the corrective actions. Operation of the facility may begin if the Department does not deliver to the permittee such written notice within thirty (30) days of receipt of all submittals required by this subsection an as-built submittal. (3-24-22)(7-1-25)T

04. Duty to Provide Information. The permittee must furnish to the Director, within a reasonable or specified time, any information, including copies of records required by the permit or other applicable rules, that the Director may request to determine whether cause exists for modifying or revoking the permit or to determine compliance with the permit or other applicable rules. (3-24-22)

05. Notifications. After initial construction and seasonal and/or temporary closure, the permittee must, within thirty (30) days, provide written notice to the Director of the permittee's intentions to commence or restart

operations. At least thirty (30) days prior to completion of operations, and/or temporary or seasonal operations, the permittee must notify the Director of the permittee's intentions to temporarily, seasonally or permanently close operations. Notification must provide sufficient time for the Director to provide pre-operational or post-operational inspections, as necessary. (3-24-22)

06. Entry and Access. The permittee must allow the Director, or a designee obligated by agreement with the Director to comply with the confidentiality provisions of Section 39-111, Idaho Code, to: (3-24-22)

a. Enter at reasonable times upon the premises of a permitted cyanidation facility or where records required by a permit are kept; (3-24-22)

b. Have access to and copy at reasonable times any records that must be kept under the conditions of the permit; (3-24-22)

c. Inspect at reasonable times any cyanidation facility, equipment, practice, or operation permitted or required by the permit; and (3-24-22)

d. Sample or monitor at reasonable times, substance(s) or parameter(s) directly related to permit or regulation compliance. (3-24-22)

07. Reporting. It is the permittee's responsibility to report to the Director: (3-24-22)

a. Orally, as soon as possible but no later than twenty-four (24) hours from the time the permittee knows or should reasonably know of any noncompliance that may endanger the public health or the environment. (3-24-22)

b. In writing, within five (5) working days from the time a permittee knows or should reasonably know of any event that may be or that may result in a violation of these rules, or IDAPA 58.01.02, "Water Quality Standards," or IDAPA 58.01.11, "Ground Water Quality Rule." This report must contain: ~~(3-24-22)~~(12-3-25)T

i. A description of the event and its cause; if the cause is not known, steps taken to investigate and determine the cause; (3-24-22)

ii. The period of the event including, to the extent possible, the individual(s) involved in the incident(s) and the time(s) and date(s) of the incidents; (3-24-22)

iii. Measures taken to mitigate or eliminate the event and protect the public health; and (3-24-22)

iv. Steps taken to prevent recurrence of the event; (3-24-22)

c. In writing, confirmation of any conditions that may result in violation of any permit condition; and (3-24-22)

d. In writing, when the permittee knows or should reasonably know of relevant facts not submitted or incorrect information submitted in a permit application or any report or notice to the Director or the Department. Those facts or the correct information must be included as a part of this report. (3-24-22)

08. Discharge Response. If an unauthorized discharge occurs the permittee must implement the Department approved emergency and spill response plan. (3-24-22)

09. Temporary or Seasonal Closure Plans. Prior to temporary or seasonal closure, the permittee must submit a temporary or seasonal closure plan to the Director for approval. The plan must describe the procedures, methods, and schedule to be implemented for the treatment and disposal of process water and cyanidation pollutants, the control of drainage from the cyanidation facility, the control of drainage from the surrounding area, and the secure storage of chemicals during the period of closure. Within thirty (30) days of receiving the plan, the Director will approve and/or suggest modifications necessary to protect waters. The permittee must ensure that closure complies with an approved plan. The approved plan must be implemented before the permittee completes temporary or

seasonal closure. Facilities may not be temporarily or seasonally closed for a period longer than two (2) years unless approved by the Director. ~~(3-24-22)(7-1-25)T~~

10. Begin Construction. ~~A permit will be deemed void~~ If the permittee fails to begin construction of a cyanidation facility within ~~one~~ ~~two~~ (42) years of the effective date of the permit, ~~the permit will be deemed void unless the permittee requests and receives an extension (Section 39-118A(16)(a), Idaho Code).~~ ~~(3-24-22)(7-1-25)T~~

11. Permanent Closure. The permanent closure plan, as approved by the Idaho Department of Lands, will be incorporated by reference into the Department-issued permit as a permit condition and will be enforceable as such. ~~(3-24-22)~~

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.13 – RULES FOR ORE PROCESSING BY CYANIDATION

DOCKET NO. 58-0113-2502

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with [Section 67-5220](#), Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by [Sections 39-105, 39-107](#), and [39-118A](#), Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting. For those who cannot participate by attending the meeting, information for submission of written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at: [Rules for Ore Processing by Cyanidation: Docket No. 58-0113-2502 | Idaho Department of Environmental Quality](#).

Tuesday, December 9, 2025, at 9:30 a.m. MST

ATTEND IN PERSON OR VIA MICROSOFT TEAMS

DEQ State Office
Conference Room A
1410 N. Hilton
Boise, ID 83706

The Teams meeting link is available at:

<https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/rules-for-ore-processing-by-cyanidation-docket-no-58-0113-2502/>

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. Requests must be made no later than five (5) business days prior to the meeting date. For arrangements contact the undersigned.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in response to public comments received during the update of IDAPA 58.01.13, Rules for Ore Processing by Cyanidation, initiated under Docket No. 58-0113-2501. Under [Senate Bill 1170 \(S1170\)](#), the 2025 Idaho Legislature amended Chapter 1, Title 39, Idaho Code, with a revised Section 39-118A, which directed DEQ to bring the rules into compliance with the new code by July 1, 2025. Due to the narrow scope and quick turnaround required by S1170, DEQ proceeded with a temporary-proposed rule that updated IDAPA 58.01.13 by removing rule text that is now in statute and revised the remaining rule for consistency with the new provisions in Section 39-118A, Idaho Code. During the 2025 temporary-proposed rule proceedings promulgated under Docket No. 58-0113-2501, DEQ received numerous public comments that extended beyond the narrow scope of the rulemaking and would be best addressed under negotiated rulemaking. Insufficient time was available for negotiated rulemaking to meet the July 1, 2025 deadline; therefore, DEQ initiated this negotiated rulemaking to address the public comments and to provide an opportunity for all stakeholders to provide their input through multiple public meetings.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at: [Rules for Ore Processing by Cyanidation: Docket No. 58-0113-2502 | Idaho Department of Environmental Quality](#). DEQ will facilitate negotiation of this rule in conjunction with a committee made up of stakeholders having an interest in the revision of this rule. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Adam McMahon, Adam.McMahon@deq.idaho.gov or (208) 373-0450.

SUBMISSION OF WRITTEN COMMENTS: Information regarding public comment opportunities provided throughout the rulemaking process will be available at: [Rules for Ore Processing by Cyanidation: Docket No. 58-0113-2502 | Idaho Department of Environmental Quality](#).

Dated this 3rd day of December, 2025.

Diane Cutler, Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.16 – WASTEWATER RULES

DOCKET NO. 58-0116-2501 (ZBR CHAPTER REWRITE)

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 2026 Idaho State Legislature for final approval. Pursuant to [Section 67-5224](#), Idaho Code, this pending rule must be approved by concurrent resolution of the Legislature. Pursuant to [Section 67-5291\(2\)](#), Idaho Code, all temporary, pending, and final rules of any nature may be approved or rejected by a concurrent resolution of the Legislature. The concurrent resolution shall state the effective date of the approval or rejection. If approved by concurrent resolution, the rules will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

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

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Little on January 16, 2020. A detailed summary of the reason for adopting the rule is set forth in the proposed rule published in the Idaho Administrative Bulletin, September 3, 2025, [Vol. 25-9, pages 303–371](#).

After consideration of public comments, the proposed rule has been revised at Sections 008, 010, 401, 409, and 450. The remainder of the rule has been adopted as initially proposed. The board meeting documents are available at [Wastewater Rules: Docket No. 58-0116-2501 | Idaho Department of Environmental Quality](#).

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

Not applicable.

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

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning the rulemaking, contact the undersigned.

Dated this 3rd day of December, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0165
diane.cutler@deq.idaho.gov

DOCKET NO. 58-0116-2501 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-9, September 3, 2025, pages 303 through 371.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 58-0116-2501

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

58.01.16 – WASTEWATER RULES

008. REFERENCED MATERIAL.

01. “Recommended Standards for Wastewater Facilities.” A Report of the Wastewater Committee of the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers. This document is available through Health Education Services at <http://www.healthresearch.org/store> <https://www.health.state.mn.us/communities/environment/water/docs/tenstatesan2014.pdf>. (3-31-22)

02. Memorandum of Understanding. The Memorandum of Understanding between the Idaho Department of Environmental Quality and the Idaho Division of Building Safety Plumbing Bureau provides assistance in determining jurisdiction over water and sewer service lines. Copies of the document are available at the Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706 1255, on the DEQ website at <http://www.deq.idaho.gov>. (3-31-22)

032. “Idaho Standards for Public Works Construction.” This document is available for review at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho, (208)373-0502, or can be purchased for a fee through the Local Highway Technical Assistance Council (LHTAC) at LHTAC, 3330 Grace Street, Boise, ID, 83703, (208) 344-0565. (3-31-22)

043. Water Environment Federation (WEF) Manuals of Practice. Water Environment Federation, 601 Wythe Street, Alexandria, VA, 22314-1994, 1-800-666-0206, <http://www.wef.org>. (3-31-22)

054. American Society of Civil Engineers (ASCE) Manuals and Reports on Engineering Practices. American Society of Civil Engineers, 1801 Alexander Bell Drive, Reston, VA 20191, 800-548-2723, <http://www.asce.org>. (3-31-22)

065. “Design Criteria for Mechanical, Electric, and Fluid System and Component Reliability.” U.S. EPA (EPA-430-99-74-001), <http://www.epa.gov>. (3-31-22)

076. American National Standard Institute/Hydraulic Institute ANSI/HI 9.8, American National Standard for Centrifugal and Vertical Pump Intake Design. 1819 L Street NW Suite 600, Washington, DC 20036,

(202) 293-8020, www.ansi.org. (3-31-22)

087. The Compressed Gas Association Publication CGA G-3-1995, "Sulfur Dioxide." (3-31-22)

098. "Wastewater Engineering, Treatment and Reuse," Metcalf and Eddy. (3-31-22)

1009. "Ultraviolet Disinfection Guidelines for Drinking Water and Water Reuse," National Water Research Institute/American Water Works Association (AWWA) Research Foundation, 6666 West Quincy Avenue, Denver, CO 80235, (800)926-7337, <http://www.awwa.org>. (3-31-22)

110. Pumping Station Design - Third Edition 2006. Garr M. Jones. Elsevier Publications. (3-31-22)

12. ~~Plan and Specification Dispute Resolution Policy~~. PM05-2: Plan and Specification Review Dispute Resolution Advisory Panel for Engineering Disputes can be found on the DEQ website at <http://www.deq.idaho.gov>. (3-31-22)

13. ~~Nutrient Pathogen Evaluation Program for On-Site Wastewater Treatment Systems~~. Nutrient Pathogen Evaluation Program for On-Site Wastewater Treatment Systems can be found on the DEQ website at <http://www.deq.idaho.gov>. (3-31-22)

14. ~~Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater~~. The Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater can be found on the DEQ website at <http://www.deq.idaho.gov>. (3-31-22)

11. *[Idaho Waste Management Guidelines for Aquaculture Operations 1997. Aquaculture Waste Guidelines Advisory Committee. https://freshwater-aquaculture.extension.org/wp-content/uploads/2019/08/Idaho-Waste-Management-Guidelines-for-Aquaculture-Operations.pdf](https://freshwater-aquaculture.extension.org/wp-content/uploads/2019/08/Idaho-Waste-Management-Guidelines-for-Aquaculture-Operations.pdf)* (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

For the purpose of the rules contained in IDAPA 58.01.16, "Wastewater Rules," the following definitions apply: The terms "Board," "Department," "Director," "Person," and "Waters" are defined in Section 39-103, Idaho Code. The term "Ground water" (Groundwater) is defined in Section 39-121, Idaho Code. The terms "Beneficial Use" and "Watershed" are defined in IDAPA 58.01.02, "Water Quality Standards." The term "Like-Kind Replacement" is defined in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." The terms "Recycled Water" and "Reuse" are defined in IDAPA 58.01.17, "Recycled Water Rules." The terms "Point Source" and "Water Pollution" are defined in IDAPA 58.01.25, "Idaho Pollutant Discharge Elimination System Rules." (3-31-22)

01. ~~Available~~. Based on public wastewater system size, complexity, and variation in raw waste, a licensed wastewater operator must be on site, on call, or able to be contacted as needed to initiate the appropriate action for normal or emergency conditions in a timely manner. (3-31-22)

021. ~~Adequate Emergency Storage Capacity~~. The emergency storage capacity of a ~~1~~ Lift station wet well emergency storage capacity is the volume of the wet well measured between the high water alarm and the gravity sewer invert into the wet well. The collection system ~~shall~~ will not be used in the calculation for emergency storage. For the purpose of this definition, "a Adequate" storage is defined as twice the estimated emergency response time multiplied by the peak hour flow to the wet well where the minimum emergency response time is 30 minutes, unless otherwise approved by the Department. The high water alarm ~~shall~~ must be placed at an elevation below the wet well invert sufficient to achieve the defined volumetric emergency storage capacity. (3-31-22)

03. ~~Average Day Flow~~. The average day flow is the average of daily volumes to be received for a continuous twelve (12) month period expressed as a volume per unit time. However, the average day flow for design purposes for facilities having critical seasonal high hydraulic loading periods, such as recreational areas or industrial facilities, shall be based on the average day flow during the seasonal period. See also the definition of Wastewater

Flows:

(3-31-22)

04. Beneficial Use. Any of the various uses which may be made of the water of Idaho, including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics. The beneficial use is dependent upon actual use, the ability of the water to support a non-existing use either now or in the future, and its likelihood of being used in a given manner. The use of water for the purpose of wastewater dilution or as a receiving water for a waste treatment facility effluent is not a beneficial use. (3-31-22)

05.2. Biochemical Oxygen Demand (BOD). The measure of the amount of oxygen necessary to satisfy the biochemical oxidation requirements of organic materials at the time the sample is collected; unless otherwise specified, this term will mean the five (5) day BOD incubated at twenty (20) degrees C. (3-31-22)

06.3. Blackwaste. Human body waste, such as excreta or urine. This includes toilet paper and other products used in the practice of personal hygiene. (3-31-22)

07.4. Blackwater. A wastewater whose principal pollutant is blackwaste; a combination of blackwaste and water. (3-31-22)

08. Board. The Idaho Board of Environmental Quality. (3-31-22)

05. Buildout. The estimated future wastewater capacity needs at full development, based on land use plans, zoning, or facility planning. Design capacities must account for these conditions unless expansion is readily achievable. (3-31-22)

09.6. Capacity. The capabilities required of a wastewater system in order to achieve and maintain compliance with these rules. It is divided into three (3) main elements: (3-31-22)

a. Technical capacity means the system has: (3-31-22)

i. the physical infrastructure to safely collect wastewater and consistently meet discharge disposal standards and treatment requirements, and (3-31-22)

ii. is able ability to meet the requirements of routine and emergency operations; and (3-31-22)

ii. It further means the ability of system personnel to adequately operate and maintain the system and to otherwise implement technical knowledge. Training of operator(s) is required, as appropriate, for the system size and complexity. (3-31-22)

b. Financial capacity means the financial resources of the wastewater system, including an appropriate budget; rate structure; cash reserves sufficient for current operation and maintenance, future needs and emergency situations; and adequate fiscal controls. (3-31-22)

c. Managerial capacity means that the management structure of the wastewater system embodies the aspects of wastewater system operations, including, but not limited to: (3-31-22)

i. Short and long range planning; (3-31-22)

ii. Personnel management; (3-31-22)

iii. Fiduciary responsibility; (3-31-22)

iv. Emergency response; (3-31-22)

v. Customer responsiveness; and (3-31-22)

vi. Administrative functions such as billing and consumer awareness. (3-31-22)

1407. **Class A Effluent Recycled Water.** Class A effluent is treated municipal reclaimed wastewater that must be oxidized, coagulated, clarified, and filtered, or treated by an equivalent process and adequately disinfected. For a comprehensive description of Class A Effluent criteria and permitting requirements recycled water, refer to IDAPA 58.01.17, "Recycled Water Rules." (3-31-22)()

1408. **Class A Effluent Recycled Water Distribution System.** The delivery system for Class A effluent recycled water. The distribution system does not include any of the collection or treatment portions of the wastewater facility and is not subject to operator licensing requirements in Section 203 of these rules. (3-31-22)()

1409. **Collection System.** That portion of the wastewater system or treatment facility in which wastewater is received from the premises of the discharger user and conveyed to the point of treatment through a series of lines, pipes, manholes, pumps/lift stations and other appurtenances. For the purposes of municipal wastewater, a wastewater system must serve two or more wastewater service connections. (3-31-22)()

1410. **Compliance Schedule or Compliance Agreement Schedule.** A schedule of remedial and preventative measures and sequence of actions leading to compliance with a regulation, statute or rule, enforceable as set forth in Sections 39-116 and 39-116A, Idaho Code, respectively. (3-31-22)

14. **Department.** The Idaho Department of Environmental Quality. (3-31-22)

15. **Design Flow.** The critical flow used for steady state wasteload allocation modeling. (3-31-22)

16. **Designated Beneficial Use or Designated Use.** Those beneficial uses assigned to identify waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards," Sections 110 through 160, whether or not the uses are being attained. (3-31-22)

17. **Director.** The Director of the Idaho Department of Environmental Quality or his authorized agent. (3-31-22)

181. **Discharge.** When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into the waters of the state. (3-31-22)()

192. **Disinfection.** A method of reducing the pathogenic or objectionable organisms by means of chemicals or other acceptable means. (3-31-22)

