

Dear Senators VANORDEN, Zuiderveld, Wintrow, and  
Representatives BARBIERI, Furniss, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Division of Occupational and Professional Licenses - Board of Drinking Water and Wastewater Professionals:

IDAPA 24.05.01 - Rules of the Board of Drinking Water and Wastewater Professionals (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-0501-2301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 08/28/2023. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/25/2023.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



**Terri Kondeff**  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Environment, Energy & Technology Committee

**FROM:** Deputy Division Manager - Katharine Gerrity

**DATE:** August 09, 2023

**SUBJECT:** Division of Occupational and Professional Licenses - Board of Drinking Water and Wastewater Professionals

IDAPA 24.05.01 - Rules of the Board of Drinking Water and Wastewater Professionals (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-0501-2301)

#### **Summary and Stated Reasons for the Rule**

The Division of Occupational and Professional Licenses submits notice of proposed rule at IDAPA 24.05.01 - Rules of the Board of Drinking Water and Wastewater Professionals. This is a chapter rewrite under Executive Order 2020-01, Zero-Based Regulation. The Board notes it is a fee rule. The board states that the rule has been streamlined and the language simplified for better understanding. Although fees for applications, licenses, certificates, and reinstatement are provided for, the Board indicates that none of the fees are being changed since being previously reviewed by the Legislature.

#### **Negotiated Rulemaking / Fiscal Impact**

The board states that negotiated rulemaking was conducted and that there is no fiscal impact as a result of the rulemaking.

#### **Statutory Authority**

The rulemaking is authorized pursuant to Sections 54-2406, 54-2607, 67-2604, 67-2614, and 67-9406, Idaho Code.

cc: Division of Occupational and Professional Licenses - Board of Drinking Water and Wastewater Professionals

Tim Frost

#### **\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director    Kristin Ford, Manager    Keith Bybee, Manager    April Renfro, Manager    Norma Clark, Manager  
Legislative Services Office    Research & Legislation    Budget & Policy Analysis    Legislative Audits    Information Technology

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**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**  
**24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS**  
**DOCKET NO. 24-0501-2301 (ZBR CHAPTER REWRITE, FEE RULE)**  
**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-2406, 54-2607, 67-2614, 67-9406, and 67-9609, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

<b>Thursday, August 10, 2023, 9:00 a.m. MT</b>
<b>Division of Occupational and Professional Licenses</b> <b>Chinden Campus Building 4</b> <b>11341 W. Chinden Blvd., Bldg. #4</b> <b>Boise, ID 83714</b>
<b>Telephone and web conferencing information will be posted on:</b> <a href="https://dopl.idaho.gov/calendar/">https://dopl.idaho.gov/calendar/</a> and <a href="https://townhall.idaho.gov/">https://townhall.idaho.gov/</a>

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

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

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

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

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

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Michael Hyde, Bureau Chief, at (208) 332-7133.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 23, 2023.

DATED this 6th day of July, 2023.

Michael Hyde  
Bureau Chief  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714  
Phone: (208) 332-7133  
Email: [michael.hyde@dopl.idaho.gov](mailto:michael.hyde@dopl.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0501-2301**  
**(ZBR Chapter Rewrite)**

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

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

**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to Sections 54-2406, 54-2607, 67-2614, 67-9406, 67-9609, Idaho Code. ( )

**001. SCOPE.**

These rules govern the practice of drinking water operators, wastewater operators, and backflow assembly testers. ( )

**002. DEFINITIONS.**

**01. Very Small Public Drinking Water System.** A community or non-transient non-community public water system that serves five hundred (500) persons or less and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). ( )

**02. Very Small Wastewater System.** A public wastewater system that serves five hundred (500) connections or less and includes a collection system with a system size of six (6) points or less on the Idaho Department of Environmental Quality (DEQ) system classification rating form and is limited to only one (1) of the following wastewater treatment processes: aerated lagoons; non-aerated lagoon(s); primary treatment; or primary treatment discharging to a large soil absorption system (LSAS). ( )

**003. -- 099. (RESERVED)**

**100. LICENSURE.**

**01. Classifications.**

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

( )

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**n.** Class IV Wastewater Laboratory Analyst. Four (4) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience at a Class III or higher system. ( )

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

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

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

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

**d.** Experience for Experience. ( )

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

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

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

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

type. A remote or distant study course is acceptable if it is germane to the license type. ( )

