

IDAHO ADMINISTRATIVE BULLETIN

September 2, 2026 – Vol. 26-9

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



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

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IDAHO ADMINISTRATIVE BULLETIN

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PREFACE

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

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

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

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

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Idaho Administrative Procedure Act, [Title 67, Chapter 52, Idaho Code](#), comprises distinct rulemaking actions: negotiated, proposed, temporary, pending, and final rulemaking. Not all rulemakings incorporate or require all of these actions. For a rule to become final, at a minimum, a rulemaking includes proposed, pending, and final rulemaking. Some rules may be adopted as temporary rules when they meet the required statutory criteria. Agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In some cases, the process may begin with proposed rulemaking and end with the final rulemaking. The following is a brief explanation of each type of rule.

1. NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate – Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

2. PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking – Proposed Rule” in the Bulletin. This notice must include very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule. When a pending rule is published in the Bulletin, the agency is required to include certain information in the “Notice of Rulemaking – Pending Rule.” This includes a statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule.

4. FINAL RULEMAKING

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

5. TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that:

- a) an imminent threat to the public health, safety, or welfare from a specified danger that was unknown to the agency prior to or during the most recent session of the legislature or from the measurable worsening of such threat or danger;
- b) compliance with deadlines in amendments to governing law;
- c) reducing a regulatory burden that would otherwise impact individuals or businesses;
- d) protection of citizens’ rights; or
- e) a natural disaster.

If a rulemaking meets one or more of these criteria, the Governor must publish a statement as to why an earlier effective date is required prior to receiving legislative authorization. The agency may then adopt a temporary rule to make it immediately effective or choose a later effective date. A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms or operation of law. An agency cannot adopt the same or substantially similar temporary rule unless (a) the Governor finds it is necessary due to an imminent threat to the public health, safety, or welfare, (b) 90 days have elapsed since the previous rule expiration, or (c) the Governor issues a declaration of a disaster emergency in state law. Agencies must concurrently promulgate a temporary rule and a proposed rule showing changes from the final rule when the text of the two rulemakings is the same, unless the temporary rule will expire before a proposed rule could become final.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

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

IDAPA 38.05.01.041.02.c.ii.

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

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

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

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

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

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

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

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

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-2201**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-2201”

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

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

“**2201**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2022**. A subsequent rulemaking on this same rule chapter in calendar year 2022 would be designated as “**2202**”. The docket number in this scenario would be 38-0501-**2202**.

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

(BREAK IN CONTINUITY OF SECTIONS)

REGULATORY ANALYSIS FOR 8 YEAR REVIEW SCHEDULE IS DUE ANNUALLY BY MARCH 1ST

RULEMAKING DEADLINES CY 2026

BULLETIN MONTH / VOL.	FEB 26-2	MAR 26-3	APR 26-4	MAY 26-5	JUN 26-6	JUL 26-7	AUG 26-8	SEPT 26-9	OCT 26-10	NOV 26-11	DEC 26-12	JAN '27 27-1
ARRF DUE	Dec 26	Jan 23	Mar 6	April 10	April 17	May 15	June 19	July 17	Aug 14	Sept 18	Oct 16	Nov 20
AGENCY FILING DUE	Jan 9	Feb 6	Mar 13	April 17	May 1	May 29	July 7	July 31	*Aug 28	Oct 2	Oct 30	**Dec 4
BULLETIN PUBLISHED	Feb 4	Mar 4	April 1	May 6	June 3	July 1	Aug 5	Sept 2	Oct 7	Nov 4	Dec 2	Jan 6
21-DAY COMMENT ENDS	Feb 25	Mar 25	April 22	May 27	June 24	July 22	Aug 26	Sept 23	Oct 28	Nov 25	Dec 23	Jan 27

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

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

RULEMAKING DEADLINES CY 2027

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

**September 3, 2027: Last day to submit a Proposed Rule for the upcoming Legislature*

***December 3, 2027: Last day to submit a Pending Rule for the upcoming Legislature*

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

[Access to Idaho Rule Writer's Manuals](#)

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**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.16.01 – RULES OF DENTURITRY

DOCKET NO. 24-1601-26L1

**NOTICE OF LEGISLATIVE ACTION AFFECTING THE STATE BOARD OF DENTURITRY
AND TRANSFERRING ADMINISTRATIVE RULES OF THE STATE BOARD OF DENTURITRY
TO THE STATE BOARD OF DENTISTRY, HOUSE BILL 935, SESSION LAW CHAPTER 298**

EFFECTIVE DATE: The effective date of this legislative action is July 1, 2026.