13. **Disposal.** Removal of wastewater derived from municipal and nonmunicipal sources utilizing discharge, reuse, total containment, or other allowable methods. (3-31-22)()

2014. **Disposal Facility.** Any facility used for disposal of any wastewater. Facilities for the disposal of sludge are regulated under Section 650 of these rules. (3-31-22)

2115. **Effluent.** Any treated wastewater discharged disposed from a treatment facility. (3-31-22)()

22. **Environmental Review.** An environmental review document for a specific project includes a description of purpose and need for the project; a description of the affected environment and environmental impacts including, but not limited to, endangered species, historical and archaeological impacts, air impacts, surface and ground water impacts, and noise and visual impacts; a description of the planned mitigation for these impacts; and descriptions of the public process, agencies consulted, reference documents, and a mailing list of interested parties. A checklist, which can be used as guidance, can be found on the DEQ website at <http://www.deq.idaho.gov>. This checklist is for Department grant and loan projects, but can be used in part or in whole as a guide. (3-31-22)

23. **EPA.** The United States Environmental Protection Agency. (3-31-22)

2416. **Equivalent Dwelling Unit (EDU).** A measure where one (1) unit is equivalent to wastewater generated from one (1) single-family detached housing unit. For example, a business generating three (3) times as much wastewater as an average single-family detached housing unit would be considered three (3) equivalent

dwelling units. (3-31-22)

2517. Facility Plan. ~~The facility plan Comprehensive planning document for a municipal wastewater treatment and disposal facility describes system describing the overall existing system, including the collection system, the treatment systems, and the disposal systems. It is a comprehensive planning document for the existing infrastructure and includes the plan for the future of the systems, including upgrades and additions. It is usually updated on a regular basis due to anticipated or unanticipated growth patterns, regulatory requirements, or other infrastructure needs. A Facility Plan is sometimes may be referred to as a master plan or facilities planning study. In general, a Facility Plan is an overall system-wide plan as opposed to a project specific plan and is updated on a regular basis to account for growth patterns, regulatory requirement, or other needs.~~ (3-31-22) ()

2618. Facility and Design Standards. Facility and design standards are described in Sections 400 through 599 of these rules. Facility and design standards found in Sections 400 through 599 of these rules and must be followed in the planning, design, construction, and review of municipal wastewater facilities. (3-31-22) ()

27. Geometric Mean. ~~The geometric mean of "n" quantities is the "nth" root of the product of the quantities.~~ (3-31-22)

19. Force Main. ~~Pressurized pipeline for the purpose of conveying wastewater within a collection system or treatment facility.~~ ()

280. Gray Water. Domestic wastewater that does not contain ~~wastewater from toilets, kitchen sinks, dishwashers, cloth washing machines, and water softeners~~ blackwaste. (3-31-22) ()

29. Ground Water. ~~Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil.~~ (3-31-22)

3021. Industrial Wastewater. Any waste, together with such water as is present, that is the by-product of industrial processes including, but not limited to, food processing or food washing wastewater. (3-31-22)

3122. Land Application. A process or activity involving application of wastewater, surface water, or semi-liquid material to the land surface for the purpose of disposal, pollutant removal, or ~~ground water groundwater~~ recharge. (3-31-22) ()

3223. License. ~~A physical document issued by the Idaho Bureau of Occupational Licenses Division of Occupational and Professional Licenses certifying that an individual has met the appropriate qualifications and has been granted the authority to practice in Idaho under the provisions of Chapter 24, Title 54, Idaho Code.~~ (3-31-22) ()

33. Major Wastewater Collection System Project. ~~A wastewater collection system project that is not a simple wastewater main extension.~~ (3-31-22)

3424. Material Deviation. A change from the design plans that significantly alters the type or location of facilities, requires engineering judgment to design, or impacts the public safety or welfare. (3-31-22) ()

3525. Material Modification. ~~Material modifications are to Those modifications of an existing wastewater system that are intended to increase system capacity or to alter the methods or processes employed. Any project that increases the Increasing system capacity occurs by increasing pumping capacity of a system, increases the potential population served by the system or the number of service connections within the system, adds, Altering methods or processes employed occurs by adding new or alters altering existing wastewater system components, or affects the to satisfy an increase in wastewater flow of the system or changing engineering design intent of the wastewater collection or treatment system is considered to be increasing system capacity or altering the methods or processes employed. Maintenance and repair performed on the system and the replacement of valves, pumps, or other similar items with new items of the same size and type are not considered a material modification. Maintenance as outlined in the approved operation and maintenance manual, or maintenance that does not meet the criteria of a material modification described in this definition, is not a material modification. Like-kind replacement is not considered a material modification.~~ (3-31-22) ()

36. Maximum Day Flow. The design maximum day flow is the largest volume of flow to be received during a continuous twenty four (24) hour period expressed as a volume per unit time. See also Wastewater Flows. (3-31-22)

37. Maximum Month Flow. The maximum month flow is the largest volume of flow to be received during any calendar month expressed as a volume per unit time. See also the definition of Wastewater Flows. (3-31-22)

38. Mixing Zone. A defined area or volume of the receiving water surrounding or adjacent to a wastewater discharge where the receiving water, as a result of the discharge, may not meet all applicable water quality criteria or standards. It is considered a place where wastewater mixes with receiving water and not as a place where effluents are treated. (3-31-22)

39. Municipal Wastewater. Unless otherwise specified, sewage and associated solids, whether treated or untreated, together with such water that is present. Also called domestic wastewater. When incidental to flow and strength, industrial wastewater or other non-domestic sources may also be present, but is not considered part of the definition. (3-31-22)

40. National Pollutant Discharge Elimination System (NPDES). Point source permitting program established pursuant to Section 402 of the federal Clean Water Act. (3-31-22)

41. Natural Background Conditions. No measurable change in the physical, chemical, biological, or radiological conditions existing in a water body without human sources of pollution within the watershed. (3-31-22)

42. Non-Contact Cooling Water. Water used to reduce temperature which does not come into direct contact with any raw material, intermediate product, waste product (other than heat) or finished product. Non-contact cooling water is not considered wastewater. Non-contact cooling water can be land applied as recharge water as discussed in Section 600 based on a Department approval as described in Subsections 600.04 and 600.05. (3-31-22)

43. Nuisance. Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the state. (3-31-22)

44. Nutrients. The major substances necessary for the growth and reproduction of aquatic plant life, consisting of nitrogen, phosphorus, and carbon compounds. (3-31-22)

45. Non-Potable Mains. The pipelines that collect and, deliver, or otherwise convey non-potable discharges fluids from or to multiple service connections. Examples would include sewage collection and interceptor mains, storm sewers, non-potable irrigation mains, and reclaimed wastewater mains. (3-31-22)

46. Non-Potable Services. The pipelines that collect, deliver, or otherwise convey non-potable discharges from individual facilities to a connection with the fluids from or to a non-potable main. This term also refers to pipelines that convey non-potable water from a pressurized irrigation system, reclaimed wastewater system, and other non-potable systems to individual consumers. These pipelines connect individual facilities to the non-potable main. This term also refers to pipelines that convey non-potable fluids from a pressurized irrigation system, recycled water system, and other non-potable systems to individual consumers. (3-31-22)

29. Nuisance. Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters. (3-31-22)

30. Nutrients. The major substances necessary for the growth and reproduction of plant life consisting of nitrogen, phosphorus, and carbon compounds. (3-31-22)

47. Operating Personnel. Any person who is employed, retained, or appointed to conduct the tasks associated with the day-to-day operation and maintenance of a public community wastewater system. Operating personnel shall include every including persons making system control or system integrity decisions about water quantity or water quality that may affect public health. (3-31-22)

4832. Owner. The person, company, corporation, district, association, or other organizational entity that owns the ~~public~~ wastewater system, and who provides, or intends to provide, wastewater service to system users and is ultimately responsible for the ~~public~~ wastewater system operation. ~~(3-31-22)~~()

49. Peak Instantaneous Flow. The design peak instantaneous flow is the instantaneous maximum flow rate to be received. See also the definition of Wastewater Flows. ~~(3-31-22)~~

50. Peak Hour Flow. The design peak hour flow is the largest volume of flow to be received during a one (1) hour period expressed as a volume per unit time. See also the definition of Wastewater Flows. ~~(3-31-22)~~

51. Person. An individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state or federal agency, department or instrumentality, special district, interstate body or any legal entity, which is recognized by law as the subject of rights and duties. ~~(3-31-22)~~

52. Point Source. Any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged to surface waters of the state. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. ~~(3-31-22)~~

5333. Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged to water in excessive quantities, cause or contribute to water pollution. Provided however, biological materials shall not include live or occasional dead fish that may accidentally escape into the waters of the state from aquaculture facilities. ~~(3-31-22)~~

5434. Potable Water. A water which is free from impurities in such amounts that it is safe for human consumption without treatment ~~Water for human consumption. Also referred to as Water for Human Consumption or Drinking Water.~~ ~~(3-31-22)~~()

5535. Potable Mains. Pipelines that deliver potable water to multiple service connections. ~~(3-31-22)~~

5636. Potable Service. Pipelines that convey potable water from a connection to the potable water main ~~across private property~~ to individual consumers. ~~(3-31-22)~~()

5737. Preliminary Engineering Report (PER). ~~The preliminary engineering report for the municipal wastewater treatment or disposal facility is the Project specific design report that addresses specific portions of the systems as they are being contemplated for design for a new wastewater system or existing wastewater system undergoing material modifications.~~ These reports address specific purpose and scope, design requirements, alternative solutions, costs, operation and maintenance requirements, and other requirements as described in Section 411. ~~Preliminary engineering reports are generally project specific as opposed to an overall system wide plan, such as a facility plan.~~ ~~(3-31-22)~~()

5838. Primary Treatment. Processes or methods that serve as the first stage treatment of wastewater, intended for removal of suspended and settleable solids by gravity sedimentation; provides no changes in dissolved and colloidal matter in the sewage or wastes flow. ~~(3-31-22)~~()

5939. Private-Municipal Wastewater Treatment Plant. A wastewater ~~facility~~ ~~system~~ that treats municipal wastewater and is under private ownership. These systems are typically initially owned, operated, and maintained by a developer with the ownership, operation and maintenance transferring to a homeowner's association, or similar entity as lots are sold within the development. ~~(3-31-22)~~()

6040. Public-Community Wastewater System or Wastewater System. A ~~public wastewater system or wastewater system is any~~ publicly or privately owned ~~collection system or treatment~~ ~~wastewater~~ system that

generates, collects, treats, stores, or disposes of two thousand five hundred (2,500) or more gallons of wastewater per day based on Average Day Flow measured in the system. For new wastewater systems not constructed, Average Day Flow may be estimated as documented in an approved PER. This does not include: (3-31-22)()

a. Any animal waste system used for agricultural purposes that have been constructed in part or whole by public funds; or (3-31-22)

b. Any industrial or other nonmunicipal wastewater system which is covered under Section 401 of these rules. (3-31-22)()

641. Qualified Licensed Professional Engineer (QLPE). A professional engineer licensed by the state of Idaho; qualified by education or experience in the specific technical fields involved in these rules; and retained or employed by a city, county, quasi-municipal corporation, or regulated public utility for the purposes of plan and specification review. (3-31-22)

642. Quasi-Municipal Corporation. A public entity, other than community government, created or authorized by the legislature to aid the state in, or to take charge of, some public or state work for the general welfare. For the purpose of these rules, this term refers to wastewater or sewer districts. (3-31-22)

643. Receiving Waters. Those waters which receive pollutants from point or nonpoint sources. (3-31-22)

64. Recharge. The process of adding water to the zone of saturation. (3-31-22)

644. Recharge Water. Water that is specifically utilized for the purpose of adding water to the zone of saturation. (3-31-22)()

645. Redundancy. Redundancy for wastewater treatment and disposal facilities is generally focused on supplying or installing b Backup equipment and facilities to make the operation of the systems more reliable. These redundant systems are sometimes required to provide backup for emergencies, in emergency situations such as taking certain processes off-line, or for treating spikes in wastewater flow or strength. (3-31-22)()

646. Reliability. Reliability for wastewater collection and treatment and disposal facilities is usually b Based on its The wastewater system's ability to consistently handle the wastewater flows in the community and to meet the requirements of its permit. This reliability is in part based on the s and includes redundancy built into the wastewater infrastructure and proper maintenance of the system. (3-31-22)()

647. Reasonably Accessible. The following criteria shall must be used to determine whether a project proposing a new private municipal wastewater treatment plant, or a material modification or expansion of an existing private municipal wastewater treatment plant, is reasonably accessible to a public municipal wastewater collection system. (3-31-22)()

a. For an existing private municipal wastewater treatment plant, reasonably accessible means the public municipal wastewater collection system becomes located within a minimum of one thousand (1,000) feet of any portion of the discharge disposal piping of a private municipal wastewater treatment plant, and the owner of the public municipal wastewater collection system will provide a "will serve" letter. (3-31-22)()

b. For a proposed project which includes a new private municipal wastewater treatment plant, reasonably accessible means the public municipal wastewater collection system is located within a minimum of one thousand (1,000) feet of any portion of the proposed development or existing development property boundary, and the owner of the public municipal wastewater collection system will provide a "will serve" letter. (3-31-22)()

c. The Department may determine that a private municipal wastewater treatment plant may be reasonably accessible to the public municipal wastewater collection system at distances greater than those distances specified in Paragraphs a. or b. of this Subsection above based on site-specific factors. (3-31-22)()

648. Responsible Charge (RC). For purposes of Sections 202 through 204, responsible charge means, a

Active, daily on-site or on-call responsibility for the performance of operations or active, on-going, on-site or on-call direction of employees and assistants. (3-31-22)()

7049. Responsible Charge Operator. For purposes of Sections 202 through 204, a responsible charge operator is an operator licensed at a class equal to or greater than the classification of the system and who has been designated by the system owner to have direct supervision of and responsibility for the performance of operations of a specified wastewater treatment system(s) or wastewater collection system(s) and the direction of personnel employed or retained at the same system. The responsible charge operator has an active daily on-site or on-call presence at the specified facility. (3-31-22)()

71. Reuse. The use of reclaimed wastewater for beneficial uses including, but not limited to, land treatment, irrigation, ground water recharge using surface spreading, seepage ponds, or other unlined surface water features. (3-31-22)

7250. Reviewing Authority. For those projects requiring preconstruction approval by the Department, the Department is the reviewing authority. For those projects allowing for preconstruction approval by others, pursuant to Subsection 400.03.b. of these rules, the Qualified Licensed Professional Engineer (QLPE) is also the reviewing authority. (3-31-22)()

73. Sanitary Sewer Extension. As used in Section 400, an extension of an existing wastewater collection system that does not require a lift station or force main and is intended to increase the service area of the wastewater collection system. (3-31-22)

7451. Secondary Treatment. Processes or methods for the supplemental treatment of wastewater, usually following primary treatment, to affect additional improvement in the quality of the treated wastes by biological means of various types which are designed to remove or modify organic matter for the removal of biodegradable organic matter (in solution or suspension) and suspended solids. May include the removal of biodegradable organics and nutrients (nitrogen, phosphorus, or both nitrogen and phosphorus). Disinfection may also be included in secondary treatment. (3-31-22)()

7552. Septage. Septage is a general term for the e Contents removed from septic tanks, portable vault toilets, privy vaults, wastewater holding tanks, very small wastewater treatment plants systems, or semi-public facilities (i.e., schools, motels, mobile home parks, campgrounds, small commercial endeavors) receiving wastewater from domestic sources. Non-domestic (industrial) wastes are not included in this definition. This does not include drinking water treatment residuals that may be held in a holding tank. (3-31-22)()

7653. Septage Transfer Station. A place where septage from more than one (1) hauler is accumulated for collection and subsequent removal without processing to a treatment facility. (3-31-22)()

54. Service Connection. Point of connection between the utility's system and the customer's piping or premises, typically including the pipe, meter, valves, and appurtenances leading from the main to the customer's property line. ()

7755. Sewage. The w Water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water groundwater infiltration and surface water as may be present. (3-31-22)()

7856. Simple Wastewater Main Extension. New or replacement wastewater main(s) that require requiring plan and specification review per these rules and that will be connected by gravity, without the use of pumps or lift stations, to existing wastewater collection facilities that have the capacity to carry the additional wastewater flow and capacity at downstream treatment facilities to meet disposal requirements. (3-31-22)()

7957. Sludge. The semi-liquid mass produced and removed by the municipal or nonmunicipal wastewater treatment processes. (3-31-22)()

80. Special Resource Water. Those specific segments or bodies of water which are recognized as needing intensive protection: (3-31-22)

- a.** To preserve outstanding or unique characteristics; or (3-31-22)
- b.** To maintain current beneficial use. (3-31-22)
- 81.** **State.** The state of Idaho. (3-31-22)

82~~58~~8. **Substitute Responsible Charge Operator.** A public community wastewater operator holding a valid license at a class equal to or greater than the public community wastewater system classification, designated by the system owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible. (3-31-22)()

83~~59~~9. **Surface Water Body.** All surface accumulations of water, natural or artificial, public or private, or parts thereof which are wholly or partially within, which flow through or border upon the state. This includes, but is not limited to, rivers, streams, canals, ditches, lakes, and ponds. It does not include private waters as defined in Section 42-212, Idaho Code. (3-31-22)

84. **Total Maximum Daily Load (TMDL).** The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. (3-31-22)

60. **Total Containment Lagoon.** A wastewater lagoon that relies on evaporation for effluent disposal with no other permit to dispose. (3-31-22)()

85~~61~~61. **Treatment.** A process or activity conducted for the purpose of removing pollutants from wastewater. (3-31-22)

86~~62~~62. **Treatment Facility.** Any physical facility or land area for the purpose of collecting, treating, neutralizing or stabilizing pollutants including treatment plants; the necessary collecting conveyance, intercepting, outfall and outlet sewers; pumping stations integral to such plants or sewers; disposal or reuse facilities; equipment and furnishing thereof; and their appurtenances. For the purpose of these rules, a treatment facility may also be known as a treatment system, a wastewater system, wastewater treatment system, wastewater treatment facility, or wastewater treatment plant. (3-31-22)()

