IDAHO ADMINISTRATIVE BULLETIN

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Preface

The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a monthly compilation of all administrative rule-making documents in Idaho. The Bulletin publishes the official rulemaking notices and administrative rule text of state agency rulemakings and other official documents as necessary.

State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Rulemaking Notice published in the Bulletin. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rule-making activities.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

*The Bulletin is cited by year and issue number. For example, Bulletin **02-1** refers to the first Bulletin issued in calendar year **2002**; Bulletin **03-1** refers to the first Bulletin issued in calendar year **2003**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 02**-1** refers to January 2002; Volume No. 03**-2** refers to February 2003; and so forth. Example: The Bulletin published in January of 2003 is cited as Volume **03-1**. The December 2002 Bulletin is cited as Volume **02-12**.*

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

*The **Idaho Administrative Code** is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are **not** printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative RuleMaking**, printed in each Bulletin.*

TYPES OF RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is

feasible to do so. Publication of a "Notice of Intent to Promulgate" a rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.

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 Proposed Rulemaking" in the Bulletin. This notice must include:

a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;

b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;

c) the text of the proposed rule prepared in legislative format;

d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;

e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;

f) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and

g) the deadline for public (written) comments on the proposed rule.

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.

TEMPORARY RULEMAKING

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

a) protection of the public health, safety, or welfare; or

b) compliance with deadlines in amendments to governing law or federal programs; or

c) conferring a benefit;

If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.

State law required that the text of both a proposed rule and a temporary rule be published in the Administrative Bulletin. In cases where the text of the temporary rule is the same as the proposed rule, the rulemaking can be done concurrently as a proposed/temporary rule. Combining the rulemaking allows for a single publication of the text.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rulemaking that is being vacated, the agency, in most instances, should rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it become 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 Pending Rulemaking". This includes:

a) a statement giving the reasons for adopting the rule;

b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;

c) the date the pending rule will become final and effective;

d) an identification of any portion of the rule imposing or increasing a fee or charge.

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

FINAL RULEMAKING

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

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls, Twin Falls, Lewiston and East Bonner County Library.

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0004, telephone (208) 334-3577.

The Idaho Administrative Bulletin *is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.*

The Idaho Administrative Code*, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.*

Individual Rule Chapters *and* ***Individual RuleMaking Dockets****, are specific portions of the Bulletin and Administrative Code produced on demand.*

Internet Access *- The Administrative Code and Administrative Bulletin are available on the Internet at the following address:*

http://www2.state.id.us/adm/adminrules/

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 system. Each state agency has a two-digit identification code number known as the* ***"IDAPA"*** *number. (The "IDAPA" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "TITLE" number is assigned. There are "CHAPTER" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:*

IDAPA 38.07.01.060.02.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.*

"IDAPA 38" *refers to the Idaho Department of Administration*

"05." *refers to Title* ***05****, which is the Department of Administrations's Division of Purchasing*

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

"060." *refers to Major Section* ***060****, "Content of the Invitation to Bid"*

"02." *refers to Subsection 060.****02****.*

*"****c.****" refers to Subsection 060.02.****c****.*

"ii." *refers to Subsection 060.02.c.****ii****.*

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER." The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-0401). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

"DOCKET NO. 38-0501-0401"

"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****).*

"0401" *denotes the year and sequential order of the docket received during the year; in this case the first rule-making action in calendar year 2004.*

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)"

INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection of a rule that is part of the same rule, a typical internal citation may appear as follows:

*"****...as found in Section 201 of this rule."*** *OR* ***"...in accordance with Subsection 201.06.c. of this rule."***

The citation may also include the IDAPA, Title, or Chapter number, as follows"

"...in accordance with IDAPA 38.05.01.201..."

"38" *denotes the IDAPA number of the agency.*

"05" *denotes the TITLE number of the rule.*

"01" *denotes the Chapter number of the rule.*

: ***"201"*** *references the main Section number of the rule that the citation refers to.*

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.041, "Rule Governing Capitol Mall Parking."

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2004

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
04-1	January, 2004	***November 19, 2003**	January 7, 2004	January 28, 2004
04-2	February, 2004	January 7, 2004	February 4, 2004	February 25, 2004
04-3	March, 2004	February 4, 2004	March 3, 2004	March 24, 2004
04-4	April, 2004	March 3, 2004	April 7, 2004	April 25, 2004
04-5	May, 2004	March 31, 2004	May 5, 2004	May 26, 2004
04-6	June, 2004	May 5, 2004	June 2, 2004	June 22, 2004
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04-8	August, 2004	June 30, 2004	August 4, 2004	August 25, 2004
04-9	September, 2004	July 28, 2004	September 1, 2004	September 22, 2004
04-10	October, 2004	****August 25, 2004**	October 6, 2004	October 27, 2004
04-11	November, 2004	October 6, 2004	November 3, 2004	November 24, 2004
04-12	December, 2004	November 3, 2004	December 1, 2004	December 22, 2004

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05-1	January, 2005	***November 17, 2004**	January 5, 2005	January 26, 2005
05-2	February, 2005	December 31, 2004	February 2, 2005	February 23, 2005
05-3	March, 2005	February 4, 2005	March 2, 2005	March 23, 2005
05-4	April, 2005	March 4, 2005	April 6, 2005	April 27, 2005
05-5	May, 2005	April 1, 2005	May 4, 2005	May 25, 2005
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05-7	July, 2005	June 3, 2005	July 6, 2005	July 27, 2005
05-8	August, 2005	July 1, 2005	August 3, 2005	August 24, 2005
05-9	September, 2005	July 29, 2005	September 7, 2005	September 28, 2005
05-10	October, 2005	****August 24, 2005**	October 5, 2005	October 26, 2005
05-11	November, 2005	September 30, 2005	November 2, 2005	November 23, 2005
05-12	December, 2005	October 28, 2005	December 7, 2005	December 28, 2004

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

***** Last day to submit proposed rule in order to complete rulemaking for review by legislature.***

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.16 - CROP RESIDUE DISPOSAL RULES

DOCKET NO. 02-0616-0401 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rule is March 23, 2004.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-4801, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 16, 2004.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: This rule change is necessary pursuant to HB 776, emergency legislation that became effective March 23, 2004. The amendment of Section 22-4804(1) Idaho Code, increases registration fees from $1.00 per acre to $2.00 per acre.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reason: To comply with the new requirements of Section 22-4804(1), of the Idaho Code, effective March 23, 2004.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger. House Bill 776 changed the registration fee for fields to be burned from one dollar ($1) per acre to two dollars ($2) per acre.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Sherman Takatori, Program Manager at (208) 332-8609.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2004.

DATED this 11th day of May, 2004.

Patrick A. Takasugi
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8503
Fax: (208) 334-2170

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0616-0401

100. REGISTRATION OF FIELDS TO BE BURNED.

01. Field Registration. All persons in Idaho shall register each field to be burned with ISDA on an annual basis prior to burning crop residue. (3-16-04)

02. Registration Forms. Approved forms for registering fields may be obtained from offices of ISDA, IDEQ, County Extension Educators or Soil Conservation District offices. A single form is required for each person, however, more than one (1) field may be listed on a single form. County, township, range, and section for each field registered must be included on the registration form. Completed forms shall be submitted to ISDA and shall include permit numbers for any burning permits issued by county, state, or federal agencies, or local fire protection authorities. (3-16-04)

03. Registration Fees. All registration forms for fields located in Idaho, Lewis, Nez Perce, Clearwater, Latah, Shoshone, Benewah, Kootenai, Bonner, and Boundary counties shall be forwarded to ISDA and must be accompanied by payment of a ~~*one*~~ two dollars ($~~*1*~~2) per acre fee. ~~*(3-16-04)*~~(3-23-04)T

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

DOCKET NO. 07-0103-0401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-1006(5) and 54-1007, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 16, 2004.

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

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

The proposed rule change will update the requirement for apprentice electrician registration. An apprentice who has completed the required number of instructional hours and has not passed the journeyman's examination within two (2) years of completion of the required instructional training hours shall provide proof of continuation training in order to re-register as an apprentice beginning July 1, 2004. An apprentice who has not advanced in apprenticeship training for a period of two (2) years shall provide proof of successful completion of continuation training in order to re-register as an apprentice beginning July 1, 2004.

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

This rule change is necessary to comply with Section 54-1007, Idaho Code regarding apprentice electrician training requirements.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are required to comply with Section 54-1007, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Gary Malmen, Electrical Bureau Chief, 332-7147.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2004.

DATED this 5th day of May, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0103-0401

012. APPRENTICE ELECTRICIAN.

01. Requirements For Apprentice Electrician. (5-3-03)

a. A person wishing to become an apprentice electrician register with the Division of Building Safety prior to going to work. Said person shall carry a current registration certificate on his person at all times and shall present it upon request to personnel of the Division of Building Safety for examination. Each apprentice shall re-register prior to each July 31, furnishing proof of completion of a minimum of one hundred forty-four (144) hours of an organized sequence of instruction in technical subjects related to the electrical trade as approved by the Idaho State Electrical Board and the Idaho State Board for Professional and Technical Education and work experience performed during the previous year with notarized letters from each employer and a certificate of achievement from the vocational institution attended. This requirement shall continue each year until the minimum requirements of Chapter 10, Title 54, Idaho Code, have been fulfilled. Any apprentice failing to register by August 1 of each year shall pay an additional fee of ten dollars ($10) to revive his registration certificate. Time shall not be credited while the apprentice is inactive or not registered, nor shall time be allowed for any year which is not accompanied by proof of required instruction for that year of apprenticeship. (5-3-03)

b. In order to qualify to take the journeyman electrician examination an apprentice electrician shall be required to work four (4) years, defined as a minimum of eight thousand (8,000) hours of work experience, under the constant on-the-job supervision of a journeyman electrician. That work shall include three (3) categories: (5-3-03)

i. Residential; (5-3-03)

ii. Commercial; and (5-3-03)

iii. Industrial installations. (5-3-03)

c. Experience shall not exceed seventy-five percent (75%) of the work time in any one (1) category. The requirements of Subsection 012.01.b. shall not apply to a registered apprentice enrolled in an apprenticeship program accredited by the Electrical Bureau. (5-3-03)

d. An apprentice who has completed the required number of instructional hours and has not passed the journeyman's examination within two (2) years of completion of the required instructional training hours shall provide proof of continuation training in order to re-register as an apprentice. For the purposes of Section 012, continuation training is defined as registration in an approved fourth year apprenticeship class. (7-1-04)T

e. An apprentice who has not advanced in apprenticeship training for a period of two (2) years shall provide proof of successful completion of continuation training in order to re-register as an apprentice. For purposes of Section 012, continuation training is registration in an approved year of apprenticeship class for which the apprentice is eligible or a repeat of the most recent apprenticeship class attended. (7-1-04)T

02. Direct Supervision. It shall be the responsibility of the employing electrical contractor to insure that the apprentice performs electrical work only under the constant on-the-job supervision of a journeyman electrician. Any contractor who employs more than two (2) apprentice electricians for each licensed journeyman electrician employed is presumed to be in violation of the direct supervision requirements of Section 54-1010, Idaho Code, and of the constant on-the-job supervision requirement of Section 54-1003A, Idaho Code. This presumption may be rebutted by a showing by the contractor that special circumstances exist which are peculiar to the work done by that contractor which allows for effective supervision by each journeyman electrician of more than two (2) apprentice electricians. Prior to employing more than two (2) apprentice electricians for each journeyman electrician, a contractor must obtain permission from the Electrical Bureau to do so. Failure to comply with this requirement will be grounds for suspension or revocation of the electrical contractor's license. (4-1-91)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

DOCKET NO. 07-0103-0402

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-1006(5) and 54-1007, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 16, 2004.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The proposed rule change will require that an applicant for a master electrician license have at least four (4) years experience as a licensed journeyman electrician. The increase in the number of years from two (2) to four (4) is necessary to comply with changes made to Section 54-1007, Idaho Code by House Bill 0529.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rule change is necessary to comply with changes made to Section 54-1007, Idaho Code by House Bill 0529.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are required to comply with Section 54-1007, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Gary Malmen, Electrical Bureau Chief, 332-7147.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2004.

DATED this 5th day of May, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0103-0402

014. MASTER ELECTRICIAN.
An applicant for a Master Electrician license must have at least ~~two~~ four (~~2~~4) years experience as a licensed journeyman electrician as provided in Section 54-1007, Idaho Code. Any person having these qualifications may make application at any time by remitting to the Electrical Bureau the application fee. Upon approval, the applicant will be notified and may apply to take the next examination. Upon notification of passing the examination, the applicant must remit the required fee for the issuance of a master license. A person holding a current master license shall not be required to hold a journeyman license. ~~(4-5-00)~~(7-1-04)T

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS BOARD

DOCKET NO. 07-0501-0401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 12, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-1904 and 54-1907, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 16, 2004.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The proposed rule change is necessary to implement revisions to the various categories of specialty construction that are recognized within the public works construction industry. These definitions replace those that were utilized previously and not included in administrative rule.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rule change is necessary to protect the public safety and to comply with requirements in Section 54-1904, Idaho Code.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are required to comply with Section 54-1904, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Nancy Michael, Program Manager, 332-8968.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2004.

DATED this 5th day of May, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100/Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0501-0401

112. -- 19~~9~~8. (RESERVED).

~~200~~199. LIMITATIONS.

01. **One License**. A licensee will be permitted to hold only one (1) class of license at any given time. (3-20-04)

02. **Previous License Null And Void**. When a licensee of one class has been issued a license of another class, the previous license shall be null and void. (3-20-04)

03. **Total Bid Cost**. The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except class AAA, shall not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids shall include all bids of the subcontractors. Subcontractor bids shall not be considered a separate bid for the purposes of computing the bid on a given public works project. (3-20-04)

04. **Two Or More Licensees**. Two (2) or more licensees of the same class or of different classes shall not be permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee. (3-20-04)

05. **Type 4 License Holder**. The holder of a license for Type 4, Specialty Construction, shall be entitled to bid a public works project as a prime contractor or as a subcontractor, if more than fifty percent (50%) of the work to be performed by him on such project is covered by a category or categories listed on the license held by the licensee. (3-20-04)

200. TYPE 4-SPECIALTY CONSTRUCTION CATEGORIES.
A license for Type 4-Specialty Construction shall list one (1) or more specialty construction categories to which the license is restricted. Categories and their definitions are: (4-12-04)T

01. **01107 Engineering**. A specialty contractor whose primary business includes providing engineering and design services such as civil, electrical, mechanical, and structural. (4-12-04)T

02. **01541 Scaffolding And Shoring**. A specialty contractor whose primary business is the installation of any temporary elevated platform and its supporting structure used for supporting workmen or materials or both, and props or posts of timber or other material in compression used for the temporary support of excavations, formwork or unsafe structures; the process of erecting shoring. (4-12-04)T

03. **01542 Craning And Erection**. A specialty contractor whose primary business includes the art, ability and skill to safely control the workings of a crane in such a manner that building materials, supplies, equipment and structural work can be raised and set in a final position. (4-12-04)T

04. **01550 Construction Zone Traffic Control**. A specialty contractor whose primary business is the installation or removal of temporary lane closures, flagging or traffic diversions, utilizing pilot cars, portable devices such as cones, delineators, barricades, sign stands, flashing beacons, flashing arrow trailers, and changeable message signs on roadways, public streets and highways or public conveyances. (4-12-04)T

05. **01570 Temporary Erosion And Sediment Controls**. A specialty contractor whose primary business includes the ability and expertise to install silt fencing or other similar devices to prevent erosion and contain silt. (4-12-04)T

06. **02110 Excavation, Removal And Handling Of Hazardous Material**. A specialty contractor whose primary business includes the excavation and removal of toxic and hazardous site materials. Contractors must be properly licensed and certified if required. (4-12-04)T

07. **02115 Removal Of Underground Storage Tanks**. A specialty contractor whose primary business includes, but is not limited to, the excavation, removal, cleanup, and disposal of underground storage tanks that have contained petrochemical type fuels. This work should include the sampling and testing of surrounding materials and filing of closure documents. (4-12-04)T

08. **02195 Environmental Remediation, Restoration And Soil Stabilization**. A specialty contractor whose primary business is the remediation and restoration of contaminated environmental sites. (4-12-04)T

09. **02210 Drilling**. A specialty contractor whose primary business includes practical elementary knowledge of geology and hydrology; the art, ability, knowledge, science and expertise to bore, drill, excavate, case, pack or cement by use of standard practices, including the use of diamond bits, cable tools, percussion, air percussion, rotary, air rotary, reverse circulation rotary methods or jetting. (4-12-04)T

10. **02220 Demolition**. A specialty contractor whose primary business includes the ability and expertise to demolish all types of buildings or structures and to remove all of such buildings or structures from the premises, and maintain the premises surrounding demolition site safely for passing public. (4-12-04)T

11. **02230 Site Clearing**. A specialty contractor whose primary business includes the ability and expertise to remove and dispose of all trees, brush, shrubs, logs, windfalls, stumps, roots, debris and other obstacles in preparation for excavation of a construction site or other uses. (4-12-04)T

12. **02231 Logging**. A specialty contractor whose primary business and expertise includes the clearing, cutting, removal and transportation of logs and trees and the construction of temporary roads and structures for such operations along with any reclamation work associated with such operations. (4-12-04)T

13. **02232 Tree Removal And Trimming**. A specialty contractor whose primary business includes pruning, removal, and/or guying of trees, limbs, stumps, and bushes including grinding and removal of such items. (4-12-04)T

14. **02240 Dewatering And Subsurface Drainage**. A specialty contractor whose primary business is to control the level and flow of subsurface water. (4-12-04)T