AUTHORITY: In compliance with Sections [67-5202\(2\)](#), [67-5203\(4\)\(d\)](#), and [67-5204\(2\)\(b\)-\(c\)](#), Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-eighth Legislature in the Second Regular Session – 2026, passed [House Bill 935](#) and that said bill was signed into law by Governor Brad Little, Session Law Chapter 298, dissolving the State Board of Denturitry and thereby transferring rulemaking authority to the State Board of Dentistry, under the Division of Occupational and Professional Licenses (DOPL) existing within the Department of Self Governing Agencies.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the legislative action affecting this chapter:

House Bill 935 consolidated the regulatory oversight of denturitry within the Idaho State Board of Dentistry by transferring authority from the existing independent Board of Denturitry. Denturitry remains a distinct licensed profession with its own scope of practice and licensure requirements, but is now regulated under a unified dental board structure. The intent of this realignment is to promote administrative efficiency, foster interprofessional collaboration, and strengthen regulatory consistency across oral health professions in Idaho. Through shared staffing, infrastructure, and disciplinary processes, DOPL anticipates increased efficiency and cost savings.

Pursuant to Section [67-5202\(2\)](#), Idaho Code, and further complying with the legislative intent of House Bill 935, all non-substantive changes that do not affect the sense, meaning, or intent of the rules will be made to update all references and citations within the rules formerly promulgated under the authority of the State Board of Denturitry. These include, but are not limited to, updating statutory references to the new governing law under [Title 54, Chapter 33](#), Idaho Code, and revising the chapter title from Rules of the State Board of Denturitry to comport with the enacted legislation. All citations and references to this chapter will be corrected in the Idaho Administrative Code pursuant to this notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice, contact Ryan Bernard, Legislative & Regulatory Affairs Chief, at (775) 870-7926, ryan.bernard@dopl.idaho.gov.

DATED this 2nd day of September, 2026.

Brad Hunt
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Division of Financial Management
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adminrules@dfm.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.26.01 – RULES OF MIDWIFERY

DOCKET NO. 24-2601-2601

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 [54-5503\(6\)](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows. Additional meetings may be scheduled and will be posted on the DOPL website (<https://dopl.idaho.gov/calendar/>) and <https://townhall.idaho.gov>.

Monday, September 14, 2026 10:30 a.m. (MT)
Virtual Webex Meeting Link Meeting Number: 2634 292 6979 Password: 9vbTcCPcS27
Thunderbolt Conference Room Division of Occupational and Professional Licenses 11341 W. Chinden Blvd., Bldg. 4 Boise, ID 83714

Rulemaking meetings will be held in person and via web conferencing to provide a rulemaking platform that enables broad participation by stakeholders from across the state and minimize travel for stakeholders. The meeting site(s) 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:

The contemplated rulemaking addresses the following: (1) Updates the midwifery formulary by aligning drug handling requirements and adding additional evidence-based medications used in maternal and neonatal care, as required by [2026 House Bill 639](#); (2) aligns continuing education (CE) requirements with biennial birthdate renewals and updates approved CE hours; and (3) makes technical corrections to Idaho Code references throughout the chapter when citations are no longer accurate.

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

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

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

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 6, 2026 Idaho Administrative Bulletin Volume [26-5](#), [pages 21-22](#).

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 Ryan Bernard, Legislative & Regulatory Affairs Chief, at (775) 870-7926. Materials pertaining to this rulemaking, including any available preliminary rule drafts, can be found on the DOPL website at the following web address: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2026.

DATED this 30th day of July, 2026.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
Phone: (775) 870-7926
Email: ryan.bernard@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-2601-2601
(Only Those Sections With Amendments Are Shown.)

24.26.01 – RULES OF MIDWIFERY

101. RENEWAL OF LICENSE.

01. Complete Practice Data. The information submitted by the licensed midwife must include complete practice data for the ~~calendar year preceding the date of the~~ renewal ~~application period~~. Such information includes: (3-28-23)()

- a. The number of clients to whom the licensed midwife has provided care; (3-28-23)
- b. The number of deliveries, including the number of cesareans or the number of vaginal births after cesarean (VBACs); (3-28-23)
- c. The average, oldest, and youngest maternal ages; (3-28-23)
- d. The number of primiparae; (3-28-23)
- e. All APGAR scores below five (5) at five (5) minutes; (3-28-23)
- f. The number of prenatal transfers and transfers during labor, delivery and immediately following birth, including transfers of mothers, transfers of babies, reasons for transfers, or transfers of all newborns being admitted to the neonatal intensive care unit (NICU) for more than twenty four (24) hours. (3-28-23)
- g. Any perinatal deaths occurring up to six weeks post-delivery, broken out by: weight, gestational age, age of the baby, and stillbirths, if any. (3-28-23)
- h. Any significant neonatal or perinatal problem, not listed above, during the six (6) weeks following birth. (3-28-23)