87~~63~~63. **User.** Any person served by a public wastewater system. Also known as a service connection. (3-31-22)()

88~~64~~64. **Very Small Wastewater System.** A public community wastewater system that serves five hundred (500) service connections or less and includes a collection system with a system size of six (6) points or less on the system classification rating form (Section 202) and is limited to only one (1) or more of the following wastewater treatment processes: (3-31-22)()

- a.** Aerated lagoons; (3-31-22)
- b.** Non-aerated lagoon(s); (3-31-22)()
- c.** Primary treatment; or (3-31-22)
- d.** Primary treatment discharging to a large soil absorption system (LSAS). (3-31-22)

89~~65~~65. **Wastewater.** Any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any ground water groundwater, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, gray water or commercial or industrial pollutants; and sewage. (3-31-22)()

9066. Wastewater Flows. The following flows for the design year ~~shall must~~ be identified ~~as required~~ and used as a basis for design of ~~sewer wastewater~~ systems including sewer mains, ~~lift stations pumping stations~~, wastewater treatment plants, treatment units, and other wastewater handling facilities. ~~The definition contained in this Subsection applies where any of the terms defined in Paragraphs a. through e. are used in these rules.~~ (3-31-22) ()

a. Average Day Flow. The average day flow is the average of daily volumes to be received for a continuous twelve (12) month period expressed as a volume per unit time. However, the average day flow for design purposes for facilities having critical seasonal high hydraulic loading periods, such as recreational areas or industrial facilities, ~~shall will~~ be based on the average day flow during the seasonal period. (3-31-22) ()

b. Maximum Day Flow. The design maximum day flow is the largest volume of flow to be received during a continuous twenty-four (24) hour period expressed as a volume per unit time. (3-31-22)

c. Maximum Month Flow. The maximum month flow is the largest volume of flow to be received during any calendar month expressed as a volume per unit time. (3-31-22)

d. Peak Instantaneous Flow. The design peak instantaneous flow is the instantaneous maximum flow rate to be received. (3-31-22)

e. Peak Hour Flow. The design peak hour flow is the largest volume of flow to be received during a one (1) hour period expressed as a volume per unit time. (3-31-22)

9167. Wastewater Lagoon. Manmade impoundments ~~constructed with earthen or semi-permeable embankments with an impervious liner~~ for the purpose of storing ~~or~~ treating ~~or~~ disposing of wastewater ~~or effluent~~. (3-31-22) ()

92. Wastewater Pipelines. ~~The pipelines that collect and convey non-potable discharges from or to multiple service connections.~~ (3-31-22)

9268. Wastewater Pumping Station. A wastewater facility that collects wastewater from the collection system or the treatment system and pumps it to a higher elevation. Also called lift station or wastewater lift station. (3-31-22)

69. Wastewater System. ~~A collection system or treatment facility, or a combination of collection system and treatment facility. This includes all structures, equipment, or processes required to collect, convey, treat, store, and dispose of wastewater.~~ ()

9470. Wastewater System Operator. The person ~~who is~~ employed, retained, or appointed to conduct the tasks associated with routine ~~day to day operation and emergency operation~~ and maintenance of a ~~public community wastewater treatment or collection system in order~~ to safeguard the public health and environment. (3-31-22) ()

95. Water Main Extension. ~~An extension of the distribution system of an existing public water system that does not require a booster pumping station and is intended to increase the service area of the water system.~~ (3-31-22)

96. Water Pollution. ~~Any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the state, or the discharge of any pollutant into the waters of the state, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses.~~ (3-31-22)

97. Waters and 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.~~ (3-31-22)

98. Watershed. ~~The land area from which water flows into a stream or other body of water which~~

drains the area.

(3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

401. REVIEW OF PLANS FOR NONMUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES SYSTEMS.~~

01. Plan and Specification Approval-Required. The Department reviews nonmunicipal wastewater system plans and specifications external to in-plant processes to ensure compliance with this chapter. The construction, alteration or expansion of any new, or material modification of an existing, nonmunicipal wastewater treatment or disposal facility system must not begin before plans and specifications for the proposed facility have been submitted to and approved by the Department. Deviations may be allowed as provided in Subsection 401.02. The Department does not require review of industrial in-plant processes. Aquaculture facilities must submit plans and specifications for construction, modification, or expansion of waste treatment or disposal facilities for review and approval consistent with Section 39-118(5), Idaho Code. Infrastructure for water conveyance or aquatic organism husbandry within an aquaculture facility, prior to its discharge or diversion to waste treatment or disposal facility, does not require engineering design submittal under these rules.

(3-31-22)()

02. Deviations from Approved Plans. No material deviations are to may be made from the approved plans and specifications without prior approval of from the Department.

(3-31-22)()

03. Professional Engineer's Seal. Plans and specifications for construction, alteration or expansion of any nonmunicipal wastewater treatment or disposal facility shall submitted to the Department must be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal be sealed, signed, and dated by the professional engineer in responsible charge of their preparation. Construction shall must be observed by an Idaho licensed professional engineer or a person under the supervision of an Idaho licensed professional engineer.

(3-31-22)()

04. Record Plans and Specifications.

(3-31-22)

a. If actual construction deviates from the approved plans and specifications, complete and accurate plans and specifications depicting the actual construction, alteration, or modification performed, shall be submitted to the Department for review and approval within thirty (30) days of completion of construction. If the construction does not materially deviate from the approved plans and specifications, the owner may have a statement to that effect prepared by an Idaho licensed professional engineer and filed with the Department in lieu of submitting a complete and accurate set of record drawings. Must be submitted to the Department as specified in Section 39-118(3), Idaho Code.

(3-31-22)()

b. Record plans and specifications, or a statement submitted in lieu of record plans and specifications, must be sealed, signed, and dated by the professional engineer in responsible charge of their preparation.

(3-31-22)

05. Waiver of Approval RequirementException. The Department can waive the plan and specification approval required described in Subsection 401.01 for any particular facility or category of facilities which will have no significant impact on the environment or on the public health.

(3-31-22)()

06. Department Approval On-site During Construction. The owner must maintain a copy of the approved plans and specifications and the approval letter from the Department on-site during construction at all times.

()

06.7. Applicability of Standards. The facility and design standards for municipal wastewater treatment or disposal facilities systems set out in these rules do not apply to nonmunicipal wastewater treatment or disposal facilities systems covered under Section 401. All plans and specifications submitted pursuant to Section 401.01 must conform in style and quality to regularly accepted engineering standards and applicable guidance and include the basis of design information and applicable design criteria.

(3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

409. ~~FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER TREATMENT OR DISPOSAL FACILITIES: DEMONSTRATION OF TECHNICAL, FINANCIAL, AND MANAGERIAL CAPACITY.~~

No person ~~shall~~ may proceed, or cause to proceed, with construction of a new ~~public~~ community wastewater system, a new private ~~municipal~~ treatment plant, a new municipal wastewater treatment facility, or a new privately owned municipal wastewater pumping station until it has been demonstrated to the Department that the wastewater system will have adequate technical, financial, and managerial capacity, ~~as defined in Section 010 of these rules~~. Demonstration of capacity ~~shall~~ must be submitted to the Department prior to, or concurrent with, the submittal of plans and specifications, as ~~required~~ described in Section 39-118, Idaho Code, and Subsection 400.03 ~~of these rules~~. The Department ~~shall~~ will issue in writing its approval of the new system capacity demonstration. Existing wastewater systems incapable of demonstrating technical, financial, or managerial capacity as identified through operational problems, may be required to submit additional technical, financial, or managerial documentation to the Department for review and approval. ~~(3-31-22)()~~

01. Technical Capacity. ~~In order to~~ To meet this ~~requirement provision~~, the ~~public wastewater system shall~~ system owner must submit documentation ~~to demonstrate the following demonstrating:~~ ~~(3-31-22)()~~

- a. The system meets the relevant design, construction, and operating requirements of these rules; ~~(3-31-22)~~
- b. A plan is in place to deal with emergencies; ~~(3-31-22)~~
- c. A plan exists for replacement or improvement of infrastructure as necessary; and ~~(3-31-22)~~
- d. The system has trained personnel with an understanding of the technical and operational characteristics of the system. ~~(3-31-22)~~

02. Financial Capacity. ~~()~~

a. ~~A demonstration Documentation~~ of financial capacity must include, but is not limited to, ~~the following information:~~ ~~(3-31-22)()~~

a.i. ~~Documentation that organizational and financial arrangements are~~ adequate to construct and operate the wastewater system in accordance with these rules. This information can be provided by submitting estimated construction, operation, and maintenance costs, letters of credit, or other access to financial capital through public or private sources and, if available, a certified financial statement; ~~(3-31-22)()~~

b.ii. ~~Demonstration of revenue sufficiency, that includes, but is not limited to, billing and collection procedures; a proposed rate structure which demonstrates~~ the availability of operating funds; revenues for depreciation and reserves; and the ability to accrue a capital replacement fund. A preliminary operating budget ~~shall~~ must be provided; and ~~(3-31-22)()~~

e.iii. Adequate fiscal controls ~~must be demonstrated.~~ ~~(3-31-22)()~~

b.ii. For private ~~municipal~~ wastewater treatment plants, a performance bond, maintenance bond, or cash reserve of one (1) year of operation and maintenance costs is required to ensure continuous and adequate operation and maintenance. ~~(3-31-22)()~~

03. Managerial Capacity. ~~In order to~~ To demonstrate adequate managerial capacity, the ~~system owner or operator of a new wastewater system shall~~ must submit at least the following information to the Department: ~~(3-31-22)()~~

- a. Clear documentation of legal ownership and any plans that may exist for transfer of that ownership upon completion of construction or after a period of operation; (3-31-22)
- b. The name, address, and telephone number of the person who will be accountable ~~for ensuring to ensure~~ that the wastewater system ~~is in compliance with~~ follows these rules; (3-31-22)
- c. The name, address, and telephone number of the responsible charge operator ~~and the substitute responsible charge operator~~; (3-31-22)
- d. A description of ~~the manner in which~~ ~~how~~ the wastewater system will be managed. Information such as by-laws, restrictive covenants, articles of incorporation, or procedures and policy manuals which describe the management organizational structure ~~shall~~ ~~must~~ be provided; (3-31-22)
- e. A ~~recommendation~~ ~~description~~ of staff qualifications, including training, experience, certification or licensing, and continuing education; (3-31-22)
- f. An explanation of how the wastewater system will establish and maintain effective communications and relationships between the wastewater system management, its customers, professional service providers, and any applicable regulatory agencies; and (3-31-22)
- g. Evidence of planning for future growth, equipment repair and maintenance, and long-term replacement of system components. (3-31-22)

04. Consolidation. In demonstrating new system capacity, the owner of the proposed new system must investigate the feasibility of obtaining wastewater service from an established ~~public~~ wastewater system. If such service is available, but the owner elects to proceed with an independent system, the owner must explain why this choice is in the public interest in terms of environmental protection, affordability to wastewater users, and protection of public health. (3-31-22)

410. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: FACILITY PLANS.

01. Facility Plans Required. ~~All Unless otherwise noted in this subsection, all~~ new municipal wastewater ~~treatment or disposal facilities, systems~~ and all existing municipal wastewater ~~treatment or disposal facilities systems~~ undergoing material modification ~~or expansion~~, are required to have a current facility plan that ~~shall~~ address~~es~~ all applicable issues specifically required in Sections 410 and 420 through 599 ~~of these rules including, but not limited to, hydraulic capacity, treatment capacity, project financing, and operation and maintenance considerations~~. The facility plan ~~shall~~ ~~must~~ address these issues sufficiently to determine the effects of the project on the overall wastewater infrastructure. ~~Material modification or expansion that requires a facility plan includes upgraded, or rehabilitated municipal wastewater treatment or disposal facilities and major collection, interceptor sewer, pump station projects, and septic transfer station projects.~~ Facility plans must address the entire potential service area of the ~~project wastewater system~~. A facility plan may be completed for collection systems only, ~~for treatment facilities only, or for both the collection system and the treatment facility~~. If such a collection system facility plan is prepared, and flows increase ~~in excess of more than~~ the design capacity of downstream collection and treatment facilities, the impact of the flow ~~shall~~ ~~must~~ be addressed in the facility plan. (3-31-22)

- a. ~~Department-reviewed simple wastewater main extension projects.~~ A facility plan is not required if the Department is provided documentation supporting the ability of the wastewater system to provide service for the simple wastewater main extension without adding wastewater pumping stations or treatment capacity to the ~~system treatment facility~~ and without overloading the existing collection system. Documentation may be in the form of: (3-31-22)
 - i. Hydraulic modeling; (3-31-22)
 - ii. Usage data and flow calculations; (3-31-22)

iii. Declining balance reports that demonstrate the wastewater system has the capacity to supply the service area of the system served by the extension; or (3-31-22)()

iv. Other documentation acceptable to the Department. (3-31-22)

b. QLPE Reviewed Simple Wastewater Main Extension Projects. A Department-approved facility plan is not required to be in place prior to the QLPE approving simple wastewater main extensions pursuant to Subsection 400.03.b., provided that the system is in compliance with the facility and design standards in the area served by the extension. If the Department has not approved a facility plan which covers the proposed simple wastewater main extension, then the system owner or the QLPE must include with the transmittal letter documentation supporting the ability of the system owner to provide service for the simple wastewater main extension without adding wastewater pumping stations or treatment capacity to the system and without overloading the existing collection system. The system owner shall must provide this documentation to the QLPE as necessary. Documentation may be in the form of: (3-31-22)()

i. Hydraulic modeling; (3-31-22)

ii. Usage data and flow calculations; (3-31-22)

iii. Declining balance reports that demonstrate the system has the capacity to supply the service area of the system served by the extension; or (3-31-22)

iv. Other documentation acceptable to the Department. (3-31-22)

02. Submittal to Department. Facility plans shall must be submitted to the Department for review and approval prior to the submission of plans and specifications for a project related to the facility plan. (3-31-22)()

03. Engineer's Seal Required. Facility plans submitted to the Department shall bear the imprint of an Idaho licensed professional engineer's seal that is both signed and dated by the engineer must be sealed, signed, and dated by the professional engineer in responsible charge of their preparation. (3-31-22)()

04. Facility Plan Contents. The facility plan shall must assemble basic information, present criteria and assumptions, address hydraulic capacity, treatment capacity, and operation and maintenance considerations, and examine alternative solutions with preliminary layouts and, cost estimates, and project financing. The facility plan is intended to address system wide growth, to identify system deficiencies, and to lay out a plan for system upgrades and expansion. The minimum requirements for a facility plan are located in Subsections 410.04.a. through 410.04.c. If specific items are not applicable to a particular facility plan, then the engineer shall must state this in the facility plan and state the reason why it is not applicable. (3-31-22)()

a. New Wastewater System Facility Plan. The facility plan for a new wastewater system must include sufficient detail to support the requirements provisions of Sections 410 through 520 and address the se items listed in Subsections 410.04.a.i. through 410.04.a.vii. of this rule. (3-31-22)()

i. **Location.** Provide a general description and location of the system including service boundaries. (3-31-22)()

ii. **Population.** Provide the estimated design population and service connections expressed as EDUs of the system. (3-31-22)()

iii. **Wastewater flows.** Provide design data for domestic, commercial, and industrial wastewater generation, including average day, maximum day, maximum month, or peak hour flows. (3-31-22)()

iv. **Collection.** Identify and describe any anticipated or proposed wastewater collection systems. Include specific details s on any anticipated or proposed wastewater pumping stations and on any anticipated or proposed wastewater interceptor or trunk lines. (3-31-22)()

v. **Treatment.** Identify and describe any anticipated or proposed treatment works facilities. Provide

specific detail on the type and level of treatment and the required capacity of the treatment ~~system facility~~; ~~(3-31-22)~~

vi. **Disposal**—Identify and describe any anticipated or proposed wastewater disposal system(s). Include specific information on the location and method of disposal and information on any existing disposal permits or estimated timelines to obtain anticipated required permits; ~~and~~ ~~(3-31-22)~~

vii. **Drinking water**—Describe the drinking water distribution system with reference to the relationship to existing or proposed wastewater structures which may affect the operation and location of the wastewater system. ~~(3-31-22)~~

b. **Existing Wastewater System Facility Plan**—The facility plan for an existing wastewater system must include sufficient detail to support the ~~requirements provisions~~ of Sections 410 through 520, address all items in Subsections 410.04.a.i. through 410.04.a.vii, and ~~address all items in Subsections 410.04.b.i. through 410.04.b.viii. the following:~~ ~~(3-31-22)~~

i. Provide a system-wide hydraulic analysis of the collection system ~~if requested unless otherwise approved~~ by the Department. Any hydraulic analysis of an existing collection system ~~shall must~~ be properly calibrated. The type and sophistication of the hydraulic analysis ~~shall will~~ be dependent on the type of the wastewater system; ~~(3-31-22)~~

ii. Identify and evaluate problems or deficiencies related to the wastewater system; ~~(3-31-22)~~

iii. Identify the design capacity of existing facilities and the current operating flows; ~~(3-31-22)~~

iv. Identify if two or more wastewater systems will become one operating under the same governance, management, and financial functions including the physical interconnection of two or more wastewater systems; ~~(3-31-22)~~

v. Describe financing options for projects identified in the facility plan; ~~(3-31-22)~~

vi. Set forth anticipated charges for users; ~~(3-31-22)~~

vii. Review organizational and staffing requirements; ~~(3-31-22)~~

viii. Offer ~~a~~ project(s) recommendations for client consideration; ~~and~~ ~~(3-31-22)~~

viii. Outline official actions and procedures to implement the project. ~~(3-31-22)~~

c. **Wastewater System Facility Plan Funded by the State Revolving Fund**—If the project is funded by the state revolving fund or a state grant, the facility plan must meet the ~~requirements provisions~~ of Subsections 410.04.a. and 410.04.b., and other requirements that may also apply. See ~~IDAPA 58.01.12 “Rules for Administration of Water Pollution Control Loans,” and IDAPA 58.01.04, “Rules for Administration of Wastewater Treatment Facility Grants.” IDAPA 58.01.12, “Rules for Administration of Wastewater and Drinking Water Loan Funds,” and IDAPA 58.01.22, “Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities.”~~ ~~(3-31-22)~~

d. **Facility Plan Guidance**—A checklist which can be used for guidance can be found on the DEQ website at <http://www.deq.idaho.gov>. This checklist is for Department grant and loan projects, but may be used in part or in whole as a guide to assist in the development of any facility plan. ~~(3-31-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

425. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: OPERATION AND MAINTENANCE MANUALS.