15. **02260 Earth Retention Systems, Mechanical Stabilized Earth Walls And Retaining Walls**. A specialty contractor whose primary business includes the building of earth retention systems, mechanical stabilized earth walls and retaining walls. (4-12-04)T

16. **02265 Slurry Walls**. A specialty contractor whose primary business is the construction of below ground structural diaphragm walls or containment walls through the combined use of trench excavation, mud slurry and tremie concrete. (4-12-04)T

17. **02270 Rockfall Mitigation And High Scaling**. A specialty contractor whose primary business is rockfall mitigation and high scaling. (4-12-04)T

18 **02310 Excavation And Grading**. A specialty contractor whose primary business includes such work as digging, moving and placing material forming the surface of the earth in such manner that a cut, fill, excavation and any similar excavating operation can be done with the use of hand and power tools and machines that are used to dig, move and place that material forming the earth's surface. (4-12-04)T

19. **02312 Dust Control, Dust Abatement And Dust Oiling**. A specialty contractor whose primary business is dust control, dust abatement and dust oiling. (4-12-04)T

20. **02317 Rock Trenching**. A specialty contractor whose primary business is rock trenching. (4-12-04)T

21. **02318 Hauling**. A specialty contractor whose primary business includes the ability and expertise to obtain or move specified materials by transportation in a vehicle. (4-12-04)T

22. **02319 Blasting**. A specialty contractor whose primary business includes the use of conventional and high explosives for pre-splitting, surface, underground and underwater blasting, drill, trench, or excavate for use of explosives; priming and loading drilled, trenched or excavated areas by pipe tamping, pneumatic loading, injector loading, mud capping, slurry loading, combination of pneumatic and injector loading or hand loading; use of volt, ohms and milliampere meter (VOM) in testing blasting machine output voltage, power line voltage, measuring

electric blasting cap or blasting circuit resistance, testing for current leakage, testing for AC-DC stray current and voltage, leading wires for open or short circuits, rack bar blasting machine for running short or galvanometer output voltage; use of blasting caps, electric blasting caps, delay electric blasting caps, primacord and all other detonating devices. (4-12-04)T

23. 02325 Dredging. A specialty contractor whose primary business includes the excavation or removal of earth, rock, silt, or sediment from bodies of water including but not limited to streams, lakes, rivers or bays by means of specialized equipment. (4-12-04)T

24. 02404 Horizontal And Directional Earth Boring, Trenching And Tunneling. A specialty contractor whose primary business and expertise includes boring, trenching or tunneling. (4-12-04)T

25. 02450 Drilled Piers, Pile Driving, Caisson Drilling, Geopier And Helical Piers. A specialty contractor whose primary business includes drilling piers, pile driving, caisson drilling, Geopier and helical piers. (4-12-04)T

26. 02500 Utilities. A specialty contractor whose primary business includes the construction and installation of pipe lines for the transmission of sewage, gas and water, including minor facilities incidental thereto; installation of electrical poles, towers, arms, transformers, fixtures, conduits, conductors, switch gear, grounding devices, panels, appliances and apparatus installed outside of buildings; including excavating, trenching, grading, back fill, asphalt patching as well as all necessary work and installation of appurtenances in connection therewith. (4-12-04)T

27. 02520 Well Drilling. A specialty contractor whose primary business includes the practical elementary knowledge of geology, hydrology, the occurrence of water in the ground, water levels in wells, the prevention of surface and sub-surface contamination and pollution of the ground water supply; and the art, ability, experience, knowledge, science, and expertise to bore, drill, excavate, case, screen, cement, clean and repair water wells; or to do any or any combination of any or all such boring, drilling, excavating, casing, cementing, cleaning and repairing with hand or power tools or rigs, including the installation and repair of pumps. (4-12-04)T

28. 02580 Installation Of Communication Towers. A specialty contractor whose primary business and expertise is the installation of communication towers. (4-12-04)T

29. 02660 Membrane Liners For Ponds And Reservoirs. A specialty contractor whose primary business includes the installation of liners for the purpose of containment of liquids. (4-12-04)T

30. 02720 Crushing. A specialty contractor whose primary business includes the ability and expertise to reduce rocks and aggregates to a smaller and uniform size and gradation to meet an agreed specification. (4-12-04)T

31. 02740 Asphalt Paving. A specialty contractor whose primary business includes the installation of aggregate base course, cement treated base, bitumen treated base, asphalt concrete and the application of asphalt surfacing and surface repairs of streets, intersections, driveways, parking lots, tennis courts, running tracks, play areas; including the application or installation of primer coat, asphalt binder course, tack coating, seal coating and chips, slurry seal and chips, flush or flog coats, asphalt curbs, concrete bumper curbs, redwood headers, asphalt surface binder emulsion, asbestos and sand and acrylic color systems. (Synthetic and athletic surfacing are category 02790 Athletic and Recreational Surfaces.) Also includes crack sealing, asphalt maintenance repair and soil pulverization. (4-12-04)T

32. 02761 Traffic Marking And Striping. A specialty contractor whose primary business includes the art, ability and expertise to apply markings to streets, roadways, or parking surfaces pre-designed for the use of parking or passage of vehicles by the application of directional lines, buttons, markers, and signs made of but not limited to plastic, paint, epoxies and rubber, in such manner as to provide for the channeling and controlling of the traffic flow. Also includes temporary striping. (4-12-04)T

33. 02785 Asphalt Maintenance And Repair, Seal Coating, Crack Sealing And Chip Sealing. A specialty contractor whose primary business is asphalt maintenance and repair, seal coating, crack sealing and chip

sealing. (4-12-04)T

34. **02790 Athletic And Recreational Surfaces**. A specialty contractor whose primary business is the installation of specialty surfaces including but not limited to non-wood athletic floors, tennis courts, running tracks and artificial turf. This would include any subsurface preparation such as leveling, excavation, fill and compaction or grading. The application of surfacing, mixing, spreading or placing of emulsions, binders, sand and acrylic color systems is also included along with the installation of modular, plastic athletic floors such as "Sport Court" type floors. This category does not include any type of structure required for the installation of these surfaces. (4-12-04)T

35. **02810 Sprinkler And Irrigation Systems**. A specialty contractor whose primary business includes the installation of types and kinds of water distribution systems for complete artificial water or irrigation of gardens, lawns, shrubs, vines, bushes, trees and other vegetation, including the trenching, excavating and backfilling in connection therewith. (Low voltage only.) (4-12-04)T

36. **02820 Fencing**. A specialty contractor whose primary business includes the installation and repair of any type of fencing. (4-12-04)T

37. **02840 Guardrails And Safety Barriers**. A specialty contractor whose primary business includes the installation of guardrails and safety barriers (including cattle guards). (4-12-04)T

38. **02850 Bridges And Structures**. A specialty contractor whose primary business includes the installation, alteration and repair of bridges and related structures, including culverts. (4-12-04)T

39. **02855 Bridge Crossings And Box Culverts**. A specialty contractor whose primary business is the installation and/or construction of any bridge or crossing structure shorter than 20 feet measured on the centerline of the roadway or trail. (4-12-04)T

40. **02880 Installation Of School Playground Equipment**. A specialty contractor whose primary business is the installation of school playground equipment. (4-12-04)T

41. **02890 Traffic Signs And Signals**. A specialty contractor whose primary business includes the art, ability, knowledge, experience, science and expertise to fabricate, install and erect signs, including electrical signs and including the wiring of such signs. A licensed electrician must perform all the electrical work. (4-12-04)T

42. **02900 Landscaping, Seeding And Mulching**. A specialty contractor whose primary business includes the preparation of plots of land for architectural, horticulture and provisions of decorative treatment and arrangement of gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation; construction of conservatories, hot and green houses, drainage and sprinkler systems, and ornamental pools, tanks, fountains, walls, fences and walks, arrange, fabricate and place garden furniture, statuary and monuments in connection therewith. (4-12-04)T

43. **02910 Slope Stabilization, Hydroseeding, Hydromulching, Native Plant Revegetation For Erosion Control**. A specialty contractor whose primary business is slope stabilization, including necessary tillage and plant bed preparation using hydroseeding, hydromulching and native plant revegetation for erosion control. (4-12-04)T

44. **02935 Landscape Maintenance**. A specialty contractor whose primary business and expertise includes the maintenance of existing lawns, gardens, and sprinkler systems. This would include mowing, weeding, fertilization, pest control and minor repair or relocation of sprinkler systems. (4-12-04)T

45. **02937 Pest Control, Sterilization And Herbicide Applications**. A specialty contractor whose primary business includes the mixing, transportation and application of fertilizers, pesticides, herbicides, and sterilization chemicals for the control of insects, pests and weeds. (4-12-04)T

46. **02955 Pipeline Cleaning, Sealing, Lining And Bursting**. A specialty contractor whose primary business and expertise includes cleaning, sealing, lining and bursting pipelines. (4-12-04)T

47. 02965 Cold Milling, Rumble Strip Milling, Asphalt Reclaiming And Pavement Surface Grinding. A specialty contractor whose primary business includes cold milling, rumble strip milling, asphalt reclaiming and pavement surface grinding. (4-12-04)T

48. 02990 Structural Moving. A specialty contractor whose primary business includes but is not limited to raising, lowering, cribbing, underpinning and moving of buildings or structures. This does not include the alterations, additions, repairs or rehabilitation of the retained portion of the structure. (4-12-04)T

49. 03200 Concrete Reinforcing Rebar Installation. A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel mesh or steel reinforcing bars or rods of any profile, perimeter or cross-section that are or may be used to reinforce concrete. (4-12-04)T

50. 03300 Concrete. A specialty contractor whose primary business includes the ability and expertise to process, proportion, batch and mix aggregates consisting of sand, gravel, crushed rock or other inert materials having clean uncoated grains of strong and durable minerals, cement and water or to do any part or any combination of any thereof, in such a manner that acceptable mass, pavement, flat and other cement and concrete work can be poured, placed, finished and installed, including the placing, forming and setting of screeds for pavement or flat work. Also includes concrete sidewalks, driveways, curbs and gutters. (4-12-04)T

51. 03370 Specially Placed Concrete, Concrete Pumping And Shotcreting. A specialty contractor whose primary business includes the ability and equipment necessary to deliver and install concrete, and similar materials to their final destination in buildings and structures. (4-12-04)T

52. 03380 Post-Tensioned Concrete Structures Or Structural Members. A specialty contractor whose primary business is the post-tensioning of structural elements using sleeved tendons of high-strength prestressing steel. (4-12-04)T

53. 03500 Gypcrete. A specialty contractor whose primary business includes the ability and expertise to mix and apply gypsum concrete. (4-12-04)T

54. 03600 Concrete Grouting. A specialty contractor whose primary business includes the ability and the equipment necessary to place concrete grouts. Concrete grouts are thin, fluid, shrink resistant, mortar-like materials used for filling joints and cavities and setting and anchoring items in masonry and concrete. (4-12-04)T

55. 03650 Pressure Grouting And Slab Jacking. A specialty contractor whose primary business includes pressure foundation grouting and jacking and the injection of concrete or mortar into foundations for stabilization. (4-12-04)T

56. 03900 Concrete Demolition, Concrete Sawing And Cutting, Core Drilling, Joint Sealing And Hydrocutting. A specialty contractor whose primary business includes concrete cutting, drilling, sawing, cracking, breaking, chipping or removal of concrete. This category also includes the caulking or sealing of joints or cracks caused by such operations. (4-12-04)T

57. 04000 Masonry. A specialty contractor whose primary business includes the installation with or without the use of mortar or adhesives of brick, concrete block, adobe units, gypsum partition tile, pumice block or other lightweight and facsimile units and products common to the masonry industry. (4-12-04)T

58. 04900 Chemical Cleaning And Masonry Restoration. A specialty contractor whose primary business includes the cleaning or restoration of masonry through the use of chemicals, pressure washing, sand blasting or other methods. (4-12-04)T

59. 05090 Welding. A specialty contractor whose primary business causes metal to become permanently attached, joined and fabricated by the use of gases or electrical energy, developing sufficient heat to create molten metal, fusing the elements together. (4-12-04)T

60. 05100 Steel Fabrication, Erection And Installation. A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel reinforcing bars, erect structural steel

shapes and plates, of any profile, perimeter or cross-section, that are or may be used to reinforce concrete or as structural members for buildings and structures, including riveting, welding and rigging only in connection therewith, in such a manner that steel reinforcing and structural work can be fabricated and erected. (4-12-04)T

61. 05700 Ornamental Metals. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to assemble, case, cut, shape, stamp, forage, fabricate and install sheet, rolled and cast, brass, bronze, copper, cast iron, wrought iron, monel metal, stainless steel, and any other metal or any combination thereof, as have been or are now used in the building and construction industry for the architectural treatment and ornamental decoration of buildings and structures, in such a manner that, under an agreed specification, acceptable ornamental metal work can be executed, fabricated and installed; but shall not include the work of a sheet metal contractor. (4-12-04)T

62. 05830 Bridge Expansion Joints And Repair. A specialty contractor whose primary business and expertise is the repair of bridge expansion joints. (4-12-04)T

63. 06100 Carpentry, Framing And Remodeling. A specialty contractor whose primary business includes the placing and erection of floor systems, walls, sheeting, siding, trusses, roof decking of either wood or light gauge metal framing. This contractor also installs finish items such as running trim, sashes, doors, casing, cabinets, cases and other pre-manufactured finished items. (4-12-04)T

64. 06130 Log And Heavy Timber Construction. A specialty contractor whose primary business includes the ability and expertise to build and erect log or heavy timber structures. (4-12-04)T

65. 06139 Docks - Log And Wood Structures. A specialty contractor whose primary business includes the ability and expertise to construct log and wood structured docks. (4-12-04)T

66. 06200 Finish Carpentry And Millwork. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to cut, surface, join, stick, glue and frame wood and wood products, in such a manner that, under an agreed specification, acceptable cabinet, case, sash, door, trim, nonbearing partition, and such other mill products as are by custom and usage accepted in the building and construction industry as millwork and fixtures, can be executed; including the placing, erecting, fabricating and finishing in buildings, structures and elsewhere of such millwork and fixtures or to do any part or any combination of any thereof. (4-12-04)T

67. 07100 Waterproofing And Dampproofing. A specialty contractor whose primary business includes the ability and expertise to apply waterproofing membranes, coatings of rubber, latex, asphaltum, pitch, tar or other materials or any combination of these materials, to surfaces to prevent, hold, keep and stop water, air or steam from penetrating and passing such materials, thereby keeping moisture from gaining access to material or space beyond such waterproofing. (4-12-04)T

68. 07200 Thermal Insulation. A specialty contractor whose primary business includes the installation of any insulating media in buildings and structures for the purpose of temperature control. (4-12-04)T

69. 07240 Stucco And Exterior Insulation Finish Systems (EIFS). A specialty contractor whose primary business includes the ability and expertise to install Stucco and EIFS. (4-12-04)T

70. 07400 Roofing And Siding. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and to bring such surfaces to a condition where asphaltum, pitch, tar, felt, flax, shakes, shingles, roof tile, slate and any other material or materials or any combination thereof, that use and custom has established as usable for, or which material or materials are now used as, such waterproof, weatherproof or watertight seal for such membranes, roof and surfaces; but shall not include a contractor whose sole contracting business is the installation of devices or stripping for the internal control of external weather conditions. (4-12-04)T

71. 07450 Siding And Decking. A specialty contractor whose primary business includes the application or installation of exterior siding, decking or gutters including wood, wood products, vinyl, aluminum and metal to new or existing buildings and includes wooden decks and related handrails. (This category does not include the construction or installation of covers or enclosures of any kind.) (4-12-04)T

72. **07700 Sheet Metal Flashings, Roof Specialties And Accessories**. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to select, cut, shape, fabricate and install sheet metal such as cornices, flashings, gutters, leaders, rainwater down spouts, pans, etc., or to do any part or any combination thereof, in such a manner that sheet metal work can be executed, fabricated and installed. (4-12-04)T

73. **07800 Sprayed On Fireproofing**. A specialty contractor whose primary business includes the mixing, transportation, and installation of fire proofing materials for buildings and structures. (4-12-04)T

74. **07920 Caulking And Joint Sealants**. A specialty contractor whose primary business includes the ability and expertise for installation of elastomeric and rigid joint sealants, caulking compounds, and related accessories. (4-12-04)T

75. **08100 Doors, Gates, Specialty Doors And Activating Devices**. A specialty contractor whose primary business is the installation, modification or repair of residential, commercial or industrial doors and door hardware. This includes but is not necessarily limited to wood, metal clad or hollow metal, glass, automatic, revolving, folding and sliding doors, power activated gates, or movable sun shades/shutters. Card activated equipment and other access control devices and any low voltage electronic or manually operated door hardware devices are also a part of this category. (4-12-04)T

76. **08500 Windows, Glass And Glazing**. A specialty contractor whose primary business includes the art, ability, experience, knowledge and expertise to select, cut, assemble and install all makes and kinds of glass and glass work, and execute the glazing of frames, panels, sash and doors, in such a manner that under an agreed specification, acceptable glass work and glazing can be executed, fabricated and installed, and may include the fabrication or installation in any building or structure of frames, glazed-in panels, sash or doors, upon or within which such frames, glazed-in panels, sash or doors, such glass work or glazing has been or can be executed or installed. (4-12-04)T

77. **09110 Steel Stud Framing**. A specialty contractor whose primary business includes the ability and expertise to build or assemble steel stud framing systems. (4-12-04)T