**101. -- 199. (RESERVED)**

**200. PRACTICE STANDARDS.**

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

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

**03. Operators and Backflow Assembly Testers Code of Conduct.** Operators and backflow assembly testers must: ( )

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

**201. -- 399. (RESERVED)**

**400. FEES.**

<b>TYPE</b>	<b>AMOUNT (Not to Exceed)</b>
Application	\$25
License or Certificate	\$30 annually
Reinstatement	\$35

( )

**401. -- 999. (RESERVED)**

[Agency redlined courtesy copy]

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

**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to Sections 54-2406, ~~54-2407, 67-2604, 67-2614, 67-9406, 67-9609~~, Idaho Code. ( )

**001. SCOPE.**

These rules govern the practice of drinking water operators, wastewater operators, and backflow assembly testers. ( )

~~002.—009.(RESERVED)~~

~~010~~**002. DEFINITIONS.**

~~01. **Class I Restricted License.** Class I restricted license means a water or wastewater license associated with a specific class I system. A restricted license is available for water distribution or treatment or for wastewater collection or treatment. A restricted license is not transferable and does not qualify for endorsement. ( )~~

~~02. **DEQ.** The Idaho Department of Environmental Quality. ( )~~

~~03. **Direct Supervision.** Supervision in a way that will ensure the proper operation and maintenance of the public drinking water or public wastewater system. Supervision shall include, but not be limited to, providing written, hands-on, or oral instruction as well as verification that the instructions are being completed. The supervisor has an active on-site or on-call presence at the specific facility. ( )~~

~~04. **Endorsement.** Endorsement (often referred to as “reciprocity”) is that process by which a person licensed in another jurisdiction may apply for a license in Idaho. ( )~~

~~05. **EPA.** The United States Environmental Protection Agency. ( )~~

~~06. **Experience.** One (1) year of experience is based upon a minimum of one thousand six hundred hours (1,600) worked. ( )~~

~~07. **On-Site Operating Experience.** On-site operating experience means experience obtained while physically present at the location of the system. ( )~~

~~08. **Operating Personnel.** Operating personnel means any person who is employed, retained, or appointed to conduct the tasks associated with the day to day operation and maintenance of a public drinking water system or a public wastewater system. Operating personnel shall include every person making system control or system integrity decisions about water quantity or water quality that may affect public health. ( )~~

~~09. **Person.** A human being, municipality, or other governmental or political subdivision or other public agency, or public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of the foregoing or other legal entity. ( )~~

~~10. **Responsible Charge Operator.** An operator of a public drinking water system or wastewater system, designated by the system owner, who holds a valid license at a class equal to or greater than the drinking~~



water system or wastewater classification, who is in responsible charge of the public drinking water system or the wastewater system. ( )

~~11. **Substitute or Back-Up Responsible Charge Operator.** An operator of a public drinking water or wastewater system who holds a valid license at a class equal to or greater than the drinking water or wastewater system classification, designated by the system owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible. ( )~~

~~1201. **Very Small Public Drinking Water System.** A community or non-transient non-community public water system that serves five hundred (500) persons or less and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). ( )~~

~~1302. **Very Small Wastewater System.** A public wastewater system that serves five hundred (500) connections or less and includes a collection system with a system size of six (6) points or less on the [Idaho](#) Department of Environmental Quality (DEQ) system classification rating form and is limited to only one (1) of the following wastewater treatment processes: ( )~~

- ~~a. **A**aerated lagoons; ( )~~
- ~~b. **N**on-aerated lagoon(s); ( )~~
- ~~c. **p**Primary treatment; or ( )~~
- ~~d. **P**primary treatment discharging to a large soil absorption system (LSAS). ( )~~

~~011.—149.(RESERVED)~~

~~150. **APPLICATION.**~~

~~Each applicant for licensure must submit a complete application together with the required fees. The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. The Board will not review an application until all required information is furnished and the required fees paid.~~

~~01. **Licensure by Examination.** An application is made on the uniform application form adopted by the Board and furnished to the applicant by the Division. All applications will include: ( )~~

- ~~a. Documentation of having met the appropriate educational requirement; ( )~~
- ~~b. Documentation of all actual applicable experience giving kind and type of work done, together with dates of employment, and verification by affidavit of the most current applicable experience, signed by the person under whose supervision the work was performed. ( )~~

~~02. **Licensure by Endorsement.** An application is made on the uniform application form adopted by the Board and furnished to the applicant by the Division. All applications must include: ( )~~

- ~~a. Official documentation of licensure sent to the Division directly from each regulatory authority from which the applicant has obtained licensure. Documentation will include name, address, current status, date originally issued, expiration date, and any disciplinary action imposed; ( )~~
- ~~b. A copy of the current regulations governing licensure in each jurisdiction from which the applicant obtained licensure. ( )~~