01. Manual Contents. An operation and maintenance manual or manuals ~~shall must~~ be ~~provided developed~~ for all wastewater systems. ~~The manual shall and~~ include, but ~~is~~ not limited to, the following contents: daily operating instructions, operator safety ~~and emergency response~~ procedures, location of valves and other key system features, a parts list and parts order form~~(s)~~, ~~maintenance schedule~~, and information for contacting the responsible charge operators. An operational trouble-shooting section ~~shall must~~ be supplied to the wastewater ~~works system~~ as part of any proprietary unit installed in system's facilities. ~~(3-31-22)~~

02. Approval Required. Final operation and maintenance manuals for ~~new~~ construction ~~or material modification~~ of wastewater systems that include ~~lift stations pumping stations~~ or treatment ~~works facilities~~ must be submitted to the Department for review and approval prior to start-up of the proposed system unless the system components are already covered in an existing manual. ~~(3-31-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

440. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES SYSTEMS~~: WASTEWATER PUMPING STATIONS.

01. General. Section 440 regulates ~~both public and private~~ municipal wastewater collection pump stations and ~~does not regulate~~ individual residence pump stations, individual residence grinder pump stations, or individual residence septic tank effluent pump stations. See Section 441 for regulation of those types of pump stations. ~~(3-31-22)~~

a. Flooding. Wastewater pumping station structures and electrical and mechanical equipment ~~shall must~~ be protected from physical damage by the one hundred (100) year flood. Wastewater pumping stations ~~shall must~~ remain fully operational and accessible during the twenty-five (25) year flood. Regulations of state and federal agencies regarding flood plain obstructions shall be considered. ~~(3-31-22)~~

b. Accessibility and Security. The pumping station ~~shall must~~ be accessible by maintenance vehicles during all weather conditions. ~~(3-31-22)~~

c. Grit. The wet well and pump station piping ~~shall must~~ be designed to avoid operational problems from the accumulation of grit. ~~(3-31-22)~~

d. Safety. Provisions ~~shall must~~ be made to consider the protection of maintenance personnel and visitors from typical and foreseeable hazards in accordance with the engineering standards of care. See also Subsection 450.07. ~~(3-31-22)~~

02. Design. Design of wastewater pumping stations ~~shall must~~ meet the applicable ~~requirements provisions~~ of Subsections 440.02.a. through 440.02.i. ~~(3-31-22)~~

a. Type. ~~Wastewater pumping stations in general use fall into four types: wet well/dry well, submersible, suction lift, and screw pump.~~ ~~(3-31-22)~~

b. Structures ~~Construction materials used for pumping station structures must be appropriate under conditions of exposure to hydrogen sulfide and other corrosive gases, greases, oils, and other constituents frequently present in wastewater.~~ ~~(3-31-22)~~

i. Separation. Dry wells ~~shall must~~ be completely separated from the wet well. Common walls must be gas tight. ~~(3-31-22)~~

ii. Equipment Removal. Provisions ~~shall must~~ be made to facilitate removing pumps, motors, and other mechanical and electrical equipment. Individual pump and motor removal must not interfere with the continued operation of remaining pumps. ~~(3-31-22)~~

iii. Access and Safety Landings.

(3-31-22)

(1) Access. Suitable means of access for maintenance personnel wearing self-contained breathing apparatus shall must be provided to dry wells and to wet wells. See also Subsection 450.07. (3-31-22)()

(2) Safety Landings. Section 009 provides a reference to requirements of the Occupational Safety and Health Administration (OSHA), compliance with which may be required by other law. (3-31-22)

iv. Buoyancy. Where high groundwater conditions are anticipated, buoyancy of the wastewater pumping station structures shall must be considered and, if necessary, adequate provisions shall be made for protection. (3-31-22)()

v. Construction Materials. Materials shall be selected that are appropriate under conditions of exposure to hydrogen sulfide and other corrosive gases, greases, oils, and other constituents frequently present in wastewater. This is particularly important in the selection of metals and paints. (3-31-22)

iv. Dry wells must be equipped with a positive means for dewatering.

()

e. Pumps.

(3-31-22)

ib. Multiple Units. Multiple pumps shall must be provided. Units shall Pumps must have capacity such that, with any unit pump out of service, the remaining units pumps will have capacity to handle the design peak hourly flow. (3-31-22)()

ii. Protection Against Clogging. Pumps (except screw pumps) handling separate sanitary wastewater from thirty (30) inch or larger diameter sewers shall must be protected by bar racks. Appropriate protection from clogging shall must also be considered for small pumping stations. (3-31-22)()

iii. Pump Openings. Pumps handling unscreened raw wastewater shall must be capable of passing spheres of at least three (3) inches in diameter or be a grinder pump. Pump suction and discharge openings must be at least four (4) inches in diameter. An exception to the requirement for passing solid spheres of at least three (3) inches in diameter may be made on a case-by-case basis when approved by the Department based on equivalent protection from clogging or damage, such as grinder pumps. (3-31-22)()

iv. Priming. The pump shall must be placed so that, under normal operating conditions, it will operate under a positive suction head, except as specified in Subsection 440.03. (3-31-22)()

iv. Electrical Equipment. Section 009 provides a reference to the requirements of the National Electrical Code, compliance with which may be required by other law. Electrical equipment must comply with local and state codes. (3-31-22)()

v. Intake. Section 008 provides a reference to the Design of intakes may use American National Standard Institute/Hydraulic Institute ANSI/HI 9.8, American National Standard for Centrifugal and Vertical Pump Intake Design. (3-31-22)()

vii. Dry Well Dewatering. Dry wells shall be equipped with a positive means for dewatering. (3-31-22)

viii. Pumping Rates. The pumps and controls of main pumping stations shall must be selected designed to operate with varying rates wastewater flows into the wet well. The pump control system design shall take into must account for, and minimize as needed, downstream impact of pump discharge hydraulic surges. The station design capacity shall must be based on peak hourly flow as determined in accordance with Section 411 and shall must be adequate to maintain a velocity in the force main sufficient to avoid solids deposition. See Subsection 440.09. (3-31-22)()

ix. Controls. Water level control sensing devices shall must be designed to allow for automatic control of pumps. (3-31-22)()

e.d. Valves~~Suitable shutoff and check valves must be placed on the discharge line of each pump (except on screw pumps). The check valve must be located between the shutoff valve and the pump. Check valves must be suitable for the material being handled and placed on the horizontal portion of the discharge piping except for ball checks, which may be placed in the vertical run. Valves must be capable of withstanding normal pressure and water hammer. All shutoff and check valves must be operable from the floor level and accessible for maintenance. Outside levers are recommended on swing check valves.~~ (3-31-22)()

i.e. Suction Line. Suitable shutoff valves~~shall~~must be placed on the suction lines of dry pit pumps. (3-31-22)()

ii. Discharge Line. Suitable shutoff and check valves shall be placed on the discharge line of each pump (except on screw pumps). The check valve shall be located between the shutoff valve and the pump. Check valves shall be suitable for the material being handled and shall be placed on the horizontal portion of the discharge piping except for ball checks, which may be placed in the vertical run. Valves shall be capable of withstanding normal pressure and water hammer. All shutoff and check valves shall be operable from the floor level and accessible for maintenance. Outside levers are recommended on swing check valves. (3-31-22)

f. Wet Wells. (3-31-22)

i. Section 008 provides a reference to t~~The American National Standard Institute/Hydraulic Institute ANSI/HI 9.8, American National Standard for Centrifugal and Vertical Pump Intake Design~~may be used as a guidance~~document for design of wet wells~~. (3-31-22)()

ii. Air Displacement. Covered wet wells~~shall~~must have provisions for air displacement to the atmosphere, such as an inverted "j" tube or other means. (3-31-22)()

g. Safety Ventilation. Adequate ventilation~~shall~~must be provided for all pump stations unless access is provided using confined space entry procedures. Where the dry well is below the ground surface, mechanical ventilation~~is required~~must be provided. If screens or mechanical equipment requiring maintenance or inspection are located in the wet well, permanently installed ventilation~~is required~~must be provided. There~~shall~~may be no interconnection between the wet well and dry well ventilation systems. Section 008 provides a reference to guidance documents; see Subsection 008.11. (3-31-22)()

h. Flow Measurement. Suitable methods for measuring wastewater flow~~shall~~must be addressed provided at all pumping stations. (3-31-22)()

i. Water Supply. There~~shall~~may be no physical connection between any potable water supply and a wastewater pumping station which, under any conditions, might cause contamination of the potable water supply. If a potable water supply connection is made to the station, the connection~~shall~~must comply with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." (3-31-22)()

03. Suction Lift Pump Stations - Special Considerations. Suction lift pumps~~shall~~must meet the applicable~~requirements~~provisions of Subsection 440.02. (3-31-22)()

a. Pump Priming and Lift Requirements. Suction lift pumps~~shall~~must be of the self-priming or vacuum-priming type. Suction lift pump stations using dynamic suction lifts exceeding the limits outlined in Subsections 440.03.b. through 440.03.d. may be approved by the Department upon submission of factory certification of pump performance and detailed calculations indicating satisfactory performance under the proposed operating conditions. (3-31-22)()

b. Self Priming Pumps. Self-priming pumps~~shall~~must be capable of rapid priming and re-priming at the "lead pump on" elevation. Such~~s~~ Self-priming and re-priming~~shall~~must be accomplished automatically under design operating conditions. (3-31-22)()

c. Vacuum Priming Pumps. Vacuum-priming pump stations~~shall~~must be equipped with dual vacuum pumps capable of automatically and completely removing air from the suction lift pump. The vacuum pumps~~shall~~must be adequately protected from damage due to wastewater. The combined total of dynamic suction lift at the

“pump off” elevation and required net positive suction head at design operating conditions ~~shall must~~ not exceed twenty-two (22) feet. (3-31-22)()

d. Equipment, Wet Well Access, and Valving Location. The pump equipment compartment ~~shall must~~ be above grade or offset and ~~shall~~ be effectively isolated from the wet well to prevent a hazardous and corrosive sewer atmosphere from entering the equipment compartment. Wet well access ~~shall may~~ not be through the equipment compartment and ~~shall must~~ be at least twenty-four (24) inches in diameter. Gasketed replacement plates ~~shall must~~ be provided to cover the opening to the wet well for pump units removed for servicing. Valving ~~shall may~~ not be ~~located~~ in the wet well. (3-31-22)()

04. Submersible Pump Stations - Special Considerations. Submersible pump stations ~~shall must~~ meet the applicable ~~requirements provisions~~ of Subsection 440.02, except as modified in Subsection 440.04. (3-31-22)()

a. Construction. Submersible pumps and motors ~~shall must~~ be designed specifically for raw wastewater use, including totally submerged operation during a portion of each pumping cycle. An effective method to detect shaft seal failure or potential seal failure ~~shall must~~ be provided. (3-31-22)()

b. Pump Removal. Submersible pumps ~~shall must~~ be readily removable and replaceable without personnel entering or dewatering the wet well, or disconnecting any piping in the wet well. (3-31-22)()

c. Electrical Equipment. ~~Section 009 provides a reference to the requirements of the National Electrical Code, compliance with which may be required by other law. Electrical equipment must comply with local and state codes.~~ (3-31-22)()

i. Power Supply and Control Circuitry. Electrical supply, control, and alarm circuits ~~shall must~~ be designed to provide strain relief and to allow disconnection from outside the wet well. Terminals and connectors ~~shall must~~ be protected from corrosion by location outside the wet well or through use of watertight seals. (3-31-22)()

ii. Controls. The motor control center ~~shall must~~ be located outside the wet well, ~~be~~ readily accessible, and be protected by a conduit seal or other appropriate measures to prevent the atmosphere of the wet well from gaining access to the control center. The seal ~~shall must~~ be located so that the motor may be removed and electrically disconnected without disturbing the seal. ~~When such equipment is exposed to weather, it is recommended that it meet the requirements of weatherproof equipment NEMA 3R or 4.~~ (3-31-22)()

iii. Power Cord. Pump motor power cords ~~shall must~~ be designed for flexibility and serviceability under conditions of extra hard usage. Ground fault interruption protection ~~shall must~~ be used to de-energize the circuit in the event of any failure in the electrical integrity of the cable. Power cord terminal fittings ~~shall must~~ be corrosion-resistant and constructed ~~in a manner~~ to prevent the entry of moisture into the cable, ~~shall be~~ provided with strain relief appurtenances, and ~~shall be~~ designed to facilitate field connecting. (3-31-22)()

d. Valves. Valves required under Subsection 440.02 ~~shall must~~ be ~~located~~ in a separate valve chamber. Provisions ~~shall must~~ be made to remove or drain accumulated water from the valve chamber. The valve chamber may be dewatered to the wet well through a drain line with a gas and water tight valve. Check valves that are integral to the pump need not be ~~located~~ in a separate valve chamber provided that the valve can be removed from the wet well in accordance with Subsection 440.04. Access ~~shall must~~ be provided in accordance with Subsection 440.02. (3-31-22)()

05. Screw Pump Stations - Special Considerations. Screw pump stations ~~shall must~~ meet the applicable ~~requirements provisions~~ of Subsection 440.02. (3-31-22)()

a. Covers. Covers or other means of excluding direct sunlight ~~shall must~~ be provided as necessary to eliminate adverse effects from temperature changes. (3-31-22)()

b. Pump Wells. A positive means of isolating individual screw pump wells ~~shall must~~ be provided. (3-31-22)()

c. **Bearings.** Submerged bearings ~~shall~~ must be lubricated by an automated system without pump well dewatering. (3-31-22)()

06. Alarm Systems. Alarm systems with a backup power source ~~shall~~ must be provided for pumping stations. The alarm ~~shall~~ must be activated in cases of power failure, dry well sump and wet well high water levels, pump failure, pump clogging, unauthorized entry, or other cause of pump station malfunction. Pumping station alarms, including identification of the alarm condition, ~~shall~~ must be transmitted to a twenty-four (24) hour response center. Audio-visual alarm systems may be ~~acceptable in some cases in lieu of a transmitting system depending approved by the Department based~~ upon location, station holding capacity, and inspection frequency. (3-31-22)()

07. Emergency Operation. (3-31-22)

a. **Objective.** The objective of ~~the~~ Emergency operation for pump stations is required to prevent the unintended discharge of raw or partially treated wastewater to any waters or land surface and to protect public health by preventing back up of wastewater and subsequent discharge to basements, streets, and other public and private property. (3-31-22)()

b. **Emergency Pumping Capability.** Emergency pumping capability is required for all new ~~lift pumping~~ stations constructed after April 15, 2007. Emergency pumping capability is required for all existing ~~lift pumping~~ stations that undergo a material modification ~~or expansion~~ unless overall system reliability can be proven adequate to the Department as shown in Subsections 440.07.b.i. and 440.07.b.ii. ~~or overflow prevention is provided by adequate emergency storage capacity as defined in these rules. If required, emergency pumping capability shall be accomplished by connection of the station to at least two (2) independent utility substations as determined by and stated in a letter from the appropriate power provider, by provision of portable or in place internal combustion engine equipment which will generate electrical or mechanical energy, or by the provision of portable pumping equipment. Such emergency standby systems shall have sufficient capacity to start up and maintain the total rated running capacity of the station. Regardless of the type of emergency standby system provided, a portable pump connection to the force main with rapid connection capabilities and appropriate valving shall be provided outside the dry well and wet well.~~ (3-31-22)()

i. System reliability is ~~considered~~ adequate for an existing pumping station undergoing material modification if power grid outages average three (3) or less per year based on data for the three (3) previous years with no more than six (6) outages in a single year. (3-31-22)()

ii. Outage duration averages less than four (4) hours based on data for the three (3) previous years, with ~~not~~ more than one (1) outage during the three (3) previous year period exceeding eight (8) hours. Power loss for at least thirty (30) minutes qualifies as an outage. (3-31-22)()

c. **Equipment Requirements.** Emergency pumping capability must be accomplished by either connection of the station to at least two (2) independent utility substations as determined by and stated in a letter from the appropriate power provider, by provision of portable or in-place internal combustion engine equipment which will generate electrical or mechanical energy, or by the provision of portable pumping equipment. Such emergency standby systems must have sufficient capacity to start up and maintain the total rated running capacity of the station. Regardless of the type of emergency standby system provided, a portable pump connection to the force main with rapid connection capabilities and appropriate valving must be provided outside the dry well and wet well. (3-31-22)()

i. **General.** The following general requirements ~~shall~~ apply to all internal combustion engines used to drive auxiliary pumps, service pumps through special drives, or electrical power generating equipment. (3-31-22)()

(1) **Engine Protection.** The engine must be protected from operating conditions that would result in damage to equipment. Unless continuous manual supervision is planned, protective equipment ~~shall~~ must be capable of shutting down the engine and activating an alarm on site and as provided in Subsection 440.06. Protective equipment ~~shall~~ must monitor for conditions of low oil pressure and overheating, except that oil pressure monitoring ~~will be~~ is not required for engines with splash lubrication. (3-31-22)()

(2) **Size.** The engine ~~shall~~ must have adequate rated power to start and continuously operate under all connected loads. (3-31-22)()