78. **09200 Lath And Plaster**. A specialty contractor whose primary business includes the ability and expertise to prepare mixtures of sand, gypsum, plaster, quick-lime or hydrated lime and water or sand and cement and water or a combination of such other materials as create a permanent surface coating; including coloring for same and to apply such mixtures by use of a plaster's trowel, brush or spray gun to any surface which offers a mechanical key for the support of such mixture or to which such mixture will adhere by suction; and to apply wood or metal lath or any other materials which provide a key or suction base for the support of plaster coatings; including the light gauge metal shapes for the support of metal or other fire proof lath. Includes metal stud framing. (4-12-04)T

79. **09250 Drywall**. A specialty contractor whose primary business includes the ability and expertise to install unfinished and prefinished gypsum board on wood and metal framing and on solid substates; gypsum and cementitious backing board for other finishes; accessories and trim; and joint taping and finishing. (4-12-04)T

80. **09300 Tile And Terrazzo**. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and bring such surfaces to a condition where acceptable work can be executed and fabricated thereon by the setting of chips or marble, stone, tile or other material in a pattern with the use of cement, and to grind or polish the same. (4-12-04)T

81. **09500 Acoustical Treatment**. A specialty contractor whose primary business includes the installation, application, alteration and repair of all types of acoustical systems, to include acoustical ceilings, wall panels, sound control blocks and curtains, hangers, clips, inserts, nails, staples, related hardware and adhesive, lightweight framing systems and related accessories (electrical excluded), installation and repair of gypsum wall board, painting, accessories, taping and texturing. (4-12-04)T

82. **09600 Flooring**. A specialty contractor whose primary business includes the ability and expertise to examine surfaces, specify and execute the preliminary and preparatory work necessary for the installation of

flooring, wherever installed, including wood floors and flooring (including the selection, cutting, laying, finishing, repairing, scraping, sanding, filling, staining, shellacking and waxing) and all flooring of any nature either developed as or established through custom and usage as flooring. (4-12-04)T

83. **09680 Floor Covering And Carpeting**. A specialty contractor whose primary business includes the installation, replacement and repair of floor covering materials, including laminates and including preparation of surface to be covered, using tools and accessories and industry accepted procedures of the craft. (4-12-04)T

84. **09900 Painting And Decorating**. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and execute the preliminary and preparatory work necessary to bring such surfaces to a condition where acceptable work can be executed thereon with the use of paints, varnishes, shellacs, stains, waxes, paper, oilcloth, fabrics, plastics and any other vehicles, mediums and materials that may be mixed, used and applied to the surface of buildings, and the appurtenances thereto, of every description in their natural condition or constructed of any material or materials whatsoever that can be painted or hung as are by custom and usage accepted in the building and construction industry as painting and decorating. (4-12-04)T

85. **09950 Sand Blasting**. A specialty contractor whose primary business includes the ability and expertise to sand blast surfaces through the use of equipment designed to clean, grind, cut or decorate surfaces with a blast of sand or other abrasive applied to such surfaces with steam or compressed air. (4-12-04)T

86. **09960 Specialty Coatings**. A specialty contractor whose primary business includes the surface preparation and installation of specialty coatings. (4-12-04)T

87. **10150 Institutional Equipment**. A specialty contractor whose primary business includes the installation, maintenance and repair of booths, shelves, laboratory equipment, food service equipment, toilet partitions, and such other equipment and materials as are by custom and usage accepted in the construction industry as institutional equipment. (4-12-04)T

88. **10270 Raised Access Flooring**. A specialty contractor whose primary business includes the installation of wood or metal-framed elevated computer-flooring systems. This does not include the structural floor on which the computer floor is supported or mezzanines. (4-12-04)T

89. **10445 Non-Electrical Signs**. A specialty contractor whose primary business includes the installation of all types of non-electrical signs, including but not limited to traffic delineators, mile post markers, post or pole supported signs, signs attached to structures, painted wall signs, and modifications to existing signs. (4-12-04)T

90. **11001 Specialty Machinery And Equipment Installation And Servicing**. A specialty contractor whose primary business is the installation, removal, modification or repair of pumps, water and waste water equipment, conveyors, cranes, dock levelers, various hoisting and material handling equipment, trash compactors and weighing scales installation and servicing. This does not include the construction of buildings and/or roof structures for this equipment. (4-12-04)T

91. **11140 Petroleum And Vehicle Service Equipment, Installation And Repair**. A specialty contractor whose primary business includes the installation and repair of underground fuel storage tanks used for dispensing gasoline, diesel, oil or kerosene fuels. This includes installation of all incidental tank-related piping, leak line detectors, vapor recovery lines, vapor probes, low voltage electrical work, associated calibration, testing and adjustment of leak detection and vapor recovery equipment, and in-station diagnostics. This contractor may also install auto hoisting equipment, grease racks, compressors, air hoses and other equipment related to service stations. (4-12-04)T

92. **11200 Water/Wastewater And Chemical Treatment**. A specialty contractor whose primary business is the supply, installation and operational startup of equipment and chemicals for chemical treatment of water, wastewater or other liquid systems. (4-12-04)T

93. **11485 Climbing Wall Structures And Products**. A specialty contractor whose primary business includes the ability and expertise to design, fabricate and install climbing wall structures and equipment. This does

not include concrete foundations or buildings in which the climbing walls may be supported or housed. (4-12-04)T

94. 12011 Prefabricated Equipment And Furnishings. A specialty contractor whose primary business includes the installation of prefabricated products or equipment including but not limited to the following: theater stage equipment, school classroom equipment, bleachers or seats, store fixtures, display cases, toilet or shower room partitions or accessories, closet systems, dust collecting systems, appliances, bus stop shelters, telephone booths, sound or clean rooms, refrigerated boxes, office furniture, all types of pre-finished, pre-wired components, detention equipment and other such equipment and materials as are by custom and usage accepted in the construction industry as prefabricated equipment. (4-12-04)T

95. 12490 Window, Wall Coverings, Drapes And Blinds. A specialty contractor whose primary business includes the installation of decorative, architectural or functional window glass treatments or covering products or treatments for temperature control or as a screening device. (4-12-04)T

96. 13110 Cathodic Protection. A specialty contractor whose primary business is the prevention of corrosion by using special cathodes and anodes to circumvent corrosive damage by electric current. (4-12-04)T

97. 13121 Pre-Manufactured Components And Modular Structures. A specialty contractor whose primary business includes the moving, setup, alteration or repair of pre-manufactured components, houses or similar modular structures. (4-12-04)T

98. 13125 Pre-Engineered Building Kits. A specialty contractor whose primary business includes the assembly of pre-engineered building kits or structures obtained from a single source. This category is limited to assembly only of pre-engineered metal buildings, pole buildings, sunrooms, geodesic structures, aluminum domes, air supported structures, manufactured built greenhouses or similar structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating or cooling, or electrical work. (4-12-04)T

99. 13150 Swimming Pools And Spas. A specialty contractor whose primary business includes the ability to construct swimming pools, spas or hot tubs including excavation and backfill of material, installation of concrete, Gunite, tile, pavers or other special materials used in pool construction. This category shall also include the installation of heating and filtration equipment, using those trades or skills necessary for installing the equipment, which may require other licenses including electrical and plumbing. (4-12-04)T

100. 13165 Aquatic Recreational Equipment. A specialty contractor whose primary business includes the ability and expertise to design, fabricate and erect water slides and water park equipment and structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating, cooling or electrical work. (4-12-04)T

101. 13201 Circular Prestressed Concrete Storage Tanks (Liquid And Bulk). A specialty contractor whose primary business is the construction of circular prestressed concrete structures post-tensioned with circumferential tendons or wrapped circular prestressing. (4-12-04)T

102. 13280 Hazardous Material Remediation. A specialty contractor whose primary business includes the ability and expertise to safely encapsulate, remove, handle or dispose of hazardous materials within buildings, including but not limited to asbestos, lead and chemicals. Contractors must be properly licensed and certified. (4-12-04)T

103. 13290 Radon Mitigation. A specialty contractor whose primary business and expertise includes the detection and mitigation of Radon gas. (4-12-04)T

104. 13800 Instrumentation And Controls. A specialty contractor whose primary business includes the installation, alteration or repair of instrumentation and control systems used to integrate equipment, sensors, monitors' controls and mechanical operators for industrial processes, building equipment, mechanical devices and related equipment. (4-12-04)T

105. 13850 Alarm Systems. A specialty contractor whose primary business includes the installation, alteration and repair of communication and alarm systems, including the mechanical apparatus, devices, piping and

equipment appurtenant thereto (except electrical). (4-12-04)T

106. 13930 Fire Suppression Systems (Wet And Dry-Pipe Sprinklers). A specialty contractor whose primary business includes the ability and expertise to lay out, fabricate and install approved types of Wet-Pipe and Dry-Pipe fire suppression systems, charged with water, including all mechanical apparatus, devices, piping and equipment appurtenant thereto. Licensure with State Fire Marshal is required. (4-12-04)T

107. 13970 Fire Extinguisher And Fire Suppression Systems. A specialty contractor whose primary business is the installation of pre-engineered or pre-manufactured fixed chemical extinguishing systems primarily used for protecting kitchen-cooking equipment and electrical devices. Contractor also furnishes, installs and maintains portable fire extinguishers. (4-12-04)T

108. 14200 Elevators, Lifts And Hoists. A specialty contractor whose primary business includes the ability to safely and efficiently install, service and repair all elevators, lifts, hoists, including the fabrication, erection and installation of sheave beams, sheave motors, cable and wire rope, guides, cabs, counterweights, doors, sidewalk elevators, automatic and manual controls, signal systems and other devices, apparatus and equipment appurtenant to the installation. (4-12-04)T

109. 15100 Pipe Fitter And Process Piping. A specialty contractor whose primary business is the installation of piping for fluids and gases or materials. This category does not include domestic water, sewage, fire protection and utilities as they are covered under other categories. (4-12-04)T

110. 15400 Plumbing. A specialty contractor whose primary business includes the ability to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe, pure and wholesome water, ample in volume and of suitable temperatures for drinking, cooking, bathing, washing, cleaning, and to cleanse all waste receptacles and like means for the reception, speedy and complete removal from the premises of all fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, including a safe and adequate supply of gases for lighting, heating, and industrial purposes. (Licensure with State Plumbing Bureau is required). (4-12-04)T

111. 15510 Boiler - Hot-Water Heating And Steam Fitting. A specialty contractor who installs, services and repairs power boilers, hot-water heating systems and steam fitting, including fire-tube and water-tube steel power boilers and hot-water heating low pressure boilers, steam fitting and piping, fittings, valves, gauges, pumps, radiators, convectors, fuel oil tanks, fuel oil lines, chimneys, flues, heat insulation and all other equipment, including solar heating equipment, associated with these systems. (4-12-04)T

112. 15550 Chimney Repair. A specialty contractor whose primary business includes the cleaning or repair of multi-type chimneys, flues or emission control devices used to conduct smoke and gases of combustion from above a fire to the outside area. (4-12-04)T

113. 15600 Refrigeration. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to construct, erect, install, maintain, service and repair devices, machinery and units for the control of air temperatures below fifty (50) degrees Fahrenheit in refrigerators, refrigerator rooms, and insulated refrigerated spaces and the construction, erection, fabrication and installation of such refrigerators, refrigerator rooms, and insulated refrigerator spaces, temperature insulation, air conditioning units, ducts, blowers, registers, humidity and thermostatic controls of any part or any combination thereof, in such a manner that, under an agreed specification acceptable refrigeration plants and units can be executed, fabricated, installed, maintained, serviced and repaired, but shall not include those contractors who install gas fuel or electric power services for such refrigerator plants or other units. (4-12-04)T

114. 15700 Air Conditioning And Warm-Air Heating. A specialty contractor whose primary business includes the installation, alteration and repair of air conditioning and warm-air heating systems. Systems may include, but are not limited to duct work, air filtering devices, water treatment devices, pneumatic or electrical controls and control piping, thermal and acoustical insulation, vibration isolation materials and devices, liquid fuel piping and tanks, water and gas piping from service connection to equipment served, testing and balancing refrigerant cooling and heating circuits and air handling systems. (4-12-04)T

115. 15950 Testing And Balancing Of Systems. A specialty contractor whose primary business includes the installation of devices and performs any work related to providing for a specified flow of air or water in all types of heating, cooling or piping systems. (4-12-04)T

116. 16000 Electrical. A specialty contractor whose primary business includes the installation, alteration or repair of any electrical wire, fixtures, appliances, apparatus, raceway or conduits and lines, which transmit, transform or utilize electrical energy. Licensure with State Electrical Bureau is required. (4-12-04)T

117. 16700 Communication. A specialty contractor whose primary business includes the installation, alteration or repair of communication systems (voice, data, television, microwave, and other communication systems). (4-12-04)T

118. 16800 Electrical Specialty Contractor As Defined By Electrical Bureau. Elevator, Dumbwaiter, Escalator or Moving-Walk Electrical; Sign Electrical; Manufacturing or Assembling Equipment; Limited Energy Electrical License (low voltage); Irrigation Sprinkler Electrical; Well Driller and Water Pump Installer Electrical Licenses; Refrigeration, Heating and Air Conditioning Electrical Installer. (4-12-04)T

119. 18100 Golf Course Construction. A specialty contractor whose primary business includes the construction, modification, and maintenance of golf courses. This includes clearing, excavation, grading, landscaping, sprinkler systems and associated work. This does not include the construction of buildings or structures such as clubhouses, maintenance or storage sheds. (4-12-04)T

120. 18200 Underwater Installation And Diving. A specialty contractor whose primary business is marine construction under and above water. (4-12-04)T

121. 18300 Develop Gas And Oil Wells. A specialty contractor whose primary business includes the ability and expertise to perform oil well drilling and other oil field related specialty work. This does not include water well drilling. (4-12-04)T

122. 18400 Nonstructural Restoration After Fire Or Flood. A specialty contractor whose primary business includes cleaning and nonstructural restoration after fire, flood or natural disasters. (4-12-04)T

123. 18600 Building Cleaning And Maintenance. A specialty contractor whose primary business includes the cleaning and maintenance of a structure designed for the shelter, enclosure and support of persons, chattels, personal and moveable property of any kind. (4-12-04)T

124. 18700 Snow Removal. A specialty contractor whose primary business includes the plowing, removal and/or disposal of snow from roads, streets, parking lots and other areas of the public rights-of-way. (4-12-04)T

125. 18800 Roadway Cleaning, Sweeping And Mowing. A specialty contractor whose primary business includes the clearing of trash and debris by manual or automated means from public thoroughfares. This category also includes cutting or mowing of grasses, plants, or weeds from public rights-of-way. (4-12-04)T

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0403

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rulemaking procedures. The action is negotiated rulemaking authorized pursuant to Sections 33-1501 through 33-1512 and 33-1006, Idaho Code.

HEARING SCHEDULE: Hearings on the negotiated rulemaking will be held as follows:

June 25, 2004 - 12:00 p.m. to 5:00 p.m.
Idaho State Department of Education, LBJ Building
2nd floor Conference Room
650 State St., Boise, ID 83720-0027

The meeting site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the meeting. For arrangements, contact the undersigned at (208) 332-6811.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking process must do the following: Interested persons may submit written comments through June 25, 2004. Requests to give oral presentation during the June 25, 2004 public hearing must be submitted prior to June 25, 2004. Interested individuals will have an additional opportunity to participate during the proposed rulemaking phase.

Copies of the preliminary draft of the text of the proposed rule will be provided to superintendents and other interested parties during regional superintendents meetings during May with ongoing discussion opportunities during June.

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

Current administrative rules related to Idaho's pupil transportation support program became effective secondary to State Board of Education and legislative review on July 1, 2004. Changes in Standards for Idaho School Buses and Operations related to new school bus construction standards are anticipated. Changes in Standards for Idaho School Buses and Operations related to operations, driver qualifications and bus purchasing are anticipated in response to OPE reports 03-02 and 04-02, legislative inquiries, recent session law and legislation and State Board of Education requests.

The goal of the State Department of Education is to clarify standards language where appropriate and continue in its support of rules and procedures designed to promote safety, equity, accountability and efficiency.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Rodney D. McKnight, State Department of Education, Finance and Transportation, P.O. Box 83720, Boise, Idaho, (208) 332-6851 or fax to (208) 334-3484.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 25, 2004.

DATED this 23rd day of April, 2004.

Dr. Marilyn Howard, Superintendent of Public Instruction
State Department of Education
650 West State Street - P.O. Box 83720
Boise, Idaho 83720-0027
(208) 332-6811 - (208) 332-6836 fax

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is March 19, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105(1) and 33-107(3), 33-116, 33-118, and 33-1612, Idaho Code, Article IX, Section 2 of the Idaho Constitution, 20 U.S.C.A Section 6311, and Section 1111(b)(3) and 1111(b)(7) of the No Child Left Behind Act.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 16, 2004.

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

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

New guidance was received from the U.S. Department of Education on February 23, 2004, regarding the testing of Limited English Proficient (LEP) students. The guidance informed states that the testing and classification of LEP students, specifically those students "enrolled in their first year of a U.S. school," could be changed and still comply with the "No Child Left Behind" (NCLB) Act.

The specific flexibilities are (1) Allowing this specific group of new LEP students to take a language proficiency test in lieu of the state reading test; and (2) counting the participation of such students, but not including the scores for proficiency calculations.

In addition, the flexibility outlined also allows states to classify LEP students as LEP for two additional years beyond the original guidance in NCLB.

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

The temporary rule is necessary in order to be in compliance with deadlines in amendments to governing law or federal programs.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because those affected by the rule are in agreement with the proposed amendments and because the amendments needed to be in place immediately.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Carissa Miller at (208) 332-1573.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2004.

DATED this 3rd day of May, 2004.