~~03. **Application Required.** Applicants seeking licensure in any type or classification of licensure must submit a separate application for each type and classification of licensure being sought. Applicants holding a current type and classification of license and who are seeking a classification upgrade within the same license type and category are not required to submit an original license fee with their application.(—)~~

~~151003. -- 174099.(RESERVED)~~

~~175100. **LICENSURE TYPES AND CLASSIFICATIONS.**~~

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

<del><u>License Type</u></del>	<del><u>Classification</u></del>
<del><b>01. Classifications.</b></del>	

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

- ~~**01. Drinking Water Distribution Operator.** (—)~~
- ~~a. Class Operator In Training, Class I Restricted, Class I, Class II, Class III, or Class IV. (—)~~
- ~~**02. Drinking Water Treatment Operator.** (—)~~
- ~~a. Class Operator In Training, Class I Restricted, Class I, Class II, Class III, or Class IV. (—)~~
- ~~**03. Wastewater Treatment Operator.** (—)~~
- ~~a. Class Operator In Training, Lagoon, Class I Restricted, Class I, Class II, Class III, Class IV, or Land Application.(—)~~
- ~~**04. Wastewater Collection Operator.** (—)~~
- ~~a. Class Operator In Training, Class I Restricted, Class I, Class II, Class III, or Class IV. (—)~~
- ~~**05. Wastewater Laboratory Analyst.** (—)~~
- ~~a. Class I, Class II, Class III, or Class IV. (—)~~
- ~~**06. Backflow Assembly Tester.** (—)~~

~~07. Drinking Water Very Small System Operator. ( )~~

~~08. Wastewater Very Small System Operator. ( )~~

~~176.—199.(RESERVED)~~

**200400. FEES FOR EXAMINATION AND LICENSURE.**

Application and examination fees are non-refundable.

<b>FEE-TYPE</b>	<b>AMOUNT (Not to Exceed)</b>
Application	\$25
Examination	Amount set by examination provider
Endorsement	\$30
Original License <u>or Certificate</u>	\$30 <u>annually</u>
Annual renewal	\$30
Reinstatement	As provided in Section 67-2614, Idaho Code, <del>\$35</del> <u>\$35</u>

( )

~~201.—249.(RESERVED)~~

**250200. LICENSE REQUIRED—SCOPE OF PRACTICE STANDARDS.**

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

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

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

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

~~0401. Operator-in-Training. Operators-in-training may must practice only under the direct supervision~~

of a licensed operator of a type, category, and classification higher than the operator-in-training. No operator-in-training can accept or perform the designated responsible charge duties at any system.( )

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

~~251.—299.(RESERVED)~~

**300. GENERAL REQUIREMENTS FOR LICENSE.**

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

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

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

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

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

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

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

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

~~**034. Apprenticeship Program.** The Board may approve Apprenticeship Programs that are designed to provide either experience or experience and education for individuals seeking licensure in Idaho as an Operator In-Training, or a Class I, II, III, or IV Water or Wastewater Operator. A basic An Apprenticeship Program is designed to provide hands on experience and education related to the operation of Class I and through Class IV II facilities. An advanced Apprenticeship Program is designed to provide hands on experience and education related to Class III and IV facilities. All approved Apprenticeship Programs will be registered with the U.S. Department of Labor, Office of Apprenticeship, meet the Standards of Apprenticeship developed by the U.S. Department of Labor, and meet the intent of these rules regarding the education and experience necessary for Operator In Training, Class I, II, III, and IV licensure. Sponsors of Apprenticeship Programs must seek Board approval by application along with all supporting documentation necessary to establish the program meets the intent of these rules regarding education and~~

experience. The Board may revoke the approval of any program that fails to comply with the Board's rules. (—)

~~301.— 309.(RESERVED)~~

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

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

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

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

~~02. Examination. Applicants must submit an application together with the required fees and pass a of the board-approved written examination, the relevant Class I examination or be enrolled in an board-approved Apprenticeship program approved by the Board. The Operator-In-Training license is valid for five (5) years.( )~~

~~311.— 314.(RESERVED)~~

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

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

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

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

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

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

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

~~316.— 319.(RESERVED)~~

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

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

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

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

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

~~b. Complete an approved six (6)- hours of pumps and motors or collection course(s) or an approved~~

~~six-hour collection course or a combination of said approved courses equaling six (6) hours; and ( )~~