(3) **Fuel Type.** Reliability and ease of starting, especially during cold weather conditions, ~~shall~~ must be addressed in the selection of the type of fuel. (3-31-22)()

(4) **Fuel Storage.** Fuel storage and piping facilities if provided ~~shall~~ must be constructed in accordance with applicable state and federal regulations. (3-31-22)()

(5) **Engine Ventilation.** The engine ~~shall~~ must have adequate ventilation of fuel vapors and exhaust gases. (3-31-22)()

(6) **Routine Start up.** All emergency equipment ~~shall~~ must be provided with instructions indicating the need for regular starting and running of such units at full loads. (3-31-22)()

(7) **Protection of Equipment.** Emergency equipment ~~shall~~ must be protected from damage at the restoration of regular electrical power. (3-31-22)()

ii. **Engine-Driven Pumping Equipment.** Where permanently-installed or portable engine-driven pumps are used, the following requirements in addition to ~~general requirements shall the provisions of Subsection 440.07.c.i.~~ apply. (3-31-22)()

(1) **Pumping Capacity.** Engine-driven pumps ~~shall~~ must meet the design pumping requirements unless storage capacity is available for flows in excess of pump capacity. Pumps ~~shall~~ must be designed for anticipated operating conditions, including suction lift if applicable. (3-31-22)()

(2) **Operation.** The engine and pump ~~shall~~ must be equipped to provide automatic start-up and operation of pumping equipment unless manual start-up and operation is justified. Provisions ~~shall~~ must also be made for manual start-up. Where manual start-up and operation is justified, storage capacity and alarm system must meet the ~~requirements provisions~~ of Subsection 440.07.c.ii(3). (3-31-22)()

(3) **Portable Pumping Equipment.** Where part or all ~~of the~~ of the engine-driven pumping equipment is portable, adequate emergency storage capacity as defined in Section 010 with alarm system ~~shall~~ must be provided to allow time for detection of pump station failure and transportation and hookup of the portable equipment. (3-31-22)()

iii. **Engine-Driven Generating Equipment.** Where permanently-installed or portable engine-driven ~~power~~ generating equipment is used, the following requirements ~~shall~~ apply in addition to the ~~general requirements provisions~~ of Subsection 440.07.c.i. (3-31-22)()

(+) **Generating Capacity.** (3-31-22)

(a1) **Power** ~~G~~enerating unit size ~~shall~~ must be adequate to provide power for pump motor starting current and for lighting, ventilation, and other auxiliary equipment necessary for safety and proper operation of the ~~lift pumping~~ station. (3-31-22)()

(b2) The operation of only one pump during periods of auxiliary power supply must be justified. ~~Such justification may be made on the basis of~~ based on the design peak hourly flows relative to single-pump capacity, anticipated length of power outage, and storage capacity. (3-31-22)()

(e3) Manual or special sequencing controls ~~shall~~ must be provided to start pump motors unless the ~~power~~ generating equipment has capacity to start all pumps simultaneously with auxiliary equipment operating. (3-31-22)()

(24) **Operation.** Provisions ~~shall~~ must be made for automatic and manual startup and load transfer unless only manual start-up and operation is justified. Automatic transfer switches ~~shall~~ must be UL listed and meet NEC requirements. The generator must be protected from operating conditions that would result in damage to equipment.

Provisions ~~shall must~~ be made to allow the engine to start and stabilize at operating speed before assuming the load. Where manual start-up and transfer is justified, the storage capacity and alarm system must meet the ~~requirements~~ provisions of Subsection 440.07.c.iii.(35). (3-31-22)()

(35) **Portable Generating Equipment.** Where portable power generating equipment and manual transfer is provided, adequate emergency storage capacity as defined in Section 010 with alarm system ~~shall must~~ be provided to allow time for detection of pump station failure and transportation and connection of power generating equipment. Special electrical connections and double throw switches ~~shall must~~ be provided for connecting portable power generating equipment. Manual transfer switches ~~shall must~~ be UL listed and meet NEC requirements. (3-31-22)()

iv. **Independent Utility Substations.** Where independent power substations are used for emergency power, each separate substation and its associated transmission lines ~~shall must~~ be capable of starting and operating the pump station at its rated capacity. (3-31-22)()

~~08. Instructions and Equipment. Wastewater pumping stations and portable equipment shall be supplied with a complete set of operational instructions, including emergency procedures, maintenance schedules, tools, and such spare parts as may be necessary.~~ (3-31-22)

098. Operation and Maintenance. (3-31-22)

a. An operation and maintenance manual ~~shall must~~ be submitted to and approved by the Department as required by Section 425. Adherence to the terms of this approved manual ~~shall be is~~ required. The owner ~~shall be is~~ responsible for maintaining the wastewater facility pump station in a manner that ~~assures ensures~~ its designed operation. (3-31-22)()

b. For new privately owned municipal wastewater collection pump stations, documents that detail the technical, managerial, and financial capabilities of the private entity to properly operate and maintain said pump station for the long term ~~shall must~~ be submitted to the Department for approval prior to operation in accordance with Section 409. (3-31-22)()

1009. Force Mains. (3-31-22)

a. **Velocity and Diameter.** At design pumping rates, a ~~A~~ cleansing velocity of at least two (2) feet per second ~~shall must~~ be maintained within force mains at the design pumping rates. (3-31-22)()

b. **Air and Vacuum Relief Valve.** An air relief valve ~~shall must~~ be placed at high points in the force main to prevent air locking unless otherwise approved by the Department. The force main configuration and head conditions ~~shall must~~ be evaluated as to determine the need for and placement of vacuum relief valves. (3-31-22)()

c. **Termination.** The force mains from other than individual grinder pump stations ~~shall must~~ enter a receiving manhole. Corrosion protection for the receiving manhole ~~shall must~~ be provided. Control of odors at such discharge points ~~shall must~~ be evaluated. (3-31-22)()

d. **Pipe and Design Pressure.** Pipe and joints ~~shall must~~ be equal to water main strength materials suitable for design conditions. The force main, reaction blocking, thrust restraint, and station piping ~~shall must~~ be designed to withstand water hammer pressures and associated cyclic reversal of stresses that are expected with the cycling of wastewater lift pumping stations. If necessary, the use of surge valves, surge tanks, or other suitable means to protect the force main against severe pressure changes ~~shall must~~ be evaluated. (3-31-22)()

e. **Special Construction.** Force main construction near streams or water works structures and at water main crossings ~~shall must~~ meet applicable provisions of Section 430. (3-31-22)()

f. Design Ffriction Losses must be in accordance with an approved PER pursuant to Section 411.03.c. (3-31-22)()

i. **Friction Coefficient.** Friction losses through force mains shall be based on the Hazen and Williams formula or other acceptable methods. When the Hazen and Williams formula is used, the friction losses for varying values of "C" shall be evaluated for different types and ages of pipe. (3-31-22)

ii. **Maximum Power Requirements.** When initially installed, force mains will have a significantly higher "C" factor. The effect of the higher "C" factor shall be considered in calculating maximum power requirements and duty cycle time to prevent damage to the motor. The effects of higher discharge rates on selected pumps and downstream facilities shall also be considered. (3-31-22)

g. **Identification.** Where force mains are constructed of material which might cause the force main to be confused with potable water mains, the force main ~~shall~~ must be appropriately identified using trench tape saying, "raw sewage," "biohazard," or other appropriate wording. (3-31-22) ()

h. **Leakage Testing.** Leakage tests ~~shall~~ must be specified including testing methods and leakage limits. Testing ~~shall~~ must conform with Sections 401.3.6 and 505.3.3 of the "Idaho Standards for Public Works Construction," incorporated by reference ~~into these rules at~~ in Section 004. (3-31-22) ()

i. **Thrust Blocking or Restraint.** Thrust blocking or restraint ~~shall~~ must conform with Sections 401.3.4 of the "Idaho Standards for Public Works Construction," incorporated by reference ~~into these rules at~~ in Section 004, or specific calculations reviewed and approved by the Department. (3-31-22) ()

j. **Maintenance Considerations.** Isolation valves ~~shall~~ must be used if force mains connect into a common force main. (3-31-22) ()

k. **Cover.** Force mains ~~shall~~ must be covered with sufficient earth or other insulation to prevent freezing or other physical damage. (3-31-22) ()

(BREAK IN CONTINUITY OF SECTIONS)

450. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: WASTEWATER TREATMENT FACILITIES: GENERAL.

01. Plant Location. (3-31-22)

a. **General.** The ~~preliminary engineering report or PER and~~ facility plan ~~shall~~ must include a detailed discussion for new facilities regarding site selection criteria and alternatives considered. See Sections 410 and 411. (3-31-22) ()

b. **Flood protection.** The treatment plant structures, electrical, and mechanical equipment ~~shall~~ must be protected from physical damage by the one hundred (100) year flood. Treatment plants ~~shall~~ must be designed to remain fully operational and accessible during the one hundred (100) year flood. This requirement applies to new construction and to existing facilities undergoing ~~major~~ material modification. Local, state, and federal flood plain regulations ~~shall~~ must be considered. (3-31-22) ()

c. **Setback distances.** Facilities open to the atmosphere such as ~~wastewater~~ lagoons, open clarifiers, open aeration basins, and other such facilities ~~shall~~ must be placed a minimum of two hundred (200) feet from residential property lines. ~~If such open facilities are adjacent to property zoned as commercial or industrial, a lesser setback will be considered by the Department on a case by case basis.~~ For totally enclosed facilities with noise and odor controls, the minimum setback ~~shall~~ must be fifty (50) feet ~~if approved by the Department. A lesser setback may be considered by the Department on a case by case basis when considering factors including, but not limited to, anticipated land use, property zoning, quality of wastewater, or anticipated odors.~~ Neighboring property owners may grant long term easements or other types of legal documents tied to the land to allow for similar setbacks from future development or public use. (3-31-22) ()

02. Quality of Effluent. The ~~required~~ degree of wastewater treatment ~~shall~~ must be based on the

effluent requirements ~~and water quality standards~~ established by the responsible state ~~agency and appropriate or~~ federal ~~regulations including discharge permit requirements~~ ~~agency~~. Combined sewer overflows are not allowed.

(3-31-22)()

03. Design. (3-31-22)

a. Type of Treatment. The ~~preliminary engineering report PER~~ or facility plan ~~shall must~~ include a detailed discussion regarding criteria and alternatives considered in ~~selection of selecting~~ the appropriate ~~treatment type of treatment~~. See Sections 410 and 411. The plant design ~~shall must~~ provide the necessary flexibility to perform satisfactorily within the expected range of waste characteristics and volumes.

(3-31-22)()

b. Required Engineering Data for New Process and Application Evaluation. The ~~Department~~ policy ~~of the Department~~ is to encourage ~~rather than obstruct~~ the development of any valid methods or equipment for treatment of wastewater. The lack of inclusion in these standards of some types of wastewater treatment processes or equipment should not be construed as precluding their use. The Department may approve other types of wastewater treatment processes and equipment that meet the performance standards set forth in these rules under the condition that the operational reliability and effectiveness of the process or device ~~shall must~~ have been demonstrated under similar conditions with a suitably-sized unit operating at its design load conditions, to the extent required. To determine that such new processes and equipment or applications have a reasonable and substantial chance of success, the Department may require the following:

(3-31-22)()

i. Monitoring observations, including test results and engineering evaluations, demonstrating the efficiency of such processes. (3-31-22)

ii. Detailed description of the test methods. (3-31-22)

iii. Testing, including ~~appropriately composited~~ ~~appropriately composited~~ samples, under various ranges of strength and flow rates (including diurnal variations) and waste temperatures over a sufficient length of time to demonstrate performance under climatic and other conditions which may be encountered in the area of the proposed installations.

(3-31-22)()

iv. ~~Other appropriate information.~~ The ~~Department~~ may require that appropriate testing be conducted and evaluations be made under the supervision of a competent process engineer other than those employed by the manufacturer or developer.

(3-31-22)()

c. Design period. The design period ~~shall must~~ be clearly identified in the ~~preliminary engineering report PER~~ or facility plan ~~as required described~~ in Sections 410 and 411.

(3-31-22)()

d. Design Loads. (3-31-22)

i.d. ~~Hydraulic D~~esign ~~flow conditions critical to the design of the treatment plant must be as described in the PER required by Section 411.~~ (3-31-22)()

(1)i. ~~Critical Flow Conditions.~~ ~~Flow conditions critical to the design of the treatment plant shall be as described in the preliminary engineering report required by Section 411.~~ Initial low flow conditions must be evaluated in the design to minimize operational problems with freezing, septicity, flow measurements and solids dropout. The appropriate design flows must be considered in evaluating unit processes, pumping, piping, etc.

(3-31-22)()

(2)ii. ~~Treatment Plant Design Capacity.~~ The treatment plant design capacity ~~shall must~~ be as described in ~~the PER as required by~~ Section 411. The plant design flow selected ~~shall must~~ meet the appropriate effluent and water quality standards that are set forth in the discharge or other appropriate permit. For plants subject to high wet weather flows or overflow detention pump-back flows, the design maximum flows that the plant is to treat on a sustained basis ~~shall must~~ be specified.

(3-31-22)()

(3)iii. ~~Flow Equalization.~~ Facilities for the equalization of flows and organic shock load ~~shall must~~ be considered at all plants which are critically affected by surge loadings.

(3-31-22)()

he. **Organic Design.** Organic loadings for wastewater treatment plant design ~~shall must~~ be based on the information provided in the preliminary engineering report required by PER described in Section 411. The effects of septage flow which may be accepted at the ~~plant shall treatment facility must~~ be given consideration and appropriate facilities ~~shall must~~ be included in the design. See Section 520. (3-31-22)()

hf. **Shock Effects.** The shock effects of high concentrations and diurnal peaks for short periods of time on the treatment process, particularly for small treatment plants, ~~shall must~~ be considered. (3-31-22)()

eg. **Conduits.** All piping and channels ~~shall must~~ be designed to carry the maximum expected flows. Conduits ~~shall must~~ be designed to avoid creation of pockets and corners where solids can accumulate. (3-31-22)()

fh. **Gates or Valves.** Suitable gates or valves ~~shall must~~ be placed in channels to seal off unused sections which might accumulate solids. The use of shear gates, stop plates or stop planks is permitted where they can be used in place of gate valves or sluice gates. Non-corrodible materials ~~shall must~~ be used for control gates and conduits. (3-31-22)()

gi. **Arrangement of Units.** Component parts of the plant ~~shall must~~ be arranged for appropriate operating and maintenance convenience, flexibility, economy, continuity of maximum effluent quality, and ease of installation of future units. (3-31-22)()

hj. **Flow Division Control.** Flow division control facilities ~~shall must~~ be provided as necessary to ensure organic and hydraulic loading control to plant process units and ~~shall must~~ be designed for easy operator access, change, observation, and maintenance. Appropriate flow measurement facilities ~~shall must~~ be incorporated into the flow division control design. (3-31-22)()

ik. **Odor Management.** An odor management plan ~~shall must~~ be submitted to and approved by the Department as a part of the preliminary engineering report PER described in Section 411. The Water Environment Federation Guidance referenced in Section 008 of these rules provides guidance for use in developing an odor management plan that is inclusive of the facilities being designed. (3-31-22)()

jl. **Cold Weather.** Facilities ~~shall must~~ be designed with regard for proper operation and maintenance and protection during cold weather temperatures expected at the specific location. The Water Environment Federation Guidance referenced in Section 008 of these rules provides guidance for use in designing, operating and maintaining facilities in cold weather. (3-31-22)()

04. Plant Details. (3-31-22)

a. Unit Bypasses. (3-31-22)

i. **Removal from Service.** Properly located and arranged bypass structures and piping ~~shall must~~ be provided so that each unit of the plant can be removed from service independently. The bypass design ~~shall must~~ facilitate plant operation during unit maintenance and emergency repair ~~so as~~ to minimize deterioration of effluent quality and ensure rapid process recovery upon return to normal operational mode. The actuation of all bypasses ~~shall~~ requires ~~s~~ manual action by operating personnel. All power-actuated bypasses ~~shall must~~ be designed to permit manual operation in the event of power failure. (3-31-22)()

ii. **Unit Bypass During Construction.** Unit bypassing during construction ~~shall must~~ be in accordance with the preliminary engineering report required by PER described in Section 411. (3-31-22)()

b. **Unit dewatering, flotation protection, and plugging.** Drains or sumps ~~shall must~~ be provided to completely dewater each unit to an appropriate point in the process. Due consideration ~~shall must~~ be given to the possible need for hydrostatic pressure relief devices to prevent flotation of structures. Pipes subject to plugging ~~shall must~~ be provided with means for mechanical cleaning or flushing. (3-31-22)()

c. **Construction materials.** Materials ~~shall must~~ be selected that are appropriate under conditions of

exposure to hydrogen sulfide and other corrosive gases, greases, oils, and other constituents frequently present in wastewater. This is particularly important in the selection of metals and paints. (3-31-22)()

d. Painting. The contents and direction of flow ~~shall must~~ be identified on the piping in a contrasting color. (3-31-22)()

e. Operating equipment. Tools, accessories, and spare parts necessary for the plant operator's use ~~shall must~~ be provided. (3-31-22)()

f. Storage and work space facilities. Readily accessible storage and ~~work space workspace~~ facilities ~~shall must~~ be provided, and consideration ~~shall must~~ be given to provision of a garage for large equipment storage, maintenance, and repair. (3-31-22)()

g. Erosion control during construction. Effective site erosion control ~~shall must~~ be provided during construction. (3-31-22)()

h. Grading and landscaping. Upon completion of the plant, the ground ~~shall must~~ be graded and landscaped in accordance with the ~~preliminary engineering report developed in the preliminary engineering report required by PER described in~~ Section 411. (3-31-22)()