Karen L. Gustafson, Paralegal
Policy and Governmental Affairs Officer
State Board of Education
650 West State Street
PO Box 83720
Boise, ID 83720
(208) 334-2270 phone
(208) 334-2632 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0401

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

01. Philosophy. Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. A statewide student assessment program consisting of standardized achievement testing and performance appraisal activities in the fundamental basic skills will be conducted annually. The State Board of Education will provide oversight for all components of the comprehensive assessment program. The State Department of Education will be responsible for the administration of assessment efforts as provided for by the State Board of Education. (3-15-02)

02. Purposes. The purpose of assessment in the public schools is to: (3-15-02)

a. Measure and improve student achievement; (3-15-02)

b. Assist classroom teachers in designing lessons; (3-15-02)

c. Identify areas needing intervention and remediation, and acceleration; (3-15-02)

d. Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-02)

e. Inform parents and guardians of their child's progress; (3-15-02)

f. Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-02)

g. Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-02)

h. Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-02)

03. Content. The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the Direct Writing Assessment (DWA), the Direct Mathematics Assessment (DMA), the National Assessment of Educational Progress (NAEP), and the Idaho Standards Achievement Tests (ISAT). (3-20-04)

04. Testing Population. All students in Idaho public schools, grades kindergarten through ten (K-10), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. (3-19-04)T

a. All students who are eligible for special education shall participate in the statewide assessment program. (3-19-04)T

b. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. (3-19-04)T

c. Limited English Proficient (LEP) students, as defined in Subsection 112.03.d.iv., who receive a score in the low range on the State Board of Education approved language acquisition proficiency test and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations for three (3) consecutive years. A further extension of two (2) consecutive years may be granted by the local district or local education agency, provided the language proficiency test score is still in the low range. Students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test. Students cannot exceed a total of seven (7) years as an LEP student. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations. LEP students who are enrolled in their first year of school in the United States may take the English Proficiency test in lieu of the reading/language usage ISAT but will still be required to take the math ISAT with accommodations or adaptations as determined by the language proficiency score and ELP. ~~*(3-20-04)*~~(3-19-04)T

05. Scoring And Report Formats. Scores will be provided for each subject area assessed and reported in standard scores, benchmark scores, or holistic scores. Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels as appropriate. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students. (5-3-03)

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is outlined in Subsections 111.0~~7~~6.a. through 111.0~~7~~6.~~*m*~~l. Each assessment will be comprehensive of and aligned to the Idaho State Achievement Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. ~~*(3-20-04)*~~(3-19-04)T

a. Kindergarten - Idaho Reading Indicator. (3-15-02)

b. Grade 1 - Idaho Reading Indicator. (3-15-02)

c. Grade 2 - Idaho Reading Indicator, Grade 2 Idaho Standards Achievement Tests. (3-20-04)

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests. (3-20-04)

e. Grade 4 - Direct Math Assessment, National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests. (3-20-04)

f. Grade 5 - Direct Writing Assessment, Grade 5 Idaho Standards Achievement Tests. (3-20-04)

g. Grade 6 - Direct Math Assessment, Grade 6 Idaho Standards Achievement Tests. (3-20-04)

h. Grade 7 - Direct Writing Assessment, Grade 7 Idaho Standards Achievement Tests. (3-20-04)

i. Grade 8 - Direct Math Assessment, National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Tests. (3-20-04)

j. Grade 9 - Direct Writing Assessment, Grade 9 Idaho Standards Achievement Tests. (3-20-04)

k. Grade 10 - High School Idaho Standards Achievement Tests. (3-20-04)

l. *Students who achieve a proficient or advanced score on a portion or portions of the ISAT offered in the Spring of their tenth grade year or later are not required to continue taking that portion or portions. (3-20-04)

07. Comprehensive Assessment Program Schedule. (5-3-03)

a. The Idaho Reading Indicator will be administered in accordance with Section 33-1614, Idaho Code. (3-15-02)

b. The Direct Math Assessment and the Direct Writing Assessment will be administered in December in a time period specified by the State Department of Education. (3-15-02)

c. The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. (3-15-02)

d. The Idaho Standards Achievement Tests will be administered twice annually in the Fall and Spring in a time period specified by the State Board of Education. (5-3-03)

08. Costs Paid By The State. Costs for the following testing activities will be paid by the state: (4-1-97)

a. All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-02)

b. Statewide distribution of all assessment materials; (3-15-02)

c. Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program; and (3-15-02)

d. Implementation, processing, scoring and distribution of prescribed reports for the Direct Writing Assessment and the Direct Mathematics Assessment. (3-15-02)

09. Costs Of Additional Services. Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-02)

10. Services. The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (3-15-02)

11. Test Security, Validity And Reliability. Test security is of the utmost importance. School districts will employ the same security measures in protecting statewide assessment materials from compromise as they use to safeguard other formal assessments. (3-20-04)

a. All ISAT paper and pencil test booklets will be boxed and shipped to the test vendor to be counted no later than two (2) weeks after the end of the testing window. (3-20-04)

b. The ISAT will be refreshed each year to provide additional security beginning with grades four (4) eight (8) and ten (10) in 2007. Items will be refreshed for grades three (3) and seven (7) in 2008; grades five (5) and six (6) in 2009; and grades two (2) and nine (9) in 2010. (3-20-04)

c. Any assessment used for federal reporting shall be independently reviewed for reliability, validity, and alignment with the Idaho Achievement Standards. (3-20-04)

12. Demographic Information. Demographic information will be required to assist in interpreting test

results. It may include but not be limited to race, sex, ethnicity, and special programs, (Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status). (5-3-03)

13. Dual Enrollment. For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-02)

a. The Idaho Standards Achievement Tests (grades 2-9 and High School). (5-3-03)

b. A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.1~~4~~3.~~e~~b.i. through 111.1~~4~~3.~~e~~b.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where dual enrollment is desired. ~~*(3-15-02)*~~(3-19-04)T

i. Language Arts/Communications. (3-15-02)

ii. Math. (3-15-02)

iii. Science. (3-15-02)

iv. Social Studies. (3-15-02)

v. Health. (3-15-02)

vi. Humanities. (3-15-02)

112. ACCOUNTABILITY.
The provisions in this section apply for the purposes of meeting the "No Child Left Behind" Act and the state of Idaho accountability requirements. (3-20-04)

01. Student Achievement Levels. There are four (4) levels of student achievement for the ISAT. (3-20-04)

a. Advanced: Exceeds Standards. The student demonstrates thorough knowledge and mastery of skills that allows him/her to function independently above his current educational level. (3-20-04)

i. The student demonstrates a comprehensive understanding of all relevant information. (3-20-04)

ii. The student demonstrates comprehension and understanding of knowledge and skills above his/her grade level. (3-20-04)

iii. The student can perform skills or processes independently without significant errors. (3-20-04)

b. Proficient: Meets Standards. The student demonstrates mastery of knowledge and skills that allow him/her to function independently on all major concepts and skills at his/her educational level. (3-20-04)

i. The student demonstrates a comprehensive understanding of all information relevant to the topic, at level. (3-20-04)

ii. The student can perform skills or processes independently without significant errors. (3-20-04)

c. Basic: Below Standards. The student demonstrates basic knowledge and skills usage but cannot operate independently on concepts and skills at his/her educational level. Requires remediation and assistance to complete tasks without significant errors. (3-20-04)

i. The student has an incomplete knowledge of the topic or misconceptions about some information. (3-20-04)

ii. The student requires assistance and coaching to complete tasks without errors. (3-20-04)

d. Below Basic: Critically Below Standards. The student demonstrates significant lack of skills and knowledge and is unable to complete basic skills or knowledge sets without significant remediation. (3-20-04)

i. The student has critical deficiencies of relevant knowledge of topic or misconceptions about some information. (3-20-04)

ii. The student cannot complete any skill set without significant assistance and coaching. (3-20-04)

02. Adequate Yearly Progress (AYP). (3-20-04)

a. Proficiency is defined as the number of students scoring proficient or advanced on the spring on-grade level ISAT. (3-20-04)

b. The State Department of Education will make AYP determinations for schools and districts each year. Results will be given to the districts no later than one (1) month prior to the first day of school. (3-20-04)

c. The baseline for AYP will be set by the Board and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-20-04)

03. Adequate Yearly Progress (AYP) Definitions. For purposes of calculating and reporting adequate yearly progress, the following definitions shall be applied. (3-20-04)

a. Full Academic Year (continuous enrollment). (3-20-04)

i. A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the end of the state approved spring testing administration period will be included in the calculation to determine if the school achieved AYP. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. Students who are expelled but return to another school in the same district are considered continuously enrolled to determine the district AYP. ~~*(3-20-04)*~~(3-19-04)T

ii. A student who is enrolled continuously in the school district from the first eight (8) weeks or fifty-six (56) calendar days of the school year through the end of the state approved spring testing administration period will be included when determining if the school district has achieved AYP. ~~*(3-20-04)*~~(3-19-04)T

iii. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the end of the state approved spring testing administration period will be included when determining if the state has achieved AYP. ~~*(3-20-04)*~~(3-19-04)T

b. Participation Rate. (3-20-04)

i. Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved AYP. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. (3-20-04)

(1) If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most current three (3) year average of participation. (3-19-04)T

(2) Students who are absent for the entire state-approved testing window because of a medical condition are exempt from taking the ISAT. (3-19-04)T

ii. For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students

will not have a participation determination. (3-20-04)

c. Schools. (3-20-04)

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. (3-20-04)

ii. A middle school is a school that does not meet the definition of an elementary school and contains grade eight (8) but does not contain grade twelve (12). ~~(3-20-04)~~(3-19-04)T

iii. A high school is any school that contains grade twelve (12). (3-20-04)

iv. The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school. (3-20-04)

d. Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: (3-20-04)

i. Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. (3-20-04)

ii. Economically disadvantaged - identified through the free and reduced lunch program. (3-20-04)

iii. Students with disabilities - individuals who are eligible to receive special education services through the Individuals with Disabilities Education Act (IDEA). (3-20-04)

iv. Limited English Proficient - individuals who score in the low range on the state-approved language proficiency test and meet one of the following criteria: (3-19-04)T

(1) ~~i~~Individuals whose native language is a language other than English; or (3-19-04)T

(2) ~~i~~Individuals who come from environments where a language other than English is dominant; or (3-19-04)T

(3) ~~i~~Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. ~~(3-20-04)~~(3-19-04)T

e. Graduation Rate. The State Board of Education will establish a target for graduation. All high schools must maintain or make progress toward the target each year. The graduation rate will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the "safe harbor" is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)

f. Additional Academic Indicator. The State Board of Education will establish a target for an additional academic indicator. All elementary and middle schools must maintain or make progress toward the additional academic indicator target each year. The additional academic indicator target will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the "safe harbor" is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)

IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-0401

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. The action is negotiated rulemaking authorized pursuant to Section 54-1208, Idaho Code.

HEARING SCHEDULE: Public hearings on the negotiated rulemaking will be held as follows:

No hearings are currently scheduled, however if twenty-five (25) or more persons, a political subdivision, or an agency request a hearing in writing, one will be scheduled. The Board solicits comments on preliminary suggested wording of a new rule.

Written requests for a hearing must be received by the undersigned on or before June 25, 2004. If no such request is received, a public hearing will not be held.

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

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

Submit written comments on preliminary suggested wording of a new rule as described below no later than June 25, 2004.

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

The purpose of the negotiated rulemaking is to develop a rule which clarifies that registrants are required to communicate with their clients and to be candid in those communications. The issue was presented to the Legislature during the last session, but at the request of the Board, after concerns were raised by registrants, the Legislature passed a Concurrent Resolution rejecting the rule. The Board now suggests that a new Subsection 06 be added to IDAPA 10.01.02.005 which would read "A Registrant shall be complete, objective and truthful in all communications with clients".

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact David L. Curtis, P.E., Executive Director, at (208) 334-3860.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 25, 2004.

DATED this 6th day of May, 2004.

David L. Curtis, P.E., Executive Director
Board of Professional Engineers
and Professional Land Surveyors
600 S. Orchard, Suite A, Boise, Idaho 83705
Phone (208) 334-3860 . Fax (208) 334-2008

IDAPA 19 - BOARD OF DENTISTRY

19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 19-0101-0401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is July 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-912(4), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than 5:00 p.m. (MST) on June 16, 2004.

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

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

The purpose of the proposed rulemaking is to provide rules in order to implement and effectuate legislation enacted in the Idaho Dental Practice Act during the 2004 legislative session. The proposed rulemaking provides the following: specific requirements for the issuance and renewal of the extended access dental hygiene endorsement; specific requirements to entitle a dental hygienist to volunteer in an extended access oral health care program; a specific list of permissible and prohibited functions for a dental hygienist practicing under differing levels of supervision in a private dental office or in an extended access oral health care program; a specific list of permissible and prohibited functions for a dental assistant while practicing under the direct supervision of a dentist; and continuing education requirements for volunteer dentists and dental hygienists holding an extended access dental hygiene endorsement.

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

The temporary adoption of the rules is appropriate in order to implement and effectuate legislation enacted in the Idaho Dental Practice Act during the 2004 legislative session. The rules also protect and benefit the public by means of creating standards for the issuance of an extended access dental hygiene endorsement which will greatly expand a dental hygienist's ability to provide dental hygiene services to children and elderly, handicapped and indigent persons in both public settings and other charitable programs.

FEE SUMMARY: There are no fees included in these rules proposed for temporary adoption.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Board of Dentistry undertook the following actions in connection with these rules. The proposed rules were published in the Spring of 2003 Board of Dentistry's Newsletter which was disseminated to every dentist and dental hygienist licensed in Idaho. The Board of Dentistry requested and received numerous written comments regarding the proposed rules. Many of the comments received from both dentists and dental hygienists were incorporated into the proposed rules. The members of the Board of Dentistry also negotiated the proposed rules with representatives of the Idaho State Dental Association, a professional association that represents 85% to 90% of the licensed dentists in Idaho, and participated in discussions with additional members of the Idaho State Dental Association at seven (7) component meetings conducted around the state of Idaho

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Michael J. Sheeley, Executive Director, Idaho State Board of Dentistry, at (208) 334-2369.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before 5:00 p.m. (MST) on June 23, 2004.

DATED this 11th day of May, 2004.

Michael J. Sheeley, Executive Director
Idaho State Board of Dentistry
708 ½ W. Franklin Street
Boise, Idaho 83720
(208) 334-2369 (telephone)
(208) 334-3247 (facsimile)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 19-0101-0401

004. INCORPORATION BY REFERENCE (RULE 4).
Pursuant to Section 67-5229, Idaho Code, this chapter incorporates by reference the following documents: (7-1-93)

01. Documents. (7-1-93)

a. American Association of Oral and Maxillofacial Surgeons, Office Anesthesia Evaluation Manual, 6th Edition, 2000. (3-15-02)

b. American Dental Association, Council on Dental Education, Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, October 2000. (3-15-02)

c. American Dental Association, Council on Dental Education, Guidelines for Use of Conscious Sedation, Deep Sedation and General Anesthesia for Dentists, October 2000. (3-15-02)

~~***d.*** *American Dental Association, Infection Control Recommendations for the Dental Office and the Dental Laboratory, JADA, August 1992.* *(7-1-93)*~~

~~**e**~~**d.** Centers for Disease Control and Prevention, DHHS, ~~*Recommended*~~ Guidelines for Infection Control ~~*Practice for Dentistry*~~ in Dental Health-Care Settings, ~~*1993*~~ 2003. ~~*(3-18-99)*~~(7-1-04)T

~~***f***~~**e.** American Dental Association, Principles of Ethics, Code of Professional Conduct and Advisory Opinions (ADA Code), January 2003(as amended). (3-20-04)

02. Availability. These documents are available for public review at the Idaho State Board of Dentistry, 708 1/2 West Franklin Street, Boise, Idaho 83720, or the Idaho State Law Library, Supreme Court Building, 451 W. State Street, Boise, Idaho 83720. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

026. -- 02~~9~~8. (RESERVED).