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

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

~~321.— 324.(RESERVED)~~

~~325. d. REQUIREMENTS FOR Class I Restricted WATER OR WASTEWATER LICENSE.  
To qualify for a Class I Restricted water or wastewater license an operator must meet the following requirements: ( )~~

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

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

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

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

~~326.— 327.(RESERVED)~~

~~328. Requirements For A~~

~~e. Class I Operator License.~~

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

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

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

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

~~329. (Reserved)~~

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

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

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

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

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

~~331.—334.(RESERVED)~~

~~335. Requirements For A~~

~~G. Class III Operator License.~~

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

~~01. **Education.** Possess a high school diploma or GED and **two (2) years** of **post-high school** education in the environmental control field, engineering or related science or successful completion of an approved apprenticeship program; and ( )~~

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

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

~~336.—339.(Reserved)~~

~~340H. Requirements For A Class IV Operator License.~~

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

~~01. **Education.** Possess a high school diploma or GED and **four (4) years** of **post-high school** education in the environmental control field, engineering or related science or successful completion of an approved apprenticeship program; and (—)~~

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

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

~~341.—344.(Reserved)~~

~~345. Requirements For A Lagoon Operator License.~~

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

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

~~02. **Experience.** Document twelve (12) consecutive months of acceptable on-site operating experience~~

at a Lagoon system; and( )

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

~~346.—349.(Reserved)~~

~~350.i. Requirements For A Wastewater Land Application. LICENSE.  
TO QUALIFY FOR A WASTEWATER LAND APPLICATION LICENSE, AN OPERATOR MUST MEET THE FOLLOWING REQUIREMENTS:( )~~

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

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

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

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

~~351.—354.(RESERVED)~~

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

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

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

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

~~356.—359.(RESERVED)~~

~~360. Requirements For Wastewater Laboratory Analyst LICENSE.~~

~~To qualify for a wastewater laboratory analyst license, an applicant must meet the following requirements for the relevant class: ( )~~

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

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

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



- ~~e.~~ Pass the relevant class I laboratory analyst examination. (—)
- ~~02l.~~ Class II Wastewater Laboratory Analyst. (—)
- ~~a.~~ Possess a high school diploma or GED; and (—)
- ~~b.~~ Document a minimum of ~~four thousand eight hundred (4,800) hours~~ three (3) years of acceptable lab experience at a ~~class I or higher system;~~ and ( )
- ~~e.~~ Pass the relevant class II laboratory analyst examination. (—)
- ~~03m.~~ Class III Wastewater Laboratory Analyst. (—)
- ~~a.~~ Possess a high school diploma or GED and ~~two (2) years of postsecondary post high school education in the environmental control field, engineering or related science;~~ and (—)
- ~~b.~~ Document a minimum of ~~six thousand four hundred (6,400) hours~~ four (4) years of acceptable lab experience at a ~~class II or higher system;~~ and ( )
- ~~e.~~ Pass the relevant class III laboratory analyst examination. (—)
- ~~04n.~~ Class IV Wastewater Laboratory Analyst. (—)
- ~~a.~~ Possess a high school diploma or GED and ~~four (4) years of postsecondary post high school education in the environmental control field, engineering or related science;~~ and (—)
- ~~b.~~ Document a minimum of ~~six thousand four hundred (6,400) hours~~ four (4) years of acceptable lab experience at a ~~class III or higher system;~~ and ( )
- ~~e.~~ Pass the relevant class IV laboratory analyst examination. (—)

~~361.—374.(RESERVED)~~

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

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

~~04b. Substituting Education for Experience. Applicants may substitute approved education for operating and responsible charge experience as specified below. (—)~~  
For Classes I, II, III and IV, postsecondary education in environmental control, engineering or related science can be substituted for up to fifty percent (50%) of the required experience, at a rate of thirty (30) college semester credits or forty-five (45) hours of continuing education for one thousand six hundred (1,600) hours of experience.

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

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

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

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

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

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

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

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

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

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

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

~~ii.~~ The following experience may be substituted for ~~experience up to one-half (½) (1/2)~~ of the operating experience requirement for Classes ~~I, II, III and IV~~ ∴ Experience that may be substituted includes, but is not limited to, the following:(—)

~~a.~~ Experience as an environmental or operations consultant; (—)

~~b.~~ Experience in an environmental or engineering branch of federal, state, county, or local government; (—)

~~e.~~ Experience as a wastewater collection system operator; (—)

~~d.~~ Experience as a wastewater treatment plant operator; (—)

~~e.~~ Experience as a water distribution system operator and/or manager; and/or (—)

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

experience. (—)