05. Plant Outfalls. (3-31-22)

a. Discharge impact control. The outfall ~~shall must~~ be designed to discharge to the receiving ~~stream water~~ in a manner acceptable to various reviewing authorities including, but not limited to, EPA, the ~~Idaho Department of Environmental Quality~~, U.S. Army Corp of Engineers, Idaho Department of Water Resources, and local jurisdictions. (3-31-22)()

b. Protection and Maintenance. The outfall ~~shall must~~ be so constructed and protected against the effects of floodwater, ice, or other hazards as to reasonably ensure its structural stability and freedom from stoppage. Hazards to navigation ~~shall must~~ be considered in designing outfalls. (3-31-22)()

c. Sampling Provisions. All outfalls ~~shall must~~ be designed so that a sample of the effluent can be obtained at a point after the final treatment process and before discharge to or mixing with the receiving waters. (3-31-22)()

06. Essential Facilities. (3-31-22)

a. Emergency Power Facilities. (3-31-22)

i.a. General. All wastewater treatment plants ~~shall must~~ be provided with an alternate source of electric power or pumping capability to allow continuity of operation during power failures. Refer to Subsection 440.07.c. for design requirements. Methods of providing alternate sources include: (3-31-22)()

(1)i. The connection of at least two (2) independent power sources such as substations. A power line from each substation is required if this method is used. The determination of the independent power sources ~~shall must~~ be done by the appropriate power provider and stated in a letter from that provider. (3-31-22)()

(2)ii. In-place internal combustion engine equipment which will generate electrical or mechanical energy. (3-31-22)

(3)iii. Portable pumping equipment when only emergency pumping is required. Where part or all of the engine-driven pumping equipment is portable, adequate emergency storage capacity with alarm system ~~shall must~~ be provided to allow time for detection of pump station failure and transportation and hookup of the portable equipment. (3-31-22)()

iv. Power for Aeration. Standby ~~power~~-generating capacity normally is not required for aeration equipment used in the activated sludge process. In cases where a history of chronic, long-term (four (4) hours or

more) power outages have occurred, auxiliary power for minimum aeration of the activated sludge ~~will be is~~ required as provided in Subsections 450.06.a.i.(1) or ~~and~~ 450.06.a.ii.(2). (3-31-22)()

iii. ~~Power for Disinfection~~—Standby ~~power~~-generating capacity, as provided in Subsections 450.06.a.i.(1) or ~~and~~ 450.06.a.ii.(2), is required for disinfection facilities and dechlorination facilities. (3-31-22)()

b. ~~Water Supply~~—Section 009 provides a reference to the Uniform Plumbing Code, compliance with which may be required by other law. (3-31-22)

e. ~~Sanitary Facilities~~—Section 009 provides a reference to the Uniform Plumbing Code, compliance with which may be required by other law. (3-31-22)

4b. ~~Stairways~~—Stairways ~~shall must~~ be installed in lieu of ladders for top access to units requiring routine inspection and maintenance (such as digesters, trickling filters, aeration tanks, clarifiers, tertiary filters, etc.). (3-31-22)()

ec. ~~Flow Measurement~~. (3-31-22)

i. ~~Location~~—Flow measurement devices ~~shall must~~ be provided to measure the ~~following flows~~. (3-31-22)

(1) ~~P~~lant influent or effluent flow. (3-31-22)

(2) ~~If influent flow is significantly different from effluent flow, both shall must be measured or otherwise accounted for by other flow measurement facilities.~~ (3-31-22)()

(3)i ~~Other flows required to be monitored under the measurement must be provided if required by provisions of the discharge permit or as required for plant operational control such as return activated sludge, waste activated sludge, and recycled flow.~~ (3-31-22)()

(4) ~~Other flows such as return activated sludge, waste activated sludge, and recycle required for plant operational control.~~ (3-31-22)

ii. ~~Devices~~—Indicating, totalizing, and recording flow measurement devices for all influent or effluent flows ~~shall must~~ be provided for all plants. Any other flow measurement device may be indicating and totalizing only. All flow measurement equipment must be sized to function to a satisfactory level of accuracy over the full range of flows expected and ~~shall must~~ be protected against freezing. (3-31-22)()

iii. ~~Hydraulic Conditions~~—Flow measurement equipment including approach and discharge conduit configuration and critical control elevations ~~shall must~~ be designed to ensure the required hydraulic conditions necessary for the measurement accuracy needed for the specific application. (3-31-22)()

iv. ~~Calibration and Certification~~—The flow measurement devices ~~specified in Subsections 450.06.e.i.(1) through 450.06.e.i.(3)~~ ~~shall must~~ be calibrated and certified at manufacturer-specified frequencies. (3-31-22)()

4d. ~~Sampling Equipment~~—Effluent composite sampling equipment ~~shall must~~ be provided at all mechanical plants and at other facilities where necessary to meet discharge permit monitoring requirements. Composite sampling equipment ~~shall must~~ also be provided as needed for influent sampling and for monitoring plant operations. The influent sampling point ~~shall must~~ be located prior to any process return flows. (3-31-22)()

07. Safety. (3-31-22)

a. ~~General~~—Provisions ~~shall must~~ be made to consider the protection of maintenance personnel and visitors from typical and foreseeable hazards in accordance with the engineering standards of care. Enclosure of the plant site with a fence and signs designed to discourage the entrance of unauthorized persons and animals is required.

(3-31-22)()

b. Hazardous Chemical Handling. The materials utilized for storage, piping, valves, pumping, metering, splash guards, etc., ~~shall must~~ be specially selected considering the physical and chemical characteristics of each hazardous or corrosive chemical. (3-31-22)()

08. Laboratory. (3-31-22)

a. All treatment plants ~~shall must~~ include a laboratory for making the necessary analytical determinations and operating control tests, except for those plants utilizing only processes not requiring laboratory testing for plant control and where satisfactory off-site laboratory provisions are made to meet the permit monitoring requirements. The laboratory ~~shall must~~ have sufficient size, bench space, equipment, and supplies to perform all self-monitoring analytical work required by ~~discharge disposal~~ permits, and to perform the process control tests necessary for good management of each treatment process included in the design. (3-31-22)()

b. Expected minimum laboratory needs must be addressed in the PER pursuant to Section 411. Treatment plant laboratory needs ~~may be are~~ divided into the following three (3) general categories: (3-31-22)()

i. Plants performing only basic operational testing; this typically includes pH, temperature, dissolved oxygen, and chlorine residual. (3-31-22)

ii. Plants performing more complex operational and permit laboratory tests including biochemical oxygen demand, suspended solids, and fecal coliform analysis. (3-31-22)

iii. Plants performing more complex operational, permit, industrial pretreatment, and multiple plant laboratory testing. (3-31-22)

e. Expected minimum laboratory needs for the three (3) plant classifications set out in Subsection 450.08.b. must be addressed in the preliminary engineering report. (3-31-22)

09. Instructions and Equipment. Wastewater treatment equipment shall be supplied with a complete set of operational instructions, including emergency procedures, maintenance schedules, tools and such spare parts as may be necessary. (3-31-22)

1009. Operation and Maintenance. An operation and maintenance manual ~~shall must~~ be submitted to and approved by the Department as required by Section 425. Adherence to the terms of this approved manual ~~shall be is~~ required. The owner ~~shall be is~~ responsible for maintaining the wastewater treatment facility in a manner that ~~assures ensures~~ its designed operation. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

493. FACILITY AND DESIGN STANDARDS FOR MUNICIPAL WASTEWATER ~~TREATMENT OR DISPOSAL FACILITIES~~ SYSTEMS: WASTEWATER LAGOONS.

01. General. (3-31-22)

a. These rules pertain to all new, and existing material modified, municipal wastewater lagoons, including discharging or non-discharging total containment lagoons, municipal wastewater treatment lagoons, municipal wastewater or recycled water storage lagoons, and any other municipal wastewater lagoons not regulated under IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks." that, if leaking, have the potential to degrade waters of the state. Lagoons are also sometimes referred to as ponds. Section 493 does not apply to industrial lagoons or mining tailings ponds, single-family dwellings utilizing a single lagoon, two (2) cell infiltrative system, those animal waste lagoons excluded from review under Section 39-118, Idaho Code, or storm water ponds. (3-31-22)()

b. Lagoons utilized for equalization, ~~perecolation, evaporation,~~ and sludge storage do not have to meet the requirements ~~set forth in of~~ Subsections 493.05~~6~~ through 493.10~~08~~, but must comply with all other applicable subsections. ~~(3-31-22)()~~

02. Seepage Testing Requirements. ~~(3-31-22)()~~

a. ~~Existing Lagoons. All existing lagoons covered under these rules shall be seepage tested by an Idaho licensed professional engineer, an Idaho licensed professional geologist, or by individuals under their supervision by April 15, 2012 unless otherwise specified in a current permit issued by the Director. All lagoons covered under this section must be seepage tested at an interval of at least every ten (10) years by or under the supervision of an Idaho licensed professional engineer or an Idaho licensed professional geologist.~~ ~~(3-31-22)()~~

b. ~~New Lagoons. As part of the construction process, all new lagoons must be seepage tested by or under the supervision of an Idaho licensed professional engineer, or an Idaho licensed professional geologist, or by individuals under their supervision prior to being put into service.~~ ~~(3-31-22)()~~

c. ~~Subsequent Tests. All lagoons covered under these rules must be seepage tested by an Idaho licensed professional engineer, an Idaho licensed professional geologist, or by individuals under their supervision every ten (10) years after the initial testing.~~ ~~(3-31-22)~~

d. ~~Testing Due to Change of Conditions to Liner. Prior to being returned to service, lagoons must be seepage tested if a change of condition to the liner occurs that may affect its permeability, including but not limited to liner repair below the high water line, liner replacement, lagoon dewatering of soil-lined lagoons which results in desiccation of the soil liner, seal installation, or earthwork affecting liner integrity. A seepage test may be required after solids removal. Prior to performing activities that may affect liner permeability, such as solids removal, the system owner must contact the Department in writing to determine if a seepage test will be required prior to returning the lagoon to service.~~ ~~(3-31-22)()~~

e. ~~Procedures for Performing a Seepage Test. The procedure for performing a seepage test or alternative analysis must be approved by the Department prior to conducting the test, and the test results must be submitted to the Department for review. If an existing lagoon has passed a seepage test before April 15, 2012 and submitted the results to the Department, the owner of that lagoon has ten (10) years from the date of the testing to comply with this requirement.~~ ~~(3-31-22)()~~

03. Allowable Seepage Rates. ~~(3-31-22)~~

a. ~~Design Standard. Lagoons shall be designed for a maximum leakage rate of five hundred (500) gallons per acre per day. Lagoons must be designed and sealed such that seepage loss through the seal is as low as possible. Seals consisting of soils, bentonite, or synthetic liners may be considered, provided the permeability, durability, and integrity of the proposed material can be satisfactorily demonstrated for anticipated conditions.~~ ~~(3-31-22)()~~

b. ~~Operating Standard. The leakage seepage rate for lagoons constructed after April 15, 2007, shall must be no more than zero point one hundred twenty-five (0.125) inches (1/8 inch) per day, which is approximately thirty four hundred (3400) gallons per acre per day. The leakage rate for existing lagoons constructed prior to April 15, 2007, shall must be no more than zero point twenty-five (0.25) inches (1/4 inch) per day.~~ ~~(3-31-22)()~~

c. ~~For lagoons located over sensitive aquifers or near with a documented direct hydraulic connection to a 303d listed stream segments, the leakage seepage rate shall may be no more than zero point one hundred twenty-five (0.125) inches (one-eighth (1/8) inch) per day, which is approximately thirty four hundred (3400) gallons per acre per day. The operating standard may be considerably lower based on a ground water investigation considering fate and transport of contaminants to determine the effect of the seepage on the aquifer or stream segment and the best capability of measurement at the time of the investigation.~~ ~~(3-31-22)()~~

04. Requirements for Lagoons Leaking Above the Allowable Amount. If a lagoon is found to be leaking at a rate higher than ~~that allowed under Subsection 493.03.b.~~ the owner of the lagoon, in accordance with a schedule negotiated with and approved by the Director, is required to: ~~(3-31-22)()~~

- a. Repair the leak and retest for compliance; (3-31-22)
- b. Re-line the lagoon and retest for compliance with a leakage rate of no more than zero point one hundred twenty-five (0.125) inches (1/8 inch) per day regardless of the original lagoon construction date; (3-31-22)()
- c. Drain the lagoon in an approved manner and stop using the lagoon; or (3-31-22)
- d. Determine the impact of the leaking lagoon on the environment based on ground water groundwater sampling and modeling. The procedure for performing ground water groundwater sampling and monitoring must be approved by the Department. Any impact must comply with IDAPA 58.01.11, “Ground WaterGroundwater Quality Rule,” and IDAPA 58.01.02, “Water Quality Standards.” If the impact does not comply with IDAPA 58.01.11, “Ground Water Quality Rule,” and IDAPA 58.01.02, “Water Quality Standards,” the owner of the lagoon must follow one (1) of the steps set out in Subsections 493.04.a. through 493.04.c. (3-31-22)()

05. Location. (3-31-22)

- a. Wastewater treatment lagoons shall must be placed a minimum of two hundred (200) feet from residential property lines in accordance with the provisions in Section 450.01.c. In all cases, the design location shall must consider odors, nuisances, etc. This distance is to the toe of the exterior slope of the dike or to the top of the cut for a lagoon placed into a hillside. More restrictive planning and zoning or other local requirements shall may apply. (3-31-22)()
- b. Ground Water Separation. A minimum separation of two (2) feet between the bottom of the pond lagoon and the maximum ground water groundwater elevation shall must be maintained provided in the design. (3-31-22)()
- c. Bedrock Separation. A minimum separation of two (2) feet between the pond lagoon bottom and any bedrock formation shall must be maintained provided in the design. (3-31-22)()

06. Basis of Design. (3-31-22)

- a. Design variables such as climatic conditions, odor, pond lagoon depth, multiple units, detention time, and additional treatment units must be considered with respect to applicable standards for BOD₅, total suspended solids (TSS), fecal coliform, dissolved oxygen (DO), pH, and other effluent requirements and limits. (3-31-22)()
- b. The preliminary engineering report shall PER must include all design criteria for the development of the pond lagoon design. (3-31-22)()
- c. The reaction rate coefficient for domestic wastewater which includes some industrial wastes, other wastes, and partially treated wastewater must be determined experimentally for various conditions which might be encountered in the lagoons or actual data from lagoons in similar climates. Conversion of the reaction rate coefficient at other temperatures shall must be made based on experimental data. (3-31-22)()
- d. Oxygen requirements generally will depend are based on the design average BOD₅ loading, the degree of treatment, and the concentration of suspended solids to be maintained. If needed for treatment objectives, aeration equipment shall must be capable of designed to maintaining a minimum dissolved oxygen level of two (2) mg/L in the ponds lagoons at all times. Suitable protection from weather shall must be provided for electrical controls. Aerated cells shall must be followed by a polishing cell with a detention time of a minimum of twenty-four (24) hours. (3-31-22)()
- e. See Subsection 490.02 for details on aeration equipment. (3-31-22)

07. Industrial Wastes as a Part of the Municipal Wastewater. (3-31-22)

a. Consideration shall be given to ~~Design must account for~~ the type and effects of industrial wastes on the treatment process. (3-31-22)()

b. Industrial wastes ~~shall must~~ not be discharged to ~~ponds lagoons~~ without assessment of the effects such substances may have upon the treatment process or ~~discharge disposal~~ requirements in accordance with state and federal laws. (3-31-22)()

08. Number of Cells ~~Required~~. (3-31-22)

a. A wastewater treatment ~~pond lagoon~~ system ~~shall must~~ consist of a minimum of three (3) cells designed to facilitate both series and parallel operations. Two (2) cell systems may be utilized in very small installations of less than fifty thousand (50,000) gallons per day average day flow. (3-31-22)()

b. All systems ~~shall must~~ be designed with piping flexibility to permit isolation of any cell without affecting the transfer and ~~discharge disposal~~ capabilities of the total system. (3-31-22)()

09. Pond Lagoon Construction Details. (3-31-22)

a. Embankments and Dikes. (3-31-22)

i. Material. Dikes ~~shall must~~ be constructed of relatively impervious soil and compacted to at least ninety-five (95) percent Standard Proctor Density to form a stable structure. Vegetation and other unsuitable materials ~~shall must~~ be removed from the area where the embankment is to be placed. (3-31-22)()

ii. Top Width. The minimum dike top width ~~shall must~~ be ten (10) feet to permit access for maintenance vehicles. (3-31-22)()

iii. Maximum Slopes. Inner and outer dike slopes ~~shall must~~ not be steeper than one (1) vertical to three (3) horizontal (1:3). (3-31-22)()

iv. Minimum Slopes. Inner slopes ~~should must~~ not be flatter than one (1) vertical to four (4) horizontal (1:4). Flatter slopes can be specified for larger installations because of wave action but have the disadvantage of added shallow areas being conducive to emergent vegetation. Outer slopes ~~shall must~~ be sufficient to prevent surface runoff from entering the ~~ponds lagoons~~. (3-31-22)()

v. Freeboard. Minimum freeboard ~~shall must~~ be three (3) feet, except ~~that~~ for small systems of less than fifty thousand (50,000) gallons per day average day flow, two (2) feet ~~may be is~~ acceptable. (3-31-22)()

vi. Design Depth. The minimum operating depth ~~shall must~~ be ~~sufficient designed~~ to prevent growth of aquatic plants and damage to the dikes, bottom, control structures, aeration equipment, and other appurtenances. ~~In no case shall pond~~ Operating depths ~~must not~~ be less than two (2) feet. (3-31-22)()

b. Pond Lagoon Bottom. (3-31-22)()

i. Soil. Soil used in constructing the ~~pond lagoon~~ bottom (not including the seal) and dike cores ~~shall must~~ be relatively incompressible and tight and compacted to at least ninety-five (95) percent Standard Proctor Density. (3-31-22)()

ii. Seal. ~~Ponds shall~~ Lagoons must be sealed such that seepage loss through the seal complies with Subsection 493.03. Results of a testing program which substantiates the adequacy of the proposed seal must be incorporated into or accompany the preliminary engineering report PER. (3-31-22)()

c. Miscellaneous. (3-31-22)

i. Fencing. The ~~pond lagoon~~ area ~~shall must~~ be enclosed with an adequate fence to prevent ~~entering of~~ livestock entering and discourage trespassing. This requirement does not apply to ~~pond lagoon~~ areas which store or impound Class A ~~municipal reclaimed effluent~~ recycled water. (3-31-22)()

ii. **Access.** An all-weather access road ~~shall must~~ be provided to the ~~pond~~ lagoon site to allow year-round maintenance of the facility. (3-31-22)

iii. **Warning Signs.** Appropriate permanent signs ~~shall must~~ be provided along the fence around the ~~pond~~ lagoon to designate the nature of the facility and advise against trespassing. At least one (1) sign ~~shall must~~ be provided on each side of the site and one (1) for every five hundred (500) feet of its perimeter. (3-31-22)()

iv. **Flow Measurement.** Flow measurement requirements are provided in Subsection 450.06.~~ec~~. Effective weather protection ~~shall must~~ be provided for the recording equipment. (3-31-22)()

v. **Ground Water Monitoring.** A ~~ground water~~ groundwater monitoring plan ~~shall must~~ be submitted to the Department for review and approval as a part of the preliminary engineering report PER. An approved Unless otherwise approved by the Department, a system of wells or lysimeters ~~shall be is~~ required around the perimeter of the ~~pond~~ lagoon site to facilitate ~~ground water~~ groundwater monitoring. (3-31-22)()

10. Closure. The owner ~~shall must~~ notify the Department at least six (6) months prior to permanently removing any wastewater lagoon facility from service, including any treatment or storage ~~pond~~ lagoon. Prior to commencing closure activities, the ~~facility shall owner must~~: (3-31-22)()

a. Participate in a pre-closure on-site meeting with the Department; (3-31-22)

b. Develop a site closure plan that identifies specific closure, site characterization, or cleanup tasks with scheduled task completion dates in accordance with agreements made at the pre-site closure meeting pre-closure on-site meeting; and (3-31-22)()

c. Submit the completed site closure plan to the Department for review and approval within forty-five (45) days of the pre-site closure meeting pre-closure on-site meeting. The facility must complete the Department approved site closure plan. (3-31-22)()

IDAPA 62 — OFFICE OF ADMINISTRATIVE HEARINGS

62.01.01 — IDAHO RULES OF ADMINISTRATIVE PROCEDURE

DOCKET NO. 62-0101-2501

NOTICE OF RULEMAKING — ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-Eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to [Sections 67-5206](#) and [67-5280\(2\)\(c\)](#), Idaho Code.