029. DENTAL HYGIENISTS - LICENSE ENDORSEMENTS (RULE 29).
Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, and these rules, the Board may grant license endorsements to qualified dental hygienists as follows: (7-1-04)T

01. Extended Access Dental Hygiene Endorsement. Upon application, the Board may grant an extended access dental hygiene endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that the following requirements are met: (7-1-04)T

a. The person has been licensed as a dental hygienist during the two (2) year period immediately prior to the date of application for an extended access dental hygiene endorsement; (7-1-04)T

b. For a minimum of one thousand (1000) total hours within the previous two (2) years, the person has either been employed as a dental hygienist in supervised clinical practice or has been engaged as a clinical practice educator in an approved dental hygiene school; (7-1-04)T

c. The person has not been disciplined by the Board or another licensing authority upon grounds that bear a demonstrable relationship to the ability of the dental hygienist to safely and competently practice under general supervision in an extended access oral health care program. (7-1-04)T

02. Extended Access Dental Hygiene Endorsement Exception. Any person holding an unrestricted active status dental hygienist's license issued by the Board who is employed as a dental hygienist in an extended access oral health care program in this state shall be granted an extended access dental hygiene endorsement without being required to satisfy the experience requirements specified in this rule. (7-1-04)T

03. Volunteer Dental Hygiene Services. A person holding an unrestricted active status dental hygienist's license issued by the Board may provide dental hygiene services in an extended access oral health care program without being issued an extended access dental hygiene license endorsement under the following circumstances: (7-1-04)T

a. The dental hygiene services must be performed in an extended access oral health care program under the supervision of a dentist who is employed or retained by or is a volunteer for the program; (7-1-04)T

b. The dental hygiene services performed shall be limited to oral health screening, preparation of health history, fluoride treatment, non-surgical periodontal treatment, oral prophylaxis, the application of caries preventative agents, the application of pit and fissure sealants with recommendation that patient will be seen by a dentist and preventive dental health instruction; (7-1-04)T

c. The dental hygienist must perform the dental hygiene services on a volunteer basis and shall not accept any form of remuneration for providing the services; and (7-1-04)T

d. The dental hygienist may not provide dental hygiene services under this provision for more than five (5) days within any calendar month. (7-1-04)T

04. Renewal. Upon payment of the appropriate annual license fee and completion of required continuing education credits specified for a dental hygiene license endorsement, a person meeting all other requirements for renewal of a license to practice dental hygiene shall be entitled to renewal of a dental hygiene license endorsement upon April 1 of each year. An endorsement shall immediately expire and be cancelled at such time as a person no longer holds an unrestricted active status dental hygienist's license issued by the Board or upon a person's failure to complete the required continuing education credits. (7-1-04)T

030. DENTAL HYGIENISTS - PRACTICE (RULE 30).
Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, dental hygienists are hereby ~~*prohibited from*~~ authorized to perform~~*ing*~~ the activities specified below: ~~*(3-18-99)*~~(7-1-04)T

01. ~~***Expanded Functions***~~ **General Supervision**. ~~*Administration of local anesthetic and nitrous oxide except under the indirect supervision and responsibility of a licensed dentist or attending physician in a hospital setting.*~~ A dental hygienist may perform specified duties under general supervision as follows: ~~*(3-18-99)*~~(7-1-04)T

a. Performing oral prophylaxis (including removal of supragingival and subgingival calculus, stains and accretions from teeth); (7-1-04)T

b. Performing intra-oral and extra-oral assessments (including charting of the oral cavity and surrounding structures, taking case histories and periodontal assessment); (7-1-04)T

c. Developing patient care plans for prophylaxis and non-surgical periodontal therapy in accordance with the treatment parameters set by supervising dentist; (7-1-04)T

d. Performing root planing; (7-1-04)T

e. Performing non-surgical periodontal therapy; (7-1-04)T

f. Performing closed subgingival curettage; (7-1-04)T

g. Administration of local anesthesia; (7-1-04)T

h. Removal of marginal overhangs (use of high speed handpieces or surgical instruments is prohibited); (7-1-04)T

i. Application of topical antibiotics or antimicrobials (used in non-surgical periodontal therapy); (7-1-04)T

j. Instructing patients in techniques of oral hygiene and preventive procedures; (7-1-04)T

k. Placement of antibiotic treated materials pursuant to written order and site specific; (7-1-04)T

l. Performing all duties which may be performed by a dental assistant; and (7-1-04)T

m. Performing such other duties as approved by the Board. (7-1-04)T

02. ~~***Restorative Procedures***~~ **Indirect Supervision**. ~~*The operative preparation of teeth for the placement of restorative materials or the placement or carving of restorative materials.*~~ A dental hygienist may perform specified duties under indirect supervision as follows: ~~*(7-1-93)*~~(7-1-04)T

a. Administration and monitoring of nitrous oxide; (7-1-04)T

b. All dental hygienist duties specified under general supervision; and (7-1-04)T

c. Performing such other duties as approved by the Board. (7-1-04)T

03. ~~***General Anesthesia***~~ **Direct Supervision**. ~~*Administration of any general anesthesia.*~~ A dental hygienist may perform specified duties under direct supervision as follows: ~~*(7-1-93)*~~(7-1-04)T

a. Use of a laser restricted to gingival curettage and bleaching; (7-1-04)T

b. All dental hygienist duties specified under general and indirect supervision; and (7-1-04)T

c. Performing such other duties as approved by the Board. (7-1-04)T

~~***04.*** ***Written Orders****. The dental hygienist is prohibited from working under general supervision unless written orders are received, recorded in the patient's record, and signed by the supervising dentist within the twelve (12) months preceding treatment by the dental hygienist.* *(3-18-99)*~~

031. DENTAL HYGIENISTS - PROHIBITED PRACTICE (RULE 31).
Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, and these rules, a dental hygienist may not perform certain specified duties. (7-1-04)T

01. Prohibited Duties. A dental hygienist is prohibited from performing the duties specified below:

(7-1-04)T

a. Definitive diagnosis and dental treatment planning; (7-1-04)T

b. The operative preparation of teeth for the placement of restorative materials; (7-1-04)T

c. The placement or carving of restorative materials; (7-1-04)T

d. Administration of any general anesthesia or conscious sedation; (7-1-04)T

e. Final placement of any fixed or removable appliances; (7-1-04)T

f. Final removal of any fixed appliance; (7-1-04)T

g. Cutting procedures utilized in the preparation of the coronal or root portion of the tooth; (7-1-04)T

h. Cutting procedures involving the supportive structures of the tooth; (7-1-04)T

i. Placement of the final root canal filling; (7-1-04)T

j. Final impressions of any tissue-bearing area, whether hard or soft tissue; (7-1-04)T

k. Occlusal equilibration procedures for any prosthetic restoration, whether fixed or removable; (7-1-04)T

l. Final placement of prefabricated or cast restorations or crowns; and (7-1-04)T

m. Such other duties as specifically prohibited by the Board. (7-1-04)T

03~~1~~2. -- 034. (RESERVED).

035. DENTAL ASSISTANTS - PRACTICE (RULE 35).

01. Direct Supervision. A dental assistant may perform specified activities under direct supervision as follows: (7-1-04)T

a. Recording the oral cavity (existing restorations, missing and decayed teeth); (7-1-04)T

b. Placement of topical anesthetic agents (prior to administration of a local anesthetic by a dentist or dental hygienist); (7-1-04)T

c. Removal of excess bonding material from temporary and permanent restorations and orthodontic appliances (using hand instruments or contra-angle handpieces with disks or polishing wheels only); (7-1-04)T

d. Expose and process radiographs; (7-1-04)T

e. Take impressions for preparation of diagnostic models, bleach trays, fabrication of night guards, temporary appliances, temporary crowns or bridges; (7-1-04)T

f. Record diagnostic bite registration; (7-1-04)T

g. Record bite registration for fabrication of restorations; (7-1-04)T

h. Provide patient education and instruction in oral hygiene and preventive services; (7-1-04)T

i. Placement of cotton pellets and temporary restorative materials into endodontic access openings;

(7-1-04)T

j. Placement and removal of arch wire; (7-1-04)T

k. Placement and removal of orthodontic separators; (7-1-04)T

l. Placement and removal of ligature ties; (7-1-04)T

m. Cutting arch wires; (7-1-04)T

n. Removal of loose orthodontic brackets and bands to provide palliative treatment; (7-1-04)T

o. Adjust arch wires; (7-1-04)T

p. Etching of teeth prior to placement of restorative materials; (7-1-04)T

q. Etching of enamel prior to placement of orthodontic brackets or appliances by a Dentist; (7-1-04)T

r. Placement and removal of rubber dam; (7-1-04)T

s. Placement and removal of matrices; (7-1-04)T

t. Placement and removal of periodontal pack; (7-1-04)T

u. Removal of sutures; (7-1-04)T

v. Application of cavity liners and bases; (7-1-04)T

w. Placement and removal of gingival retraction cord; (7-1-04)T

x. Application of topical fluoride agents; and (7-1-04)T

y. Performing such other duties as approved by the Board. (7-1-04)T

0~~1~~2. **Prohibited Duties**. Subject to other applicable provisions of these rules and of the Act, dental assistants are hereby prohibited from performing any of the activities specified below: (7-1-93)

a. Definitive ~~D~~diagnosis and treatment planning. ~~(7-1-93)~~(7-1-04)T

b. The placement or carving of permanent restorative materials in any manner. (7-1-93)

c. ~~*Initiate or regulate the flow of nitrous oxide on a patient*~~ Any procedure using lasers. ~~(7-1-93)~~(7-1-04)T

d. The administration of any general anesthetic, infiltration anesthetic or any injectable nerve block procedure~~;~~. ~~(3-18-99)~~(7-1-04)T

e. Any oral prophylaxis. Oral prophylaxis is defined as the removal of plaque, calculus, and stains from the exposed and unexposed surfaces of the teeth by scaling and polishing. (7-1-93)

f. Any intra-oral procedure using a highspeed handpiece. (7-1-04)T

~~*f*~~**g.** The following expanded functions, unless authorized by a Certificate of Registration or certificate or diploma of course completion issued by an approved teaching entity and performed under direct supervision: ~~(7-1-93)~~(7-1-04)T

i. Fabrication and ~~P~~placement ~~and remove~~ of temporary ~~restorations~~ crowns; ~~(7-1-93)~~(7-1-04)T

ii. Perform the mechanical polishing of restorations; (7-1-93)

iii. Monitor the patient while nitrous oxide analgesia is being administered; ~~(3-18-99)~~(7-1-04)T

iv. Application of pit and fissure sealants; (7-1-93)

v. Coronal polishing, unless authorized by a Certificate of Registration; this refers to the technique of removing soft substances from the teeth with pumice or other such abrasive substances with a rubber cup or brush. This in no way authorizes the mechanical removal of calculus nor is it to be considered a complete oral prophylaxis. This technique (coronal polishing) would be applicable only after examination by a dentist and removal of calculus by a dentist or dental hygienist. (7-1-93)

0~~2~~3. Expanded Functions Qualifications. A dental assistant may be considered Board qualified in expanded functions, authorizing the assistant to perform any or all of the expanded functions described in Subsection 035.0~~1~~2.~~f~~g. upon satisfactory completion of the following requirements: ~~(7-1-93)~~(7-1-04)T

a. Completion of Board-approved training in each of the expanded functions with verification of completion of the training to be provided to the Board upon request by means of a Certificate of Registration or other certificate evidencing completion of approved training. The required training shall include adequate training in the fundamentals of dental assisting, which may be evidenced by: ~~(3-18-99)~~(7-1-04)T

i. Current certification by the Dental Assisting National Board; or (7-1-93)

ii. Successful completion of a Board-approved course in the fundamentals of dental assisting; or (3-18-99)

iii. Successfully challenging the fundamentals course. (7-1-93)

b. Successful completion of a Board-approved competency examination in each of the expanded functions. There are no challenges for expanded functions. (3-18-99)

0~~3~~4. Course Approval. Any school, college, institution, university or other teaching entity may apply to the Board to obtain approval of its courses of instruction in expanded functions. Before approving such course, the Board may require satisfactory evidence of the content of the instruction, hours of instruction, content of examinations or faculty credentials. (3-18-99)

0~~4~~5. Other Credentials. Assistants, who have completed courses or study programs in expanded functions that have not been previously approved by the Board, may submit evidence of the extent and nature of the training completed, and, if in the opinion of the Board the same is at least equivalent to other Board-approved courses, and demonstrates the applicant's fitness and ability to perform the expanded functions, the Board may consider the assistant qualified to perform any expanded function(s). (3-18-99)

(BREAK IN CONTINUITY OF SECTIONS)

050. CONTINUING EDUCATION FOR DENTISTS (RULE 50).
Effective October 1994, renewal of any active dental license will require evidence of completion of continuing education or volunteer dental practice that meets the following requirements. ~~(3-18-99)~~(7-1-04)T

01. Requirements: (3-18-99)

a. All active dentists must hold a current CPR card. (7-1-93)

b. All active dentists shall acquire fifteen (15) credits of continuing education in each renewal year. One (1) credit is defined as one (1) hour of instruction. (7-1-93)

c. Continuing education must be oral health/health-related for the professional development of a dentist. The fifteen (15) credits shall be obtained through continuing education courses, correspondence courses, college credit courses, and viewing of videotape or listening to other media devoted to dental education. (3-18-99)

d. A dentist holding an active status license issued by the Board shall be allowed one (1) credit of continuing education for every two (2) hours of verified volunteer dental practice performed during the renewal year up to a maximum of five (5) credits. (7-1-04)T

02. Documentation. In conjunction with the annual license renewal, the dentist shall provide a list of continuing education credits obtained and verification of hours of volunteer dental practice performed and certify that the minimum requirements were completed in the one (1) year period. ~~(7-1-93)~~(7-1-04)T

051. CONTINUING EDUCATION FOR DENTAL HYGIENISTS (RULE 51).
Effective April 1994, renewal of any active dental hygiene license or dental hygiene license endorsement will require evidence of completion of continuing education or volunteer dental hygiene practice that meets the following requirements. ~~(3-18-99)~~(7-1-04)T

01. Requirements For Renewal Of An Active Status Dental Hygiene License: ~~(3-18-99)~~(7-1-04)T

a. All active dental hygienists must hold a current CPR card. (6-2-92)

b. All active dental hygienists shall acquire twelve (12) credits of continuing education in each renewal year. One (1) credit is defined as one (1) hour of instruction. (6-2-92)

c. Continuing education must be oral health/health-related education for the professional development of a dental hygienist. The twelve (12) credits shall be obtained through continuing education courses, correspondence courses, college credit courses, viewing of videotape or listening to other media devoted to dental hygiene education. (3-18-99)

d. A dental hygienist holding an active status license issued by the Board shall be allowed one (1) credit of continuing education for every two (2) hours of verified volunteer dental hygiene practice performed during the renewal year up to a maximum of five (5) credits. (7-1-04)T

02. Requirements For Renewal Of An Extended Access Dental Hygiene License Endorsement. In addition to any other continuing education requirements for renewal of a dental hygiene license, a person granted an extended access dental hygiene license endorsement shall complete six (6) credits of continuing education in each renewal year in the specific practice areas of medical emergencies, local anesthesia, oral pathology, care and treatment of geriatric, medically compromised or disabled patients and treatment of children. (7-1-04)T

0~~2~~3. Documentation. In conjunction with the annual license and endorsement renewal, the dental hygienist shall provide a list of continuing education credits obtained and verification of hours of volunteer dental hygiene practice performed and certify that the minimum requirements were completed in the one (1) year period. ~~(6-2-92)~~(7-1-04)T

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0405

NOTICE OF REVISION TO FINAL DECISION ON THE SNAKE RIVER HELLS CANYON TMDL

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a revision to the final decision on the Snake River Hells Canyon Total Maximum Daily Load (TMDL).

DESCRIPTIVE SUMMARY: The area covered by the SR-HC TMDL (Hydrologic Unit Codes 17050115, 17050201 and 17060101, and a small corner of 17050103) is limited to the Snake River from river mile 409 to river mile 188. The SR-HC TMDL addresses seven (7) water body segments on Idaho's 1998 Section 303(d) list in the Brownlee Reservoir subbasin of the Lower Snake River Basin. The Department of Environmental Quality's (DEQ's) formal submission of these TMDLs for U.S. Environmental Protection Agency (EPA) approval under the Clean Water Act was originally made on July 15, 2003.

DEQ hereby gives notice of minor revisions to the final decision on the Snake River Hells Canyon TMDL as requested by EPA. The revisions only to the final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

AVAILABILITY OF THE TMDL: Electronic copy of the revisions only can be obtained at www.deq.state.id.us/water/tmdls/snakeriver_hellscanyon/snakeriver_hellscanyon_tmdl_revision.htm. Electronic copy of the original TMDL submittal of July 15, 2003 can be obtained at www.deq.state.id.us/water/tmdls/snakeriver_hellscanyon/snakeriver_hellscanyon_tmdl_final.htm or by contacting Marti Bridges, TMDL Program Manager, 208-373-0382, mbridges@deq.state.id.us.

Dated this 6th day of May, 2004.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pwilson@deq.state.id.us

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-0401

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This action is authorized by Chapter 1, Title 39, Idaho Code, and Chapter 21, Title 37, Idaho Code.

MEETING SCHEDULE: Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meetings. The meetings will take place simultaneously and will be connected by telephone. Additional meetings may be scheduled if necessary. For information regarding additional meetings, contact Tom John at (208)373-0191 or tjohn@deq.state.id.us.

June 11, 2004, 10 a.m. to 5 p.m. MDT
Department of Environmental Quality, Conference Room D
1410 N. Hilton, Boise, Idaho

June 11, 2004, 9 a.m. to 4 p.m. PDT
Department of Environmental Quality, Large Conference Room
2110 Ironwood Parkway, Coeur d'Alene, Idaho

PRELIMINARY DRAFT: A preliminary draft of the rule can be obtained at www.deq.state.id.us/rules/58-0108-0401_negotiated.htm or by contacting Tom John at (208) 373-0191 or tjohn@deq.state.id.us.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) is initiating negotiated rulemaking to clarify language in various sections of the rules where interpretation is difficult or where the rules fail to accommodate accepted practices. This rulemaking will also update federal regulations incorporated by reference and address various minor housekeeping issues.

It is DEQ's intent to restrict negotiations to the following specific sections that have been identified as needing change. Comprehensive revisions of the drinking water rules were completed in 2002.

Update federal regulations and other documents incorporated by reference.

Broaden the language dealing with the use of disinfectants in public water systems and bring requirements into line with current science.

Improve language in sections that have posed interpretive difficulties, such as applicability of separation distances between main pipelines, certain requirements for well houses and other enclosures, clarification of language requiring plan and specification review for new or modified water systems, and other minor language changes to make the rules easier to read and understand.

Minor modifications to language regarding contracting for operator services. These modifications are necessary for implementation of the Drinking Water and Wastewater Professionals Licensing Act, Senate Bill 1279, wherein the Legislature transferred authority for the licensure of drinking water and wastewater operators from DEQ to a Governor appointed Drinking Water and Wastewater Professional Board and the Idaho Bureau of Occupational Licenses.

General cleanup of cross-references and other housekeeping issues.

The purpose of this rulemaking is to enhance ease of use by regulators, by water systems and their consultants, and by DEQ staff. The proposed changes will also avoid unnecessary restrictions on water system practices. Regulated public water systems and their customers, consulting engineers who design and oversee construction of public water works, and organizations that represent these groups may be interested in this rulemaking.