~~g. Experience in waste treatment operation and or maintenance. (—)~~

~~h. Experience as a laboratory analyst can be counted as wastewater operating experience for up to one-half (1/2) of the wastewater operating experience requirement but cannot be counted as responsible charge experience. (—)~~

~~i. Experience as a wastewater operator can be counted as laboratory analyst experience for up to one-half (1/2) of the laboratory analyst experience requirement. (—)~~

~~j. Experience for~~

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

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

~~a. High School—High School diploma equals GED or equivalent as approved by the Board equals four (4) years. (—)~~

~~b. College—Thirty (30) credits equal one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or other courses as determined by the Board). (—)~~

~~c. Continuing Education Units (CEU) for operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equal one (1) CEU; forty five (45) CEUs equal one (1) year of college. (—)~~

~~376.—399.(RESERVED)~~

~~400. **ENDORSEMENT.**~~

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

~~401.—449.(RESERVED)~~

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

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

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

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

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

~~451. — 499.(RESERVED)~~

~~500~~100.05.Continuing Education.

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

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

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

~~c. A water or wastewater licensee may carryover a maximum of six (6) hours of continuing education to meet the next year's continuing education requirement. The same hours may not be carried forward more than one (1) renewal cycle.~~ (—)

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

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

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

~~a. The name and qualifications of the instructor or instructors;~~ (—)

~~b. The date, time and location of the course;~~ (—)

~~c. The specific agenda for the course;~~ (—)

~~d. The type and number of continuing education credit hours requested;~~ (—)

~~e. A statement of how the course is believed to be relevant as defined;~~ (—)

~~f.~~ Any certificate of approval from a governmental agency if the course has been previously approved for continuing education; (——)

~~g.~~ The training materials; (——)

~~h.~~ Other information as may be requested by the Board. (——)

~~i.~~ Upon review of all information requested, the Board may either approve or deny any request for a course. Board approval of a course will be granted for a period not to exceed five (5) years or until the course materials or instructors are changed. (——)

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

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

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

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

~~08. Exemptions.~~ The Board may waive the continuing education requirement or extend the deadline up to ninety (90) days for ~~good cause~~, any one (1) or more of the following circumstances. The licensee requests the exemption and provides any information requested to assist the Board in making a determination. An exemption may be granted at the sole discretion of the Board. (——)

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

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

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

501.—599.(Reserved)

600. Renewal Or Reinstatement Of License.

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

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

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

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

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

601.—649.(Reserved)

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

651.—699.(Reserved)

700. **Discipline:**

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

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

701.—999.(Reserved)

#### APPENDIX A

#### IDAHO DRINKING WATER, WASTEWATER AND BACKFLOW ASSEMBLY TESTER CODE OF ETHICS AND STANDARDS OF CONDUCT

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

#### 1. **Code of Ethics**

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

a. ~~At all times, act in accordance with his/her primary obligation to p~~Perform his/her duties with due care and diligence to protect the safety, health and welfare of the public.;

b. Comply with the laws and rules governing Backflow Assembly Testers and all applicable local, state, and federal laws and regulations relating to their respective profession(s), backflow assembly testing;

- c. Perform only those duties ~~consistent with and appropriate to~~within his/her~~their~~ education, experience, training, and experience and scope of ~~skills, abilities, and licensure,~~ and
- d. ~~Be objective and truthful in all professional reports, statements, or testimony and include all relevant and pertinent information in such reports, statements, or testimony.~~ Prepare reports which are accurate, objective, and include all relevant information.

~~2.~~ **Definitions:**

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

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

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

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

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

~~23.~~ **Standards of Conduct**

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

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

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

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

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

on the test report and submit the test report to the customer and the Public Water System having jurisdiction over the backflow prevention assembly.

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

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

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

~~f. Principle 6—~~

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

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

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

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

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



# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Division of Occupational and Professional Licenses

**Agency Contact:** Michael Hyde **Phone:** (208) 577-2491

**Date:** 7/7/2022

**IDAPA, Chapter and Title Number and Chapter Name:**

24.05.01 – Rules of the Board of Drinking Water and Wastewater Professionals

**Fee Rule Status:**  x  **Proposed**   **Temporary**

**Rulemaking Docket Number: 24-0501-2301**

**STATEMENT OF ECONOMIC IMPACT:** This rulemaking does not impose a new fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

The following is a specific description of the fees or charges:

<b>TYPE</b>	<b>AMOUNT (Not to Exceed)</b>
Application	\$25
License or Certificate	\$30 annually
Reinstatement	\$35