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

Provides updates/revisions/clean-ups to the Idaho Rules of Administrative Procedure (IDAPA 62.01.01), to include changes necessitated by passage of HB9a and HB36.

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 1, 2025 Idaho Administrative Bulletin, [Vol. 25-10, pages 467-480](#).

FEES SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Chief Administrative Law Judge Bryan Nickels at 208-605-4300.

DATED this 24th day of October, 2025.

Bryan Nickels
Chief Administrative Law Judge
Office of Administrative Hearings
350 N. 9th St., Suite 300 (physical and mailing)
Boise, ID 83702
208-605-4300
general@oah.idaho.gov

Sections Affected Index

IDAPA 11 – IDAHO STATE POLICE

11.05.01 – Rules Governing Alcohol Beverage Control

Docket No. 11-0501-2501

010. Definitions.	13
011. General Provisions.	14

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.06.01 – Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

Docket No. 24-0601-2501 (Fee Rule)

400. Fees.	21
-----------------	----

24.13.01 – Rules Governing the Physical Therapy Licensure Board

Docket No. 24-1301-2501 (Fee Rule)

400. Fees.	24
-----------------	----

24.35.01 – Rules of the Outfitters and Guides Licensing Board

Docket No. 24-3501-2501

257. Designation Of Allocated Deer And Elk Tags.	32
259. River, Lake, And Reservoir Power And Float Outfitter Limits.	35

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – Idaho Sales and Use Tax Administrative Rules

Docket No. 35-0102-2501 (ZBR Chapter Rewrite)

085. Sales To And Purchases By Nonprofit Organizations (Rule 085).	49
---	----

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 – Idaho Rules for Public Drinking Water Systems

Docket No. 58-0108-2502

552. Operating Criteria For Public Water Systems.	65
--	----

58.01.13 – Rules for Ore Processing by Cyanidation

Docket No. 58-0113-2501

007. Definitions.	73
050. Pre-Application Process and Preliminary Design.	76
051. -- 099. (Reserved)	77
100. Permit And Permit Application.	77
101. -- 199. (Reserved)	80
200. Requirements For Water Quality Protection.	80
500. Permit Conditions.	87

58.01.16 – Wastewater Rules

Docket No. 58-0116-2501 (ZBR Chapter Rewrite)

008. Referenced Material.	93
010. Definitions.	94
401. Review Of Plans For Nonmunicipal Wastewater Treatment Or Disposal Facilities Systems....	104
409. Facility And Design Standards For Municipal Wastewater Treatment Or Disposal Facilities: Demonstration Of Technical, Financial, And Managerial Capacity.	105
410. Facility And Design Standards For Municipal Wastewater Treatment Or Disposal Facilities Systems: Facility Plans.	106
425. Facility And Design Standards For Municipal Wastewater Treatment Or Disposal Facilities Systems: Operation And Maintenance Manuals.	108
440. Facility And Design Standards For Municipal Wastewater Treatment Or Disposal Facilities Systems: Wastewater Pumping Stations.	109
450. Facility And Design Standards For Municipal Wastewater Treatment Or Disposal Facilities Systems: Wastewater Treatment Facilities: General.	116
493. Facility And Design Standards For Municipal Wastewater Treatment Or Disposal Facilities Systems: Wastewater Lagoons.	121

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 3, 2025, IDAHO ADMINISTRATIVE BULLETIN, VOL. 25-12***

Please refer to the Idaho Administrative Bulletin **December 3, 2025, Volume 25-12**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management
P.O. Box 83720, Boise, ID 83720-0032
Phone: 208-334-3900; Email: adminrules@dfm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

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

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

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

April 4, 2025 – December 3, 2025

(PLR 2026) – Final Effective Date Is Pending Legislative Review in 2026

(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 02 – IDAHO DEPARTMENT OF AGRICULTURE

02.01.03, Airborne Control of Unprotected or Predatory Animals Rules

02-0103-2501 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

02.01.05, Rules Governing Certificates of Free Sale

02-0105-2501 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

02.01.08, Rules Governing Grizzly Bear and Wolf Depredation

02-0108-2501 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 25-10

02-0108-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking (New Chapter), Bulletin Vol. 25-5

02-0108-2401 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 11-12-24)T

02-0108-2401 Adoption of Temporary Rule, Bulletin Vol. 24-12 (eff. 11-12-24)T

02.02.05, Rules Governing Stone Fruit Grades

02-0205-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0205-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.02.07, Rules Governing Bulk Permits and Retail Sale of Potatoes

02-0207-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0207-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.02.11, Rules Governing Eggs and Egg Products

02-0211-2501 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

02.02.14, Rules for Weights and Measures

02-0214-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0214-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.03.03, Rules Governing Pesticide and Chemigation Use and Application

02-0303-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02-0303-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

02.04.20, Rules Governing Brucellosis

02-0420-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0420-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.04.24, Rules Governing Tuberculosis

02-0424-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0424-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.04.26, Rules Governing the Public Exchange of Livestock

02-0426-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0426-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.06.01, Rules Governing the Production and Distribution of Seed

02-0601-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0601-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.06.02, Rules Governing Registrations and Licenses

02-0602-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02.06.06, Rules Governing the Planting of Beans

02-0606-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02-0606-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

02.06.09, Rules Governing Invasive Species and Noxious Weeds

02-0609-2503 Notice of Proposed Rulemaking, Bulletin Vol. 25-11

02-0609-2502 Adoption of Temporary Rule, Bulletin Vol. 25-11 (eff. 10-24-25)T

02-0609-2501 Adoption of Temporary Rule, Bulletin Vol. 25-10 (eff. 9-29-25)T [superseded]

02-0609-2406 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 11-9-24)T

02-0609-2406 Adoption of Temporary Rule, Bulletin Vol. 24-12 (eff. 11-9-24)T [superseded]

02-0609-2405 Adoption of Temporary Rule, Bulletin Vol. 24-11 (eff. 10-7-24)T [superseded]

02-0609-2404 Adoption of Temporary Rule, Bulletin Vol. 24-10 (eff. 9-26-24)T [superseded]

02-0609-2403 Adoption of Temporary Rule, Bulletin Vol. 24-8 (eff. 6-28-24)T [superseded]

02-0609-2401 Adoption of Temporary Rule, Bulletin Vol. 24-4 (eff. *sine die* 2024)T [superseded]

02.06.33, Organic Food Products Rules

02-0633-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02-0633-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

02.07.01, Rules of the Idaho Hop Growers' Commission

02-0701-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10

02-0701-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

**IDAPA 08 – IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION****08.01.13, Rules Governing the Opportunity Scholarship Program**

08-0113-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6 (rulemaking terminated by agency)

08.01.15, Rules Governing the Firearms Safety Grant Program

08-0115-2401 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 24-6 (rulemaking terminated)

08.02.02, Rules Governing Uniformity

08-0202-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

08-0202-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

08.02.03, Rules Governing Thoroughness

08-0203-2503 Adoption of Temporary Rule, Bulletin Vol. 25-10 (eff. 8-20-25)T

08-0203-2502 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

08-0203-2502 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

08-0203-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

08-0203-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

08.02.05, Rules Governing Pay for Success Contracting

08-0205-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10

08-0205-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

IDAPA 09 – IDAHO DEPARTMENT OF LABOR**09.05.03, Rules for Determining Bargaining Representatives**

09-0503-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

IDAPA 11 – IDAHO STATE POLICE**Alcohol Beverage Control Bureau****11.05.01, Rules Governing Alcohol Beverage Control**

11-0501-2501 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)

11-0501-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10
11-0501-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

11.06.01, Rules Governing Civil Asset Forfeiture Reporting

11-0601-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-10 (PLR 2026)
11-0601-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-0601-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

11.10.01, Rules Governing Idaho Public Safety and Security Information System

11-1001-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)
11-1001-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-1001-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

11.10.02, Rules Governing State Criminal History Records and Crime Information

11-1002-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-10 (PLR 2026)
11-1002-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-1002-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

11.10.03, Rules Governing the Sex Offender Registry

11-1003-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)
11-1003-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-1003-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

IDAPA 13 – IDAHO FISH AND GAME COMMISSION**Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho**

13-0000-2500P5 Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-8
13-0000-2500P4 Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-7
13-0000-2500P3 Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-6
13-0000-2500P2 Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-5
13-0000-2500P1 Notice of Adoption of Proclamation for Calendar Year 2025, Bulletin Vol. 25-2

13.01.03, Public Use of Lands Owned or Controlled by the Department of Fish and Game

13-0103-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0103-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

13.01.04, Rules Governing Licensing

13-0104-2501 Adoption of Temporary Rule, Bulletin Vol. 25-6 (eff. 5-22-25)T

13-0104-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0104-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.08, Rules Governing Taking of Big Game Animals

13-0108-2501 Adoption of Temporary Rule, Bulletin Vol. 25-5 (eff. 4-15-25)T

13-0108-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0108-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.16, Trapping of Wildlife and Taking of Furbearing Animals

13-0116-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0116-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.17, Rules Governing Use of Bait for Hunting Big Game Animals

13-0117-2401 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10
13-0117-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.19, Rules for Selecting, Operating, Discontinuing, and Suspending Vendors

13-0119-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0119-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 15 – OFFICE OF THE GOVERNOR***Executive Orders of the Governor***

Executive Order No. **2025-08** Making Rural Idaho Healthy Again Act, Bulletin Vol. 25-11
Executive Order No. **2025-07** Deferred Compensation Program for Employees of the State of Idaho; Repealing and Replacing Executive Order No. 2021-09, Bulletin Vol. 25-11
Executive Order No. **2025-06** Creation of the Idaho Advanced Nuclear Energy Task Force, Bulletin Vol. 25-11
Executive Order No. **2025-05** The Idaho Act, Bulletin Vol. 25-9
Executive Order No. **2025-04** Make Forests Healthy Again Act, Bulletin Vol. 25-5
Executive Order No. **2025-03** Border Security and Immigration Enforcement Act, Bulletin Vol. 25-3
Executive Order No. **2025-02** Idaho Strategic Permitting, Efficiency and Economic Development (SPEED) Act, Bulletin Vol. 25-2
Executive Order No. **2025-01** Gone With the Lava Ridge Wind Project Act, Bulletin Vol. 25-2

Idaho Commission On Aging***15.01.01, Rules Governing Senior Services and Older Americans Act Programs***

15-0101-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
15-0101-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
15-0101-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

15.01.03, Rules Governing Ombudsman for the Elderly Program

15-0103-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7 (terminated)

15.01.20, Rules Governing Area Agency on Aging (AAA) Operations

15-0120-2501 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-12 (PLR 2026)
15-0120-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10
15-0120-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

Idaho Commission for the Blind and Visually Impaired***15.02.30, Business Enterprise Program***

15-0230-2401 Notice of Public Hearing and Extension of Written Comment Period, Bulletin Vol. 25-9
15-0230-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-11
15-0230-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-9

Idaho Forest Products Commission***15.03.01, Rules of Administrative Procedure of the Idaho Forest Products Commission***

15-0301-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4 (terminated)

Idaho Military Division***– Idaho Public Safety Communications Commission******15.06.01, Rules Governing the Idaho Public Safety Communications Commission***

15-0601-2501 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
15-0601-2501 Notice of Temporary and Proposed Rule, Bulletin Vol. 25-5 (eff. 5-1-25)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE***16.02.10, Idaho Reportable Diseases***

16-0210-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
16-0210-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6
16-0210-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.02.27, Idaho Radiation Control Rules

16-0227-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
16-0227-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6
16-0227-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.03.08, Temporary Assistance for Families in Idaho (TAFI) Program

16-0308-2501 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-10 (PLR 2026)
16-0308-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-7
16-0308-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.03.08, Federal Welfare Programs

16-0308-2502 Adoption of Pending Rule (ZBR New Chapter), Bulletin Vol. 25-10 (PLR 2026)
16-0308-2502 Notice of Proposed Rulemaking (ZBR New Chapter), Bulletin Vol. 25-7

(Rule Revoked) 16.03.10, Medicaid Enhanced Plan Benefits

16-0000-2500 Notice of Omnibus Rulemaking – Revocation of Final Rules – Certain provisions rendered null and void pertaining to IDAPA chapter 16.03.10 – Bulletin Vol. 25-7

16-0310-2501* Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

*Negotiations terminated under this docket and moved under docket 16-0326-2501

16.03.13, Consumer-Directed Services

16-0313-2501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-11 (PLR 2026)
16-0313-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-9

16.03.21, Developmental Disabilities Agencies (DDA)

16-0321-2501* Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
*Changes chapter name from: "Developmental Disabilities Agencies (DDA)"
16-0321-2501* Notice of Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 25-6

16.03.22, Residential Assisted Living Facilities

16-0322-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
16-0322-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6
16-0322-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.03.26, Medicaid Plan Benefits

16-0326-2501 Adoption of Pending Rule (New Chapter), Bulletin Vol. 25-11 (PLR 2026)
16-0326-2501 Notice of Temporary and Proposed Rule (New Chapter), Bulletin Vol. 25-6 (eff. 7-1-25)T

16.04.14, Low-Income Home Energy Assistance Program (LIHEAP)

16-0414-2501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)
16-0414-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-7

16.04.17, Residential Habilitation Agencies

16-0417-2501 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)
16-0417-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-6
16-0417-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.05.01, Use and Disclosure of Department Records

16-0501-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
16-0501-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6
16-0501-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.06.02, Foster Care Licensing

16-0602-2501 Adoption of Pending Rule, Bulletin Vol. 25-9 (PLR 2026)
16-0602-2501 Notice of Temporary and Proposed Rule, Bulletin Vol. 25-7 (eff. 7-1-25)T

16.06.03, Daycare Licensing

16-0603-2501* Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 25-9 (PLR 2026)
*Renames chapter from: "Daycare Licensing"
16-0603-2501* Notice of Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 25-7

16.06.12, Idaho Child Care Program (ICCP)

16-0612-2501 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)
16-0612-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-7

16-0612-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.06.13, Emergency Assistance for Families and Children

16-0613-2501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)

16-0613-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-7

IDAPA 18 – DEPARTMENT OF INSURANCE

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapters 05, 06, 11-15; & Title 06, Chapter 05 – Bulletin Vol. 25-5

18.03.03, Variable Contracts

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 03 – Bulletin Vol. 24-7

18.03.04, Replacement of Life Insurance and Annuities

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 04 – Bulletin Vol. 24-7

18.04.03, Advertisement of Disability (Accident and Sickness) Insurance

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 03 – Bulletin Vol. 24-7

18.04.05, Self-Funded Health Care Plans Rule

18-0405-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0405-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 05 – Bulletin Vol. 25-5

18.04.06, Governmental Self-Funded Employee Health Care Plans Rule

18-0406-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0406-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 06 – Bulletin Vol. 25-5

18.04.11, Long-Term Care Insurance Minimum Standards

18-0411-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0411-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 11 – Bulletin Vol. 25-5

18.04.12, The Small Employer Health Insurance and Availability Act

18-0412-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0412-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 12 – Bulletin Vol. 25-5

18.04.13, The Individual Health Insurance Availability Act

18-0413-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0413-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 13 – Bulletin Vol. 25-5

18.04.14, Coordination of Benefits

18-0414-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0414-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 14 – Bulletin Vol. 25-5

18.04.15, Rules Governing Short-Term Health Insurance Coverage

18-0415-2501 Adoption of Pending and Temporary Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026) (eff. 10-15-25)T