The DEQ intends to conclude the negotiations in July 2004 and publish a proposed rule for public comment in the September 2004 issue of the Idaho Administrative Bulletin. DEQ intends to present the rule to the Board of Environmental Quality for adoption of a pending rule in November 2004.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Tom John at (208) 373-0191 or tjohn@deq.state.id.us.

Anyone may submit written comments on the preliminary draft by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before June 30, 2004.

Dated this 5th day of May, 2004.

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IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.17 - WASTEWATER-LAND APPLICATION PERMIT RULES

DOCKET NO. 58-0117-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. This action is authorized by Title 39, Chapter 1, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before July 21, 2004. If no such written request is received, a public hearing will not be held.

INFORMATIONAL MEETINGS: The Department of Environmental Quality has scheduled informational meetings regarding this rulemaking at the following locations:

June 10, 2004, 1:30 to 3:30 p.m. PDT
Department of Environmental Quality
2110 Ironwood Parkway, Coeur d'Alene, Idaho
(208) 769-1422

June 16, 2004, 1 to 2 p.m. MDT
Doubletree Riverside Hotel, Liberty Room
2900 Chinden Blvd., Boise, Idaho
(208) 343-1871

(This meeting has been scheduled in conjunction with the Association of Idaho Cities Annual Conference. All are welcome to attend this informational meeting.)

June 24, 2004, 1:30 to 3:30 p.m. MDT
Department of Environmental Quality
900 N. Skyline Suite B, Idaho Falls, Idaho
(208) 528-2650

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to add an additional class of treated wastewater to the Wastewater-Land Application Rules for reuse. This will add a class of more highly treated wastewater that can be used for more purposes, including aquifer recharge, residential irrigation, toilet flushing, water features, etc. This rulemaking will add definitions; additional application requirements for this new class including engineering report requirements; treatment and monitoring requirements; requirements for municipal reuse distribution systems; and technical, managerial, financial, and legal requirements. Municipalities, industry, consulting engineers, land developers, EPA, and other government agencies may be interested in commenting on this rulemaking.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, the Idaho Department of Environmental Quality (DEQ) intends to present the final proposal to the Board of Environmental Quality in the fall of 2004 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2005 session of the Idaho Legislature if approved by the Legislature.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule regulates an activity not regulated by the federal government. The following is a summary of additional information required by Sections 39-107D(3) and (4), Idaho Code, supporting modifications to the Wastewater-Land Application Permit Rules, IDAPA 58.01.17. The requirements set forth in this proposed rule are based upon studies and analysis conducted by other states, the U.S. Environmental Protection Agency (EPA), and national water reuse organizations that indicate the requirements are protective of human health and the environment and do not pose an unreasonable risk to the public potentially

exposed. The referenced studies and analysis will be included in the rulemaking record and can be reviewed during the public comment period for further detailed information regarding risk.

Section 39-107D(3)(a), Idaho Code. Identification of each population or receptor addressed by an estimate of public health effects or environmental effects. The limits placed on wastewater treatment in the stated modifications are proposed for both public health and environmental effects. The population affected by these limits includes the residents and users of facilities being irrigated by this wastewater effluent and the potential users of down-gradient beneficial uses of groundwater being recharged by this wastewater effluent.

Section 39-107D(3)(b) and (c), Idaho Code. Identification of the expected risk or central estimate of risk for the specific population or receptor and identification of each appropriate upper bound or lower bound estimate of risk. The expected risk of exposure to this quality of wastewater effluent for each of these populations is as follows.

The expected risk for nitrate contamination on groundwater is low. For nitrate from the wastewater effluent entering the groundwater and affecting down-gradient beneficial users for drinking water (either directly or indirectly), the proposed limits are based on the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08, and Idaho's Ground Water Quality Rule, IDAPA 58.01.11. These standards are based on past studies by EPA determining the adverse health effects on infants from nitrate in drinking water.

The expected risk for pathogen contamination for affected populations is low. For pathogens in the wastewater effluent, the proposed coliform limits are based on Idaho's existing Wastewater-Land Application Permit Rules. Associated additional requirements regarding treatment, buffer zones, reliability and redundancy are included to give additional assurance that the limits are attained consistently.

There are multiple requirements put on the distribution system of the wastewater effluent. These requirements provide the affected populations with safeguards against contamination of their drinking water system from parallel or crossing main lines. These requirements also protect against contamination of their wastewater effluent system by raw sewage in parallel or crossing main lines. The expected risk of this type of contamination is low.

The requirements set forth in this proposed rule are based upon studies and analysis conducted by other states, EPA, and national water reuse organizations that indicate the requirements are protective of human health and the environment and do not pose an unreasonable risk to the public potentially exposed. The referenced studies and analysis will be included in the rulemaking record and can be reviewed during the public comment period for further detailed information regarding risk.

Section 39-107D(3)(d), Idaho Code. Identification of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty. The limits placed on wastewater treatment in the stated modifications are proposed for both public health and environmental effects. The limits in these proposed rule modifications are based on limits and standards used by other states and as promoted by national water reuse organizations. Although Idaho's wastewater land application permit program has been in affect for many years utilizing treated effluent for agricultural and municipal beneficial irrigation, the use of highly treated wastewater for higher beneficial uses is an evolving industry throughout the U.S. and the world. These higher uses, involving almost unrestricted use and unrestricted access by the general public, call for higher treatment and monitoring requirements to protect the affected populations. The uncertainty in assessing the health and environmental effects is believed to be minimal, but not zero.

Section 39-107D(3)(e), Idaho Code. Identification of studies known to the department that support, are directly relevant to, or fail to support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data. The use of the proposed 10 mg/l for nitrate is based on the existing Ground Water Quality Rule and the existing Idaho Rules for Public Drinking Water Systems. The use of the proposed 2.2 total coliform limit is currently in the Wastewater-Land Application Permit Rules.

The requirements set forth in this proposed rule are based upon studies and analysis conducted by other states, EPA, and national water reuse organizations that indicate the requirements are protective of human health and the environment and do not pose an unreasonable risk to the public potentially exposed. The referenced studies and analysis will be included in the rulemaking record and can be reviewed during the public comment period for further detailed information regarding risk.

NEGOTIATED RULEMAKING: The text of the proposed rule has been drafted based on discussions held during a negotiation conducted pursuant to Idaho Code Section 67-5220 and IDAPA 04.11.01.812 -815. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, November 5, 2003, Volume 03-11, page 90.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.deq.state.id.us.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Mark Mason at (208) 373-0266 or mmason@deq.state.id.us.

Anyone may submit written comments on the proposed rule by mail, fax or e-mail at the address below. The comment period will run from July 7, 2004 through August 4, 2004. DEQ will consider all written comments received by the undersigned on or before August 4, 2004.

Dated this 5th day of May, 2004.

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0117-0301

001. TITLE AND SCOPE.

01. Title. These rules are to be known and cited as Idaho Department of Environmental Quality Rules, IDAPA 58.01.17, "Wastewater-Land Application Permit Rules". (4-1-88)

02. Scope. These rules establish the procedures and requirements for the issuance and maintenance of pollution source permits for the treatment of municipal and industrial wastewaters by application to land, and the treatment of municipal wastewaters for other reuse purposes as defined in Subsection 600.07, Direct Use of Municipal Wastewater. ~~(4-1-88)~~( )

002. WRITTEN INTERPRETATIONS.
Any written statements pertaining to the interpretation of these rules shall be available for review at the Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255. ( )

003. INCORPORATION BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 003.02 shall constitute the full adoption by reference. ( )

02. **Documents Incorporated By Reference**. The following documents are incorporated by reference into these rules: ( )

a. IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.06, as codified in the 2004 Idaho Administrative Code. ( )

b. IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.07, as codified in the 2004 Idaho Administrative Code. ( )

03. **Availability Of Documents Incorporated By Reference**. Copies of the documents incorporated by reference are available at the following locations. ( )

a. Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255. ( )

b. Idaho Administrative Rules website, http://www.state.id.us/adm/adminrules/agyindex.htm. ( )

00~~2~~4. -- 099. (RESERVED).

100. APPLICABILITY.

01. **Existing Land Application Facilities**. Those land application facilities which are in operation on the effective date of these rules are deemed to be validly permitted for up to one (1) year. Permit conditions for the first permit issued to any existing facility under these rules shall substantially conform to the existing practices of such facility unless those existing practices cause or create conditions hazardous to the public health or to the environment, or violate other laws or regulations. (4-1-88)

02. **Excluded Facilities**. Land application of wastewater from livestock truck washing facilities, feedlots, dairies and mining are excluded from permit requirements under these rules but are subject to Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements". The Director may exclude other facilities if covered adequately by other law. ~~*(12-31-91)*~~( )

101. -- 199. (RESERVED).

200. DEFINITIONS.
For the purpose of these rules the following definitions apply unless another meaning is clearly indicated by context: (4-1-88)

01. **Applicant**. The person applying for a wastewater land application permit. ( )

0~~1~~2. **Applicable Requirements**. Any state, local or federal statutes, regulations or ordinances to which the facility is subject. (4-1-88)

0~~2~~3. **Board**. The Idaho State Board of Environmental Quality. (12-31-91)

04. **Buffer Distances**. The distances between the actual land application of wastewater and other uses such as wells, adjoining property, inhabited dwellings, and other features. These distances are further defined in The Idaho Guidance for Land Application of Municipal and Industrial Wastewater. ( )

05. **Capacity**. The capabilities required of a Class A effluent treatment and distribution system in order to achieve and maintain compliance with these rules. ( )

06. **Class A Effluent Distribution System**. The distribution system for Class A effluent as described in these rules. 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 of IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," Section 404. ( )

0~~3~~7. **Department**. The Idaho Department of Environmental Quality. (4-1-88)

0~~4~~8. **Director**. The Director of the Department of Environmental Quality or the Director's designee. (4-1-88)

09. **Idaho Guidance For Land Application Of Municipal And Industrial Wastewater**. This document provides guidance for permitting and operating land application facilities. Copies of the document are available at the Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255. ( )

~~05~~10. **Land Application Facility Or Facility**. Any structure or system designed or used to treat wastewater through application to the land surface. (4-1-88)

~~06~~11. **Municipal Wastewater**. Waste water that contains sewage. (4-1-88)

~~07~~12. **New Activity**. Any significant change in operation or construction of the wastewater treatment system which may impact the waters of the state. (4-1-88)

~~08~~13. **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. (4-1-88)

14. **NTU**. Nephelometric Turbidity Unit - a unit of measurement of the level of turbidity. ( )

~~09~~15. **Permit**. Written authorization by the Director to land apply or discharge wastewater, other than to surface waters of the state, as identified in the plan of operation. (4-1-88)

16. **Permittee**. The person to whom the wastewater land application permit is issued. ( )

1~~0~~7. **Person**. An individual, corporation, partnership, association, state, municipality, commission, political subdivision of the state, state agency, federal agency, special district, or interstate body. (4-1-88)

18. **Point Of Compliance**. That point in the facility where the treated effluent wastewater must meet the different limit requirements of the permit. There may be more than one (1) point of compliance within the facility depending on the constituents to be monitored. ( )

1~~1~~9. **Primary Effluent**. Raw wastewater that has been mechanically treated by screening, degritting, sedimentation and/or skimming processes to remove substantially all floatable and settleable solids. (4-1-88)

~~12~~20. **Processed Food Crop**. Any crop intended for human consumption that has been changed from its original form and further disinfection occurs. (4-1-88)

~~13~~21. **Rapid Infiltration System**. A wastewater treatment method by which wastewater is applied to land in an amount of twenty (20) to six hundred (600) feet per year for percolation through the soil. Vegetation is not generally utilized by this method. (4-1-88)

~~14~~22. **Raw Food Crop**. Any crop intended for human consumption which is to be used in its original form. (4-1-88)

23. **Reclaimed Water / Reuse Water**. For the purpose of these rules, the term reclaimed water or reuse shall mean municipal wastewater that is used in accordance with these rules. ( )

~~15~~24. **Restricted Public Access**. ~~*Preventing*~~ Restricting unauthorized public entry ~~*within one thousand (1,000) feet of the border of*~~ to a facility by site location or physical structures such as fencing. ~~*A buffer strip less than one thousand (1,000) feet may be accepted if aerosol drift is reduced.* (4-1-88)~~( )

25. **Reuse Facility**. Any municipal structure or system designed or used to treat wastewater for the purpose of reusing the effluent including, but not limited to, wastewater treatment facilities, pumping and storage facilities, pipeline and distribution facilities, and the property to which the wastewater is applied. ( )

~~16~~26. **Sewage**. The water-carried human wastes from residences, buildings, industrial establishments and other places. (4-1-88)

~~17~~27. **Sludge**. The semi-liquid mass produced by treatment of water or wastewater. (4-1-88)

~~18~~28. **Time Distribution Of Flows**. A measurement of the volume of wastewater distributed over a specified area during a specified time period. Typical unit of measure is inches per acre per week. (4-1-88)

~~19~~29. **Wastewater**. Unless otherwise specified, industrial waste, municipal waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present but not including sludge, or non-contact cooling water. (4-1-88)

~~20~~30. **Wastewater Treatment System**. All phases of wastewater treatment including any pretreatment equipment and the land ~~*application*~~ treatment facility. ~~(4-1-88)~~(____)

~~2~~31. **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. (4-1-88)

201. -- 299. (RESERVED).

300. PERMIT REQUIREMENTS AND APPLICATION.

01. Permit Required. No person shall construct, modify, operate, or continue to operate a land application facility or other reuse facility without a valid permit issued by the Director as provided in these rules. ~~(4-1-88)~~(____)

02. Dischargers. No person shall discharge to a land application or other reuse facility without a valid permit issued by the Director as provided in these rules. ~~(4-1-88)~~(____)

03. Pre-Application Conference. Prospective applicants are encouraged to meet with the Department to discuss application procedure and anticipated application requirements. (4-1-88)

04. Application Required. Every person requiring a permit under these rules shall submit a permit application to the Department: (4-1-88)

a. At least one hundred eighty (180) days prior to the day on which a new activity is to begin; (4-1-88)

b. At least one hundred eighty (180) days prior to the expiration of any permit issued pursuant to these rules; (4-1-88)

c. Within one hundred eighty (180) days after the effective date of these rules for any existing land application facility deemed to be permitted under these rules. (4-1-88)

05. Application Contents. Application shall be made on a form prescribed by the Director and available from the Department and shall include, but not be limited to, the following information: (4-1-88)

a. Name, location, and mailing address of the facility; (4-1-88)

b. Name, mailing address, and phone number of the facility owner and signature of the owner or authorized agent; (4-1-88)

c. The nature of the entity owning the facility (federal, state, private, or public entity); (4-1-88)

d. A list of local, state, and federal permits, licenses and approvals related to the activity which have been applied for and which have been received and the dates of application or approval; (4-1-88)

e. A topographic map of the facility site identifying and showing the location and extent of: (4-1-88)

i. Wastewater inlets, outlets, and storage structures and facilities; (4-1-88)

ii. Wells, springs, wetlands, and surface waters; (4-1-88)

iii. Twenty-five (25), fifty (50), and one hundred (100) year flood plains, as available through the Federal Insurance Administration of the Federal Emergency Management Agency; (4-1-88)

iv. Service roads; (4-1-88)

v. Natural or man-made features necessary for treatment; (4-1-88)

vi. Buildings and structures; and (4-1-88)

vii. Process chemicals and residue storage facilities. (4-1-88)

f. A topographic map which may be separate from or combined with the facility site map, extending one quarter (1/4) mile beyond the outer limits of the facility site. The map shall identify and show the location and extent of the following: (4-1-88)

i. Wells, ~~S~~springs, wetlands, and surface waters; ~~(4-1-88)~~(____)

ii. Public and private drinking water supply sources and source water assessment areas (public water system protection area information); ~~(4-1-88)~~(____)

iii. Public roads; and (4-1-88)

iv. Dwellings and private and public gathering places. (4-1-88)

g. If the facility site or any portion thereof is leased or rented, a copy of that lease or rental agreement; (4-1-88)

h. The volume of wastewaters to be treated and the time distribution of flows; (4-1-88)

i. The physical, chemical, and biological characteristics of the wastewater; (4-1-88)

j. The climatic, hydrogeologic, and soil characteristics of the facility site. (4-1-88)

k. Other information may also be required. The Preliminary Technical Report outline in the The Idaho Guidance for Land Application of Municipal and Industrial Wastewater application checklist describes what this other information is. (____)

06. Existing Land Application Facility. Any existing land application facility ~~will~~ or other reuse facility shall be required to have a plan of operation which describes in detail the operation, maintenance, and management of the wastewater treatment system. ~~(4-1-88)~~(____)

07. New Land Application Facility. Any new proposed land application facility ~~will~~ or other reuse facility shall be required to have a detailed plan of operation at the fifty percent (50%) completion point of construction. In addition, after one (1) year of operation the plan must be updated to reflect actual operating procedures. A general outline of the plan of operation must be provided with the permit application which will satisfy the intent of these rules. ~~(4-1-88)~~(____)

(BREAK IN CONTINUITY OF SECTIONS)

401. PLAN AND SPECIFICATION REVIEW.
The current edition of the "Recommended Standards for Wastewater Facilities - Great Lakes-Upper Mississippi River Board of State Sanitary Engineers," "Idaho Standards for Public Works Construction," and other Department guidance shall be used as guides for the development of plans and specifications for all waste treatment facilities in accordance with IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," Section 402. The Department may review the project plans and specifications and the permit application materials concurrently. Plans and specifications may require modification prior to a final permit being issued. ( )

01. Requirement For Single Point Of Contact Responsible For Entire Wastewater Project. The Applicant (Permittee) shall designate a single point of contact who is responsible for all submissions to the Department related to the wastewater facilities construction project. This single point of contact shall be identified in the permit application. ( )

02. Requirement For Preparation Of Plans And Specifications. All plans and specifications for the construction of new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities or modification or expansion to same shall be submitted to and approved by the Director before construction can begin in accordance with Chapter 1, Title 39, Idaho Code, and IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," Section 402. ( )

03. Requirement For Professional Engineer's Seal. All plans and specifications for the construction of new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities or modification or expansion to same, wherein the public welfare or the safeguarding of life, health, or property is involved, shall bear the seal, signature and date of a registered professional engineer licensed in the state of Idaho in accordance Chapter 12, Title 54, Idaho Code. ( )

40~~1~~2. -- 499. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

600. SPECIFIC PERMIT CONDITIONS.

01. Basis For Specific Permit Conditions. Conditions necessary for the protection of the environment and the public health may differ from facility to facility because of varying environmental conditions and wastewater compositions. The Director may establish, on a case-by-case basis, specific permit conditions. Specific conditions shall be established in consideration of characteristics specific to a facility and inherent hazards of those characteristics. Such characteristics include, but are not limited to: (4-1-88)

a. Chemical, biological, physical, and volumetric characteristics of the wastewater; (4-1-88)

b. Geological and climatic nature of the facility site; (4-1-88)

c. Size of the site and its proximity to population centers and to ground and surface water; (4-1-88)

d. Legal considerations relative to land use and water rights; (4-1-88)

e. Techniques used in wastewater distribution and the disposition of that vegetation exposed to wastewaters; (4-1-88)

f. Abilities of the soils and vegetative covers to treat the wastewater without undue hazard to the environment or to the public health; and (4-1-88)

g. The need for monitoring and record keeping to determine if the facility is being operated in

conformance with its design and if its design is adequate to protect the environment and the public health. (4-1-88)

02. **Duration Of Permit**. The permit shall be effective for a fixed term of not more than five (5) years. (4-1-88)

03. **Limitations To Operation**. Conditions of the permit may specify or limit: (4-1-88)

a. Wastewater composition; (4-1-88)

b. Method, manner, and frequency of wastewater treatment; (4-1-88)

c. Wastewater pretreatment requirements; (4-1-88)

d. Physical, chemical, and biological characteristics of a land application facility; and (4-1-88)

e. Any other condition the Director finds necessary to protect public health or environment. (4-1-88)

04. **Compliance Schedules**. The Director may establish a compliance schedule for existing facilities as part of the permit conditions including: (4-1-88)

a. Specific steps or actions to be taken by the permittee to achieve compliance with applicable requirements or final permit conditions; (4-1-88)

b. Dates by which those steps or actions are to be taken; and (4-1-88)

c. In any case where the period of time for compliance exceeds one (1) year the schedule may also establish interim requirements and the dates for their achievements. (4-1-88)

05. **Monitoring Requirements**. Any facility may be subject to monitoring requirements including, but not limited to: (4-1-88)

a. The installation, use, and maintenance of monitoring equipment; (4-1-88)

b. Monitoring or sampling methodology, frequency, and locations; (4-1-88)

c. Monitored substances or parameters; (4-1-88)

d. Testing and analytical procedures; and (4-1-88)

e. Reporting requirements including both frequency and form. (4-1-88)

06. **Rapid Infiltration Systems**. The following minimum treatment requirements are established for land application of wastewater. (4-1-88)

a. Suspended solids content of wastewater which includes organic and inorganic particulate matter shall not exceed a thirty (30) day average concentration of one hundred (100) mg/l. (4-1-88)

b. Nitrogen (total as N) content of wastewater shall not exceed a thirty (30) day average concentration of twenty (20) mg/l. (4-1-88)

07. **Direct Use Of Municipal Wastewater**. Treatment requirements applicable to direct use of municipal wastewater include, but are not limited to, the following~~:~~. The applicable treatment requirements, buffer zones, access restrictions, disinfection requirements, uses, and other requirements are further described in the Classification Table in Subsection 600.08. ~~*(4-1-88)*~~( )

a. Class A effluent is municipal wastewater that may be used under particular circumstances for residential irrigation at individual homes (controlled only by the system operator), ground water recharge, surface

spreading, seepage ponds, other unlined water features, drive-through car wash facilities, and other appropriate uses. Class A effluent shall be oxidized, coagulated, clarified, and filtered, or treated by an equivalent process and adequately disinfected. Additionally, enhanced filtration requirements, nutrient removal requirements, turbidity limits requirements, monitoring requirements, reliability and redundancy requirements, and distribution system requirements also apply. Class A treatment systems are required to be pilot tested at full scale prior to sewer hookups, lifting of sanitary restrictions, and start-up. Class A effluent shall be considered adequately disinfected if, at the point of compliance, the median number of total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters, and does not exceed twenty-three (23) per one hundred (100) milliliters in any confirmed sample, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. For ground water recharge, surface spreading, seepage ponds, and other unlined water features, IDAPA 58.01.11, "Ground Water Quality Rule," requirements apply. For Class A effluent, analysis shall be based on daily sampling during periods of use. The point of compliance for Class A effluent for total coliform shall be in the distribution system following final treatment, final storage and disinfection contact time. Class A effluent for residential irrigation should be applied only during periods of non-use. (____)

***a*b.** *Where the* Class B effluent is municipal wastewater that may contact any edible portion of raw food crops*, the municipal wastewater* or is used to irrigate golf courses, parks, playgrounds, schoolyards and other areas where children are more likely to have access or exposure. Class B effluent shall be oxidized, coagulated, clarified, filtered, or treated by an equivalent process and adequately disinfected. Class B treatment systems are required to be pilot tested at full scale prior to sewer hookups, lifting of sanitary restrictions, and start-up. *The municipal wastewater* Class B effluent shall be considered adequately disinfected if, at *some location in the treatment process* the point of compliance, the median number of total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters, and does not exceed twenty-three (23) per one hundred (100) milliliters in any confirmed sample, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. For Class B effluent, analysis shall be based on daily sampling during periods of application. The point of compliance for Class B effluent for total coliform shall be in the distribution system following final treatment, final storage and disinfection contact time. Residual chlorine at the point of compliance shall be not less than one (1) mg/L free chlorine after a contact time of thirty (30) minutes at peak flow. Class B effluent shall be applied only during periods of non-use by the public. *(12-31-91)*(____)

***b*c.** *Where the* Class C effluent is municipal wastewater that will only contact the unedible portion of raw food crops, *the wastewater* or is used to irrigate orchards and vineyards during the fruiting season, if no fruit harvested for raw use comes in contact with the irrigation water or ground or will only contact the unedible portion of raw food crops, or is used to irrigate cemeteries, roadside vegetation, and other areas where individuals have access or exposure. Class C effluent shall be oxidized and adequately disinfected. The municipal wastewater shall be considered adequately disinfected if, at *some location in the treatment process* the point of compliance, the median number of total coliform organisms does not exceed *two and two-tenths (2.2)* twenty-three (23) per one hundred (100) milliliters, and does not exceed two hundred thirty (230) per one hundred (100) milliliters in any confirmed sample as determined from the bacteriological results of the last *seven* five (*7*5) days for which analyses have been completed. For Class C effluent, analysis shall be based on weekly sampling during periods of application. The point of compliance for Class C effluent for total coliform shall be at the entrance to the distribution system following final treatment and disinfection contact time, but before storage. Class C effluent shall be applied only during periods of non-use by the public. *(12-31-91)*(____)

***c*d.** *Where* Class D effluent is municipal wastewater *is used to irrigate orchards and vineyards during the fruiting season, if no fruit harvested for raw use comes in contact with the irrigation water or ground,* that is used to irrigate fodder, seed, or processed food crops and *if:* *(4-1-88)*

i. *Public access is not restricted, the municipal wastewater shall be of primary effluent quality* is oxidized and adequately disinfected. The municipal wastewater shall be considered adequately disinfected if, at some location in the treatment process, the median number of total coliform organisms does not exceed two hundred thirty (230) per one hundred (100) milliliters, not to exceed two thousand three hundred (2300) per one hundred (100) milliliters in any confirmed sample, as determined from the bacteriological results of the last *seven* three (*7*3) days for which analyses have been completed*;*. For Class D effluent, analysis shall be based on monthly sampling during periods of application. Animals shall not be grazed on land where Class D municipal wastewater is applied, and animals shall not be fed harvested vegetation irrigated in this manner within two (2) weeks of application. *(12-31-91)*(____)

~~ii. Public access is restricted, the municipal wastewater shall be of primary effluent quality. (4-1-88)~~

e. Class E effluent is municipal wastewater that is used to irrigate fodder, seed, or processed food crops or forested sites where public access is restricted and the municipal wastewater shall be of at least primary effluent quality. Animals shall not be grazed on land where Class E municipal wastewater is applied, and animals shall not be fed harvested vegetation irrigated in this manner within four (4) weeks of application. ( )

~~**d.** Where municipal wastewater is used to irrigate fodder, seed or processed food crops if: (4-1-88)~~

~~i. Public access is not restricted, the municipal wastewater shall be of primary effluent quality and adequately disinfected. The municipal wastewater shall be considered adequately disinfected if, at some location in the treatment process, the median number of total coliform organisms does not exceed two hundred thirty (230) per one hundred (100) milliliters, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. Animals shall not be grazed on land where municipal wastewater is applied. (12-31-91)~~

~~ii. Public access is restricted, the municipal wastewater shall be of primary effluent quality. Animals shall not be grazed on land where municipal wastewater is applied and shall not be fed vegetation irrigated in this manner within two (2) weeks of application. (4-1-88)~~

~~**e.** Where municipal wastewater is used to irrigate golf courses, cemeteries, roadside vegetation, and other areas where individuals have access or exposure, the municipal wastewater shall be oxidized and adequately disinfected. The municipal wastewater shall be considered adequately disinfected if, at some location in the treatment process, the median number of coliform organisms does not exceed twenty three (23) per one hundred (100) milliliters, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. Irrigation shall be accomplished during periods of non-use. (12-31-91)~~

~~**f.** Where municipal wastewater is used to irrigate parks, playgrounds, schoolyards and other areas where children are more likely to have access or exposure, the municipal wastewater shall be oxidized, coagulated, clarified, filtered or treated by an equivalent process and adequately disinfected. The municipal wastewater shall be considered adequately disinfected if, at some location in the treatment process, the median number of total coliform organisms does not exceed two and two tenths (2.2) per one hundred (100) milliliters, as determined from the bacteriological results of the last seven (7) days for which analyses have been completed. Irrigation shall be accomplished during periods of non-use. (12-31-91)~~

08. Direct Use Of Municipal Wastewater - Classification Table. The following table further describes the requirements for direct use of municipal wastewater outlined in Subsection 600.07.

Classification Table					
Classification	**Class A**	**Class B**	**Class C**	**Class D**	**Class E**
Treatment	This is a partial list - see Section 601 for more detail: Oxidized, coagulated, clarified, with enhanced filtration requirements or treated by an equivalent process, plus nutrient removal requirements, turbidity limits requirements, adequately disinfected and pilot tested.	Oxidized, coagulated, clarified, filtered, or treated by an equivalent process and adequately disinfected and pilot tested.	Oxidized and adequately disinfected	Oxidized and adequately disinfected	At least primary effluent quality

Classification Table					
Classification	**Class A**	**Class B**	**Class C**	**Class D**	**Class E**
Disinfection	Total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters	Total coliform organisms does not exceed two and two-tenths (2.2) per one hundred (100) milliliters	Total coliform organisms does not exceed twenty three (23) per one hundred (100) milliliters	Total coliform organisms does not exceed two hundred thirty (230) per one hundred (100) milliliters	Total coliform organisms up to "too numerous to count"
Uses	Residential irrigation at individual homes, ground water recharge, surface spreading, seepage ponds, other unlined water features, drive-through car wash facilities or Class B, C, D, or E uses. Other requirements apply for groundwater uses.	May contact any edible portion of raw food crops, or is used to irrigate golf courses, parks, playgrounds, schoolyards or Class C, D, or E uses.	Used to irrigate orchards and vineyards during the fruiting season, if no fruit harvested for raw use comes in contact with the irrigation water or ground, or will only contact the unedible portion of raw food crops, or is used to irrigate cemeteries, roadside vegetation or Class D or E uses.	Used to irrigate fodder, seed, or processed food crops or Class E uses.	Used to irrigate fodder, seed, processed food crops, or forested sites.
Access Restriction	Irrigated during periods of non-use.	Irrigated during periods of non-use by the public.	Irrigated during periods of non-use by the public.	Public access restricted.	Public access restricted.
Signing and Posting	See Subsection 601.02	Site specific - See Idaho Guidance for Land Application of Municipal and Industrial Wastewater	Site specific - See Idaho Guidance for Land Application of Municipal and Industrial Wastewater	Site specific - See Idaho Guidance for Land Application of Municipal and Industrial Wastewater	Site specific - See Idaho Guidance for Land Application of Municipal and Industrial Wastewater

Classification Table					
Classification	**Class A**	**Class B**	**Class C**	**Class D**	**Class E**
Buffer Zones	No effluent is allowed to be applied into or over natural waterways, or other conveyances that drain into natural waterways.	Site specific - See Idaho Guidance for Land Application of Municipal and Industrial Wastewater	Site specific - See Idaho Guidance for Land Application of Municipal and Industrial Wastewater	Site specific - See Idaho Guidance for Land Application of Municipal and Industrial Wastewater	1000 ft. to inhabited dwellings and areas accessible to the public
Grazing	Grazing allowed only with approved grazing management plan.	Grazing allowed only with approved grazing management plan.	Grazing allowed only with approved grazing management plan.	Grazing not allowed.	Grazing not allowed.

( )

601. CLASS A EFFLUENT REUSE - ADDITIONAL REQUIREMENTS.

01. Engineering Report. Engineering reports and application materials for new Class A systems or major upgrades to Class A systems shall be submitted to the Department at the pre-application conference or with the application and must be approved by the Department prior to permit issuance. The engineering report shall include, but not be limited to, the following items as applicable: purpose; approach; development of alternatives; technical, financial, managerial, and legal issues; emergency response and security; operation and maintenance; pilot testing; client use issues; potential markets; potential sources of wastewater; public involvement and perception; targeted markets; allocation; preliminary investigations; staff development; treatment system upgrades; distribution system development and schedule; new development infrastructure; reservoir or booster capacity; water balance calculations; costs; applicable regulations; and potential funding sources. This engineering report shall be stamped, dated and signed in accordance with Idaho Board of Registration of Professional Engineers and Professional Land Surveyors, IDAPA 10.01.02, "Rules of Professional Responsibility". ( )

02. Distribution System Requirements. Class A distribution systems and the continued distribution systems of all of its customers shall have specific requirements including, but not limited to: ( )

a. Any person or agency that is planning to construct all or part of the distribution system must obtain a plan and specification approval from the Department prior to beginning construction. Where Class A effluent is to be provided by pressure pipeline, the following applicable standards shall be used as guidance: the current edition of "Recommended Standards for Wastewater Facilities - Great Lakes-Upper Mississippi River Board of State Sanitary Engineers," the "AWWA Manual M24" Chapter 4 for dual water systems, and the current edition of "Idaho Standards for Public Works Construction". The above guidance documents shall be used for all new systems constructed after April 1, 2005. Requirements for irrigation systems proposed for conversion from use of non-Class A effluent water to use with Class A effluent will be considered on a case-by-case basis considering protection of public health and the environment. ( )

b. Distribution Lines. ( )

i. Minimum Separation. ( )

(1) Horizontal Separation. Class A effluent distribution mains parallel to potable (culinary) water mains shall be installed in accordance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.06. Class A effluent distribution mains parallel to sanitary sewer mains shall be installed at least five

(5) feet horizontally from the sanitary sewer main if the sanitary sewer main is located above the Class A effluent main, and three (3) feet horizontally from the sanitary sewer main if the sanitary sewer main is located below the Class A effluent main. ( )

(2) Vertical Separation. At crossings of Class A effluent distribution mains with potable water mains and sanitary sewer mains, the order of the mains from lowest in elevation to highest should be: sanitary sewer main, Class A effluent main, and potable water main. A minimum of eighteen (18) inches vertical separation between each of these utilities shall be provided as measured from outside of pipe to outside of pipe. The crossings shall be arranged so that the Class A effluent main joints will be equidistant and as far as possible from the water main joints and the sewer main joints. If the Class A effluent water main must cross above the potable water main, the vertical separation shall be a minimum eighteen (18) inches, the Class A effluent main shall be supported to prevent settling, and the Class A effluent main shall be encased in a continuous pipe sleeve to a distance on each side of the crossing equal to ten (10) feet. If the Class A effluent main must cross below the sanitary sewer main, the vertical separation shall be a minimum eighteen (18) inches and the Class A effluent main shall be encased in a continuous pipe sleeve to a distance on each side of the crossing equal to ten (10) feet. ( )

(3) Special Provisions. Where the horizontal and/or vertical separation as required above cannot be maintained, special construction requirements shall be provided in accordance with requirements in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.06, for protection of potable water mains. ( )

ii. Class A Effluent Pipe Identification. ( )

(1) General. All new buried pipe, including service lines, valves, and other appurtenances, shall be colored purple, Pantone 512 or equivalent. If fading or discoloration of the purple pipe is experienced during construction, identification tape or locating wire along the pipe is required. Label piping every ten (10) feet "Caution: Reclaimed Water - Do Not Drink". ( )