18-0415-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 15 – Bulletin Vol. 25-5

18-0415-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7

18.06.05, Managing General Agents

18-0605-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0605-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 05 – Bulletin Vol. 25-5

18.07.04, Annual Financial Reporting

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 04 – Bulletin Vol. 24-7

18.07.05, Director's Authority for Companies Deemed to be in Hazardous Financial Condition

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 05 – Bulletin Vol. 24-7

IDAPA 20 – DEPARTMENT OF LANDS**20.03.02, Rules Governing Mined Land Reclamation**

20-0302-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

20-0302-2401 (2nd) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

20-0302-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

20.03.04, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho

20-0304-2401* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

*Renames chapter from: "Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho"

20-0304-2401 (2nd) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

20-0304-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

20.03.08, Easements on State Owned Lands

20-0308-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

20-0308-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

20-0308-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

IDAPA 21 – DIVISION OF VETERANS SERVICES**21.01.01, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure**

21-0101-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)

21-0101-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-7

21-0101-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**24.02.01, Rules of the State Athletic Commission**

24-0201-2501 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 25-12

24-0201-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-0201-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals

24-0501-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-0501-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

24-0601-2501 Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)

24-0601-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-0601-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.09.01, Rules of the Board of Examiners of Nursing Home Administrators

24-0901-2501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-12 (PLR 2026)

24-0901-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-10

24.13.01, Rules Governing the Physical Therapy Licensure Board

24-1301-2501 Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)

24-1301-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-1301-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.17.01, Rules of the State Board of Acupuncture

24-1701-2501 Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)

24-1701-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-1701-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.19.01, Rules of the Board of Examiners of Residential Care Facility Administrators

24-1901-2501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-12 (PLR 2026)

24-1901-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-10

24.21.01, Rules of the Idaho State Contractors Board

24-2101-2501 Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)

24-2101-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-2101-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.22.01, Rules of the Idaho State Liquefied Petroleum Gas Safety Board

24-2201-2501 Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)

24-2201-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-2201-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.23.01, Rules of the Speech, Hearing and Communication Services Licensure Board

24-2301-2501 Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)

24-2301-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-2301-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.26.01, Rules of Midwifery

24-2601-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-11

24-2601-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T

24-2601-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.28.01, Rules of the Barber and Cosmetology Services Licensing Board

24-2801-2501 Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)

24-2801-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-2801-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.31.01, Rules of the Idaho State Board of Dentistry

24-3101-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-11

24-3101-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T

24-3101-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.32.01, Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

24-3201-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

24-3201-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.34.01, Rules of the Idaho Board of Nursing

24-3401-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-11

24-3401-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T

24-3401-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.35.01, Rules of the Outfitters and Guides Licensing Board

24-3501-2501 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)

24-3501-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10
24-3501-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.38.01, Rules of the State of Idaho Board of Veterinary Medicine

24-3801-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
24-3801-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.39.30, Rules of Building Safety (Building Code Rules)

24-3930-2502 Notice of Proposed Rulemaking, Bulletin Vol. 25-10
24-3930-2502 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24-3930-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-11
24-3930-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
24-3930-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.39.31, Rules for Factory Built Structures

24-3931-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-11
24-3931-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
24-3931-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.39.50, Rules of the Public Works Contractors License Board

24-3950-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-11
24-3950-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
24-3950-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.41.01, Rules of the Long-Term Care Administrators Board

24-4101-2501 Adoption of Pending (New Chapter, Fee Rule) Rule, Bulletin Vol. 25-12 (PLR 2026)
24-4101-2501 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 25-10
24-4101-2501 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 25-8

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION**26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities**

26-0120-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-9
26-0120-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

26.01.21, Rules Governing Leasing Practices & Procedures for Recreational Residences Within Heyburn State Park

26-0121-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

IDAPA 28 – DEPARTMENT OF COMMERCE**28.02.03, Department of Commerce Grant Program Rules**

28-0203-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
28-0203-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

28.04.01, Rules Governing the Idaho Reimbursement Incentive Act

28-0401-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

IDAPA 31 – PUBLIC UTILITIES COMMISSION**31.27.01, Rules Governing Pole Attachments**

31-2701-2501 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 25-10
31-2701-2501 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 25-8

IDAPA 34 – SECRETARY OF STATE**34.03.01, Rules Implementing the Sunshine Law**

34-0301-2501 Adoption of Pending Rule, Bulletin Vol. 25-11 (PLR 2026)
34-0301-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-6

IDAPA 35 – STATE TAX COMMISSION

35.01.02, Idaho Sales and Use Tax Administrative Rules

35-0102-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
35-0102-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9
35-0102-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

35.01.06, Hotel/Motel Room and Campground Sales Tax Administrative Rules

35-0106-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
35-0106-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9
35-0106-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

37.02.04, Shoshone-Bannock Tribal Water Supply Bank Rules

37-0204-2501* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
*Renames chapter from: "Shoshone-Bannock Tribal Water Supply Bank Rules"
37-0204-2501* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
37-0204-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

37.03.07, Stream Channel Alteration Rules

37-0307-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
37-0307-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
37-0307-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

37.03.12, Idaho Department of Water Resources Water Distribution Rules - Water District 34

37-0312-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
37-0312-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
37-0312-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION

38.04.04, Rules Governing Capitol Mall Parking

38-0404-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9
38-0404-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39-ZBRR-2501 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 60; and Title 03, Chapter 49 – Bulletin Vol. 25-5

39.02.60, Rules Governing License Plate Provisions

39-0260-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
39-0260-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
39-ZBRR-2501 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 60 – Bulletin Vol. 25-5

39.03.49, Rules Governing Ignition Interlock Devices

39-0349-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
39-0349-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
39-ZBRR-2501 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 49 – Bulletin Vol. 25-5

IDAPA 42 – IDAHO WHEAT COMMISSION

42.01.01, Rules of the Idaho Wheat Commission

42-0101-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

IDAPA 52 – IDAHO STATE LOTTERY COMMISSION

52.01.03, Rules Governing Operations of the Idaho State Lottery

52-0103-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
52-0103-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION**55.01.03, Rules of Career Technical Centers**

55-0103-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10
55-0103-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD**57.01.01, Rules of the Sexual Offender Management Board**

57-0101-2501 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
57-0101-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10
57-0101-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-4

57-0101-2502 Adoption of Temporary Rule, Bulletin Vol. 25-4 (eff. 2-14-25)T

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

TMDLs:

58-0000-2501 Notice of Final Decision, Willow Creek 2024 Total Maximum Daily Loads (TMDLs) (HUC 17040205), Bulletin Vol. 25-4

58.01.01, Rules for the Control of Air Pollution in Idaho

58-0101-2501 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
58-0101-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-9

58.01.02, Water Quality Standards

58-0102-2501 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
58-0102-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-7

58.01.05, Rules and Standards for Hazardous Waste

58-0105-2501 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
58-0105-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-8

58.01.06, Solid Waste Management Rules

58-0106-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
58-0106-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
58-0106-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

58.01.08, Idaho Rules for Public Drinking Water Systems

58-0108-2501 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
58-0108-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-9

58-0105-2502 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
58-0108-2502 Notice of Proposed Rulemaking, Bulletin Vol. 25-10
58-0108-2502 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

58.01.11, Ground Water Quality Rule

58-0111-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
58-0111-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9
58-0111-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

58.01.12, Rules for Administration of Wastewater and Drinking Water Loan Funds

58-0112-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
58-0112-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9
58-0112-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

58.01.13, Rules for Ore Processing by Cyanidation

58-0113-2502 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-12

58-0113-2501 Adoption of Pending and Amendment to Temporary Rule, Bulletin Vol. 25-12 (eff. 12-3-25)T (PLR 2026)

58-0113-2501 Notice of Temporary and Proposed Rule, Bulletin Vol. 25-7 (eff. 7-1-25)T

58.01.16, Wastewater Rules

58-0116-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)

58-0116-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

58-0116-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

62.01.01, Idaho Rules of Administrative Procedure

62-0101-2501 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)

62-0101-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

62-0101-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

Subject Index

D

Definitions, IDAPA 11.05.01 13
Actual Use 13
Business 13
Multipurpose Arena Facility 13
Owner 13
Partition 13
Stock Transfer 13
Transfer 14
Definitions, IDAPA 58.01.13 73
Beneficial Use 73
Best Management Practices (BMPs) 73
Degradation 74
Discharge 74
Idaho Pollutant Discharge Elimination System (IPDES) Permit 74
Land Application 74
Liner 74
Material Modification or Material Expansion 74
Material Stabilization 74
Neutralization or Neutralized 74
Outstanding Resource Water (ORW) 74
Permanent Closure 74
Permanent Closure Plan 74
Permit 75
Permittee 75
Person 75
Pollutant 75
Pond 75
Post-Closure 75
Process Water 75
Seasonal Closure 75
Sensitive Resource Aquifer 75
Tailings Impoundment 75
Temporary Closure 75
Treatment or Treated 75
Water Balance 75
Water Management Plan 75
Weak Acid Dissociable (WAD) Cyanide 76
Definitions, IDAPA 58.01.16 94
Adequate Emergency Storage Capacity 94
Available 94
Average Day Flow 94
Beneficial Use 95
Biochemical Oxygen Demand (BOD) 95
Blackwaste 95
Blackwater 95
Board 95
Buildout 95
Capacity 95
Class A Recycled Water 96
Class A Recycled Water Distribution System 96
Collection System 96
Community Wastewater System 99

Compliance Schedule or Compliance Agreement Schedule 96
Department 96
Design Flow 96
Designated Beneficial Use or Designated Use 96
Director 96
Discharge 96
Disinfection 96
Disposal 96
Disposal Facility 96
Effluent 96
Environmental Review 96
EPA, The United States Environmental Protection Agency 96
Equivalent Dwelling Unit (EDU) 96
Facility & Design Standards 97
Facility Plan 97
Force Main 97
Geometric Mean 97
Gray Water 97
Ground Water 97
Industrial Wastewater 97
Land Application 97
License 97
Major Wastewater Collection System Project 97
Material Deviation 97
Material Modification 97
Maximum Day Flow 98
Maximum Month Flow 98
Mixing Zone 98
Municipal Wastewater 98
National Pollutant Discharge Elimination System (NPDES) 98
Natural Background Conditions 98
Non-Contact Cooling Water 98
Non-Potable Mains 98
Non-Potable Services 98
Nuisance 98
Nutrients 98
Operating Personnel 98
Owner 99
Peak Hour Flow 99
Peak Instantaneous Flow 99
Person 99
Point Source 99
Pollutant 99
Potable Mains 99
Potable Service 99
Potable Water 99
Preliminary Engineering Report (PER) 99
Primary Treatment 99
Private Wastewater Treatment Plant 99
Qualified Licensed Professional Engineer (QLPE) 100
Quasi-Municipal
Corporation 100
Reasonably Accessible 100
Receiving Waters 100
Recharge 100
Recharge Water 100
Redundancy 100
Reliability 100
Responsible Charge (RC) 100
Responsible Charge Operator 101
Reuse 101
Reviewing Authority 101
Sanitary Sewer Extension 101
Secondary Treatment 101
Septage 101
Septage Transfer Station 101
Service Connection 101
Sewage 101
Simple Wastewater Main Extension 101
Sludge 101
Special Resource Water 101
State 102
Substitute Responsible Charge Operator 102
Surface Water Body 102
Total Containment Lagoon 102
Total Maximum Daily Load (TMDL) 102
Treatment 102
Treatment Facility 102
User 102
Very Small Wastewater System 102
Wastewater 102
Wastewater Flows 103
Wastewater Lagoon 103
Wastewater Pipelines 103
Wastewater Pumping Station 103
Wastewater System 103
Wastewater System Operator 103
Water Main Extension 103
Water Pollution 103
Waters & Waters of the State 103
Watershed 103
Demonstration Of Technical, Financial, & Managerial Capacity 105
Consolidation 106
Financial Capacity 105
Managerial Capacity 105
Technical Capacity 105
Designation Of Allocated Deer & Elk Tags 32
Change in Operating Area or Owner of Business 34
Hardship Request 34
New Hunt Allocated Tag Designation 32
Notification 32
Objection to Calculation 34
Outfitted Hunter Tag Use History 32
Remaining or Additional Allocated Tags 33
Rounding 33

Stipulation by Outfitters 34
Tie-breaker 33
Undesignated Tag Pool 34
Use of Previously Designated Allocated Tags 33

F
Facility & Design Standards For Municipal Wastewater Systems
 Facility Plans 106
 Engineer's Seal Required 107
Facility Plan Contents 107
Facility Plans Required 106
Submittal to Department 107
Operation & Maintenance
 Manuals 108
Approval Required 109
Manual Contents 109
Wastewater Lagoons 121
Wastewater Pumping
 Stations 109
Wastewater Treatment Facilities
 General 116
 Design 117
 Essential Facilities 119
 Laboratory 121
 Operation & Maintenance 121
 Plant Details 118
 Plant Location 116
 Plant Outfalls 119
 Quality of Effluent 116
 Safety 120
Facility & Design Standards For Municipal Wastewater Treatment Or Disposal Facilities
 General
 Instructions & Equipment 121
 Wastewater Lagoons
 Allowable Seepage Rates 122
 Basis of Design 123
 Closure 125
 General 121
 Industrial Wastes as a Part of the Municipal Wastewater 123
 Lagoon Construction Details 124
 Lagoons Leaking Above the Allowable Amount 122
 Location 123
 Number of Cells 124
 Seepage Testing 122
 Wastewater Pumping Stations
 Alarm Systems 113
 Design 109
 Emergency Operation 113
 Force Mains 115
 General 109
 Instructions & Equipment 115
 Operation & Maintenance 115
 Screw Pump Stations - Special Considerations 112
 Submersible Pump Stations - Special Considerations 112
 Suction Lift Pump Stations - Special Considerations 111

Fees 21, 24

G
General Provisions 14
 Controlled Access to Minors 14
 Delegation of Authority to License
 Alcoholic Beverages 14
 Multipurpose Arena Facility
 Licensure Requirements 15
 Notification of Renewals and
 Administrative Actions 14
 Premises Loss, License Display, &
 Actual Use Requirement 14
 Product Replacement 15
 Restaurant Licensure
 Requirements 14

M
Minimum Plans & Specifications 81

O
Operating Criteria For Public Water Systems 65
 Cross Connection Control - Non-Community Water Systems 69
 Cross Connection Control Program
 - Community Water Systems 68
 Disinfection 67
 Fluoridation 68
 Ground Water 67
 Operating Criteria 67
 Quantity & Pressure Requirements 65
Start-up Procedures For Seasonal Systems Subject To Subsections 100.01.a., C., & D. 69

P
Permit & Permit Application 77
 Contents of Application 77
 Permit Application 77
 Permit Requirements 77
Permit Conditions 87
 As-built Submittal 87
 Begin Construction 89
 Compliance Required 87
 Construction 87
 Discharge Response 88
 Duty to Provide Information 87
 Entry & Access 88
 Notifications 87
 Permanent Closure 89
 Reporting 88
 Temporary or Seasonal Closure
 Plans 88
Pre-Application Process & Preliminary Design 76
 Information Required for
 Preliminary Design Report 76
 Notice of Preliminary Design
 Approval or Disapproval 77
 Pre-application Conference 76

R
Referenced Material 93
 "Wastewater Engineering, Treatment and Reuse," Metcalf and Eddy 94
American National Standard Institute/Hydraulic Institute ANSI/HI 9.8, American National Standard for Centrifugal & Vertical Pump Intake Design 93
American Society of Civil Engineers (ASCE) Manuals & Reports on Engineering Practices 93
Design Criteria for Mechanical, Electric, & Fluid System and Component Reliability 93
Guidance for Reclamation and Reuse of Municipal & Industrial Wastewater 94
Idaho Standards for Public Works Construction 93
Idaho Waste Management Guidelines for Aquaculture Operations 1997 94
Memorandum of
 Understanding 93
Nutrient-Pathogen Evaluation Program for On-Site Wastewater Treatment Systems 94
Plan & Specification Dispute Resolution Policy 94
Pumping Station Design - Third Edition 2006 94
Recommended Standards for Wastewater Facilities 93
The Compressed Gas Association Publication CGA G-3-1995, "Sulfur Dioxide" 94
Ultraviolet Disinfection Guidelines for Drinking Water & Water Reuse 94
Water Environment Federation (WEF) Manuals of Practice 93

Requirements For Water Quality Protection 80
 Cap & Cover Criteria 84
 Employee Education Program 87
 Land Application 85
 Manufacturer's Specifications 81
 Monitoring Wells Siting & Construction Plans 85
 Operation & Maintenance Plans 84
 Plans & Specifications 80
 Plumbing & Conveyance Criteria 84
Process Buildings, Process Chemical Storage Containment Areas & General Facility Criteria 83
Process Water Storage Sizing

Criteria 81
Professional Engineer 80
Siting & Preparation 81
Temporary or Seasonal
 Closure 86
Water Quality Monitoring &
 Reporting 84
Review Of Plans For Nonmunicipal
 Wastewater Systems 104
 Applicability of Standards 104
 Department Approval On-site
 During Construction 104
 Deviations From Approved
 Plans 104
 Engineer's Seal 104
 Plan & Specification Approval
 Required 104
 Record Plans &
 Specifications 104
 Waiver of Approval
 Requirement, 104
River, Lake, & Reservoir Power & Float
 Outfitter Limits 35

S

Sales To & Purchases By Nonprofit
 Organizations 49
 Educational Institutions 49
 Exemption Certificate 50
 Food Banks & Soup Kitchens 50
 Free Dental Clinics 51
 Health Related Entities 49
 Hospitals 49
 Idaho Foodbank Warehouse,
 Inc 49
 In General 49
 Literature 50
 Nonsale Clothiers 50
 Red Cross 50
 Sales by Nonprofit
 Organizations 50
 Senior Citizen Centers 51