(2) Identification Tape. If identification tape is installed along with the purple pipe, it shall be prepared with white or black printing on a purple field, color Pantone 512 or equivalent, having the words, "Caution: Reclaimed Water - Do Not Drink". The overall width of the tape shall be at least three (3) inches. Identification tape shall be installed eighteen (18) inches above the transmission pipe longitudinally, shall be centered over the pipe, and shall run continuously along the length of the pipe. ( )

iii. Conversion of Existing Drinking Water or Irrigation Water Lines. Existing water lines that are being converted to use with Class A effluent shall first be accurately located and comply with leak test standards in accordance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.06, and in coordination with the Department. The pipeline must be physically disconnected from any potable water lines and brought into compliance with current state cross connection rules and requirements (IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.07), and must meet minimum separation requirements in Subsection 601.02.b. of these rules. If the existing lines meet approval of the water supplier and the Department based upon the requirements set forth in Subsection 601.02.b.iii. of these rules, the lines shall be approved for Class A effluent distribution. If regulatory compliance of the system (accurate location and verification of no cross connections) cannot be verified with record drawings, televising, or otherwise, the lines shall be uncovered, inspected, and identified prior to use. All accessible portions of the system must be retrofitted to meet the requirements of these rules. After conversion of the water or irrigation line to a wastewater effluent line, the lines shall be marked as stated in Subsection 601.02.b.ii.(2) of these rules. ( )

iv. Valve Boxes and Other Surface Identification. All valve covers shall be of non-interchangeable shape with locking potable water covers, and shall have an inscription cast on the top surface stating "Reclaimed Water". Valve boxes shall meet the requirements of IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," Subsection 550.06. All above ground pipes and pumps shall be consistently color coded (purple, Pantone 512) and marked to differentiate Class A effluent facilities from potable water facilities. ( )

v. Blow-off Assemblies. If either an in-line type or end-of-line type blow-off or drain assembly is installed in the system, a plan for proposed discharge or runoff locations shall be submitted to the Department for review and approval. ( )

c. Storage. If storage or impoundment of Class A effluent is provided, the following requirements apply: ( )

i. Fencing. No fencing is required by these rules, but may be required by local laws or ordinances. ( )

ii. Identification. All storage facilities shall be identified by signs prepared according to the requirements of Subsection 601.02.e.v. of these rules. Signs shall be posted on the surrounding fence at minimum five hundred (500) foot intervals and at the entrance of each facility. If there is no fence, signs shall be located at a minimum on each side of the facility or at minimum two hundred fifty (250) foot intervals or at all accessible points. ( )

iii. For systems supplying irrigation water for residential lawn irrigation, minimum storage requirements shall include sufficient volume for daily use patterns, precipitation events, etc., and an alternate disposal point during non-irrigation season. ( )

d. Pumping Facilities. ( )

i. Marking. All exposed and above ground piping, risers, fittings, pumps, valves, etc., shall be painted purple, Pantone 512. In addition, all piping shall be identified using an accepted means of labeling reading "Warning: Reclaimed Water - Do Not Drink". In a fenced pump station area, signs shall be posted on the fence on all sides. ( )

ii. Seal Water. Any potable water used as seal water for reclaimed water pump seals shall be protected from backflow with a Department approved backflow prevention device or air gap. ( )

e. Other Requirements. ( )

i. Backflow Protection. In no case shall a direct connection be made between the potable and Class A effluent system. If it is necessary to put potable water into the Class A effluent distribution system, a Department approved reduced pressure principal device or air gap must be provided to protect the potable water system. ( )

ii. Drinking fountains, picnic tables, food establishments, and other public eating facilities shall be placed out of any spray irrigation area in which Class A effluent is used, or shall be otherwise protected from contact with the Class A effluent. Exterior drinking fountains, picnic tables, food establishments, and other public eating facilities shall be shown and called out on the construction plans. If no exterior drinking fountains, picnic tables, food establishments, or other public eating facilities are present in the design area, then it shall be specifically stated on the plans that none are to exist. ( )

iii. Equipment and Facilities. Any equipment or facilities such as tanks, temporary piping or valves, and portable pumps that have been or may be used with Class A effluent, and could be interchangeably used with potable water or sewage, shall be cleaned and disinfected before or after use as appropriate. This disinfection and cleaning shall ensure the protection of the public health in the event of any subsequent use. ( )

iv. Warning Labels. Warning labels shall be installed on designated facilities such as, but not limited to, controller panels and washdown or blow-off hydrants on water trucks, hose bibs, and temporary construction services. The labels shall read, "Warning: Reclaimed Water - Do Not Drink". ( )

v. Warning signs. Where reclaimed water is stored or impounded, or used for irrigation in public areas, warning signs shall be installed and contain, at a minimum, one (1) inch purple letters (Pantone 512 or equivalent) on a white or other high contrast background notifying the public that the water is unsafe to drink. Signs may also have a purple background with white or other high contrast lettering. Warning signs and labels shall read, "Warning: Reclaimed Water - Do Not Drink". The signs shall include the international symbol for Do Not Drink. ( )

03. Other Permits Addressed As Necessary. The following other permits may be necessary for a particular facility but are not regulated under these rules: ( )

a. NPDES permits from the Environmental Protection Agency for surface water discharge. ( )

b. Injection well permits from Idaho Department of Water Resources. ( )

04. Filtration Technology Approval Requirements. All Class A effluent projects in Idaho must have written approval from the Department for their proposed filtration technology prior to submitting plans and specifications for approval. The following approaches are methods by which this written approval may be obtained from the Department. ( )

a. Department approval based on previous similar projects in Idaho. ( )

b. National approval by National Reuse Association, Water Environment Federation Research Foundation, NSF International, or other organization approved by the Department. ( )

c. The State of California Department of Health Services Treatment Technology Report for Recycled Water. ( )

05. Nutrient Removal Requirements. Total nitrogen at the point of compliance shall not exceed ten (10) mg/L based on a monthly arithmethic mean as determined from daily composite sampling. This value may be much lower depending on the results of any applicable nutrient-pathogen studies that may be required. ( )

06. Turbidity Limits And Monitoring Requirements. ( )

a. One (1) in-line, continuously monitoring, recording turbidimeter is required for each treatment train. ( )

b. Class A effluent shall meet the following turbidity limits. The daily arithmetic mean of all daily measurements of turbidity shall not exceed two (2) NTU, and turbidity shall not exceed five (5) NTU at any time. Turbidity shall be measured continuously. The turbidity standard shall be met prior to disinfection. ( )

07. Reliability and Redundancy Requirements. ( )

a. An alternative disposal option or diversion to adequate lined storage must be automatically activated if turbidity exceeds or chlorine residual drops below the instantaneous required value for more than two (2) minutes. The maximum number of times a facility could exceed on this basis is twice in one (1) week, both of which times are required to be immediately reported. Failure to report or exceeding more than twice in one (1) week are sufficient grounds for the Department to require the system to be shut down for inspection and repair. ( )

b. Redundant facilities, including, but not limited to, monitoring equipment and treatment trains shall be required. ( )

c. Standby Power sufficient to maintain all treatment and distribution works shall be required for the Class A effluent use. An alternative to this is to provide standby power sufficient for basic treatment and for automatic by-pass of filtration directly to an alternative disposal option or diversion to lined storage. ( )

d. Standby treatment filter units in fully operable condition capable of treating peak flow shall be plumbed and wired in place for immediate use. An alternative to this is automatic by-pass of filtration directly to an alternative disposal option or diversion to lined storage. ( )

08. Other Class A Effluent Requirements. ( )

a. Five (5) Day Biochemical Oxygen Demand (BOD5) shall not exceed five (5) mg/L and Total Organic Carbon (TOC) shall not exceed five (5) mg/L based on a monthly arithmethic mean as determined from daily composite sampling. Composite samples shall be comprised of at least six (6) flow proportionate samples taken over a one (1) day period at the point of compliance. ( )

b. Total Suspended Solids (TSS) prior to disinfection shall not exceed five (5) mg/L based on a monthly arithmethic mean as determined from daily composite sampling. Composite samples shall be comprised of at least six (6) flow proportionate samples taken over a one (1) day period at the point of compliance. ( )

c. The pH as determined by daily grab samples or continuous monitoring shall be between six point zero (6.0) and nine point zero (9.0). ( )

d. Residual Chlorine at the point of compliance shall be not less than one (1) mg/L free chlorine after a contact time of thirty (30) minutes at peak flow. If an alternate disinfection process is used, it must be demonstrated to the satisfaction of the Department that the alternative process is comparable to that achieved by chlorination with a one (1) mg/L free chlorine residual after thirty (30) minutes contact time. ( )

e. For any type of ground water recharge system, the Class A effluent must also meet ground water quality standards per IDAPA 58.01.11, "Ground Water Quality Rule," and comply with the remaining sections of the "Ground Water Quality Rule". For these types of ground water recharge systems utilizing municipal wastewater, the applicant shall propose to the Department for review and approval, the applicable testing requirements for the effluent as it relates to the primary and secondary ground water standards, as well as background ground water quality. Ground water injection site locations or recharge site locations shall be a minimum of two thousand (2000) feet from any drinking water extraction well and shall also provide for a minimum of one (1) year of storage in the aquifer prior to withdrawal. The Idaho Department of Water Resources requires additional permits for ground water injection wells. ( )

f. A filter to waste operational criteria is required for all Class A effluent filtration facilities for each time a filter starts up. The filter will automatically filter to waste until the effluent meets the required turbidity standard. ( )

g. Additional information in the form of reports by qualified soil scientists, professional geologists, professional engineers, or other qualified individuals relating to environmental assessments, nutrient management plans, or water rights issues shall be submitted to the Department at the pre-application conference or with the application and must be approved by the Department prior to permit issuance. ( )

h. Requirements for Class A effluent distribution system operators. All operators of Class A effluent distribution systems, including operators of the distribution system from the wastewater treatment plant to the point of compliance or point of use or point of sale, as applicable, and those operators that are employed by buyers of the Class A effluent for subsequent use, shall have the following qualifications. Operators shall have a high school diploma or GED or equivalent. Operators shall be trained, by a qualified manufacturer's representative, in the use and repair of the particular distribution system to be operated. Operators shall be trained in the concepts and safety issues of wastewater reuse, including viral infection issues, by the licensed operator of the particular wastewater treatment plant providing the Class A effluent to the particular system in use. Contracts for sale of Class A effluent for subsequent use shall also require these standards. Individual homeowners shall not operate or maintain Class A effluent distribution systems. ( )

602. DEMONSTRATION OF TECHNICAL, FINANCIAL, AND MANAGERIAL CAPACITY OF CLASS A EFFLUENT WASTEWATER SYSTEMS.

No person shall proceed, or cause to proceed, with construction of a new class A effluent wastewater system until it has been demonstrated to the Department that the wastewater system will have adequate technical, financial, and managerial capacity. Demonstration of capacity shall be submitted to the Department prior to or concurrent with the submittal of plans and specifications, as required in Section 39-118, Idaho Code, and Subsection 601.02.a. of these rules. The Applicant must obtain Department approval of the new system capacity demonstration prior to permit issuance and construction. ( )

01. Technical Capacity. In order to meet this requirement, the Class A effluent wastewater system shall submit documentation to demonstrate the following: ( )

a. The system meets the relevant design, construction, operating and maintenance requirements of these rules; ( )

b. The system has an adequate and consistent source of wastewater; ( )

c. A security plan is in place to protect the wastewater source and deal with emergencies; ( )

d. The system has trained personnel with an understanding of the technical and operational characteristics of the system; ( )

e. A plan for cross-connection control; ( )

f. Procedures for emergency response; and ( )

g. Quality assurance and quality control plans. ( )

02. **Financial Capacity**. A demonstration of financial capacity must include, but is not limited to, the following information: ( )

a. Documentation that organizational and financial arrangements are adequate to construct and operate the Class A effluent distribution 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; ( )

b. Demonstration of revenue sufficiency that includes, but is not limited to, billing and collection procedures, a proposed rate structure which is affordable and ensures availability of operating funds, revenues for depreciation and reserves, and the ability to accrue a capital replacement fund. A preliminary operating budget shall be provided; ( )

c. Adequate fiscal controls shall be demonstrated; and ( )

d. Equipment inventory controls shall be in place. ( )

03. **Managerial Capacity**. In order to demonstrate adequate managerial capacity, the owner and/or operator of a new Class A effluent wastewater system shall submit at least the following information to the Department: ( )

a. Clear documentation of legal ownership of the Class A effluent wastewater system, including collection, treatment and effluent distribution systems, and any plans that may exist for transfer of that ownership on completion of construction or after a period of operation; ( )

b. The name, address, and telephone number of the person who will be accountable for ensuring that the wastewater system is in compliance with these rules; ( )

c. The name, address, and telephone number of the system operator; ( )

d. A description of the manner in which the wastewater system will be managed. By-laws, restrictive covenants, articles of incorporation, or procedures and policy manuals which describe the management organization structure are a means of providing this information; ( )

e. Personnel management policies and a description of staffing, including training, experience, certification or licensing, and continuing education completed by the wastewater system staff; ( )

f. An explanation of how the wastewater system operators will establish and maintain effective communications and relationships between the wastewater system management, its customers, professional service providers, and any applicable regulatory agencies; and ( )

g. Evidence of short-term and long-term planning for future growth, equipment repair and maintenance, and long term replacement of system components. ( )

04. **Submittal Form**. The Department shall provide a standard form to be used in preparing a new system capacity demonstration. ( )

05. **Consolidation**. In demonstrating new system capacity, the owner of the proposed new Class A effluent wastewater system shall investigate the feasibility of obtaining water service from an established public water system. If such service is available, but the owner elects to proceed with an independent system, the owner shall explain why this choice is in the public interest in terms of environmental protection, affordability to water users, and protection of public health. ( )

06. **Exclusion**. New Class A effluent wastewater systems which are public utilities as defined in Sections 61-104 (Corporation), 61-124 (Water System), 61-125 (Water Corporation), and 61-129 (Public Utility), Idaho Code, shall meet the regulatory requirements of the Idaho Public Utilities Commission (IPUC) in Chapter 1, Title 61, Idaho Code, Public Utilities Law, and IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission". Such wastewater systems shall not be required to meet any requirements of Section 602 which are in conflict with the provisions and requirements of the Idaho Public Utilities Commission. ( )

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT
TO PROPOSE OR PROMULGATE
NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 – DEPARTMENT OF AGRICULTURE
PO Box 790, Boise, ID 83701

02-0616-0401, Crop Residue Disposal Rules. Changes comply with HB 776, that became effective March 23, 2004. The amendment of Section 22-4804(1) Idaho Code, increases registration fees from $1 per acre to $2 per acre. Comment by: 6/23/04.

IDAPA 07 - DIVISION OF BUILDING SAFETY
1090 E. Watertower St., Meridian, ID 83642

07-0103-0401, Rules of Electrical Licensing and Registration - General. The proposed rule change will update the requirement for apprentice electrician registration. An apprentice who has completed the required number of instructional hours and has not passed the journeyman's examination within two (2) years of completion of the required instructional training hours shall provide proof of continuation training in order to re-register as an apprentice beginning July 1, 2004. An apprentice who has not advanced in apprenticeship training for a period of two (2) years shall provide proof of successful completion of continuation training in order to re-register as an apprentice beginning July 1, 2004. Comment by: 6/23/04.

07-0103-0402, Rules of Electrical Licensing and Registration - General. The proposed rule change will require that an applicant for a master electrician license have at least four (4) years' experience as a licensed journeyman electrician. The increase in the number of years from two (2) to four (4) is necessary to comply with changes made to Section 54-1007, Idaho by House Bill 0529. Comment by: 6/23/04.

07-0501-0401, Rules of the Public Works Contractors Board. The proposed rule change is necessary to implement revisions to the various categories of specialty construction that are recognized within the public works construction industry. These definitions replace those that were utilized previously and not included in administrative rule. Comment by: 6/23/04.

IDAPA 08 - STATE BOARD OF EDUCATION
PO Box 83720, Boise, ID 83720

08-0203-0401, Rules Governing Thoroughness. Changes allow for Limited English Proficient (LEP) students enrolled in their first year of a U.S. school to take a language proficiency test in lieu of the state reading test and counts the participation of such students, but does not include the scores for proficiency calculations. In addition, the flexibility outlined also allows states to classify LEP students as LEP for two additional years beyond the original guidance in NCLB. Comment by: 6/23/04.

IDAPA 19 - BOARD OF DENTISTRY
708 ½ W. Franklin Street, Boise, Idaho 83720

19-0101-0401, Rules of the Idaho State Board of Dentistry. Changes implement statutory changes and provide specific requirements for the issuance and renewal of the extended access dental hygiene endorsement; specific requirements to entitle a dental hygienist to volunteer in an extended access oral health care program; a specific list of permissible and prohibited functions for a dental hygienist practicing under differing levels of supervision in a private dental office or in an extended access oral health care program; a specific list of permissible and prohibited functions for a dental assistant while practicing under the direct supervision of a dentist; and continuing education requirements for volunteer dentists and dental hygienists holding an extended access dental hygiene endorsement. Comment by: 6/23/04.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, Idaho 83706-1255

58-0117-0301, Wastewater-Land Application Permit Rules. Adds a class of more highly treated wastewater that can be used for more purposes, including aquifer recharge, residential irrigation, toilet flushing, water features, etc. This rulemaking will add definitions; additional application requirements for this new class including engineering report requirements; treatment and monitoring requirements; requirements for municipal reuse distribution systems; and technical, managerial, financial, and legal requirements. Comment by: 8/4/04.

Please refer to the Idaho Administrative Bulletin, **June 2, 2004, Volume 04-6** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

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The Idaho Administrative Bulletin and Administrative Code are available on-line at: **http://www2.state.id.us/adm/adminrules/**

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

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