02. Current Cardiopulmonary Resuscitation Certification. A licensed midwife must certify on their renewal application that they possess a current certification in adult, infant, and child cardiopulmonary resuscitation and in neonatal resuscitation obtained through courses approved by the Board. (3-28-23)

03. Continuing Education Verification. The licensed midwife at renewal must certify by signed affidavit that the ~~annual~~ continuing education requirements set by the Board have been met. The Board may conduct continuing education audits. (3-28-23)()

102. CONTINUING EDUCATION REQUIREMENT.

01. ~~Annual~~ Continuing Education Requirement. A licensed midwife must ~~successfully~~ complete a minimum of ten (10) continuing education hours per year either acceptable to North American Registry of Midwives (“NARM”) as counting towards recertification of a licensed midwife as a Certified Professional Midwife (“CPM”) or otherwise approved by the Board. Two (2) of these hours must be in peer review participation as described in Subsection 102.02 continuing education and peer review sufficient enough to maintain professional competency and active certification as a professional midwife. (3-28-23)()

02. Legacy Licensees. A midwife who obtained licensure prior to July 1, 2024, and who has not obtained the CPM certification must provide proof of twenty (20) practice-relevant continuing education hours prior to license renewal, including four (4) hours of peer review. ()

023. ~~Peer Review System.~~ As part of the Board’s annual continuing education requirement, each licensed midwife must participate in peer review activities for a minimum of two (2) hours per year to enable licensed midwives to retrospectively present and review cases in an effort to further educate themselves about the appropriateness, quality, utilization, and ethical performance of midwifery care Peer review shall follow the standards and guidelines set forth by North American Registry of Midwives (“NARM”) or its successor organization. (3-28-23)

~~a. Licensed midwives are responsible for organizing their own peer review sessions. At least three (3) licensed midwives or CPMs must participate in a peer review session in order for the session to count towards a licensed midwife’s annual two-hour peer review activity requirement. (3-28-23)~~

~~b. Each licensed midwife must make a presentation that must include the following information: (3-28-23)~~

~~i. Total number of clients currently in the licensed midwife’s care; (3-28-23)~~

~~ii. The number of women in the licensed midwife’s practice that are postpartum; (3-28-23)~~

~~iii. The number of births the licensed midwife has been involved with since the last peer review session; and (3-28-23)~~

~~iv. One (1) or more specific cases arising since the licensed midwife’s last peer review session involving serious complications or the transport of a mother or baby to the hospital. (3-28-23)~~

~~e. The i Information presented in a peer review session is confidential. The identities of the client, other health care providers, and other persons involved in a case may not be divulged during the peer review session. Discussion and evaluation within a peer review session shall not be shared outside the session without the consent of the licensee or used as the basis for disciplinary action against a licensee. (3-28-23)()~~

03. ~~Carryover Hours.~~ A licensed midwife may carryover a maximum of five (5) hours of continuing education to meet the next year’s continuing education requirement. (3-28-23)

103. -- 199. (RESERVED)

200. USE OF FORMULARY DRUGS.

01. Protocols. A licensed midwife is authorized to obtain and administer prescription drugs used during maternal and neonatal care in accordance with Section 54-5504A, Idaho Code. ()

02. Possession. Licensed midwives may obtain prescription medication for which they have the requisite education, training, and experience to competently administer. ()

03. Treatment. For this rule, formulary means the medication dosage, route of administration, and duration of therapy that conforms to the Food and Drug Administration approved indication and the acceptable midwifery standard of care. Evidence-based off-label use is permitted for any drug, provided it falls within the acceptable standard of care. ()

04. Prohibitions. Licensed midwives acting beyond the acceptable standard of care by obtaining or administering non-formulary medications to patients, unless authorized by Idaho law, are subject to discipline or other legal action. ()

201. OBTAINING, STORING, AND DISPOSING OF FORMULARY DRUGS.

A licensed midwife must adhere to the requirements in Title 54 Chapter 17 Idaho Code and IDAPA 24.36.01 Rules of the Idaho State Board of Pharmacy for obtaining, storing, and disposing of formulary drugs during the practice of midwifery provide adequate measures to ensure proper storage, transportation, and disposal of prescription medications within their possession and in accordance with Title 54, Chapter 17, Idaho Code. (3-28-23)()

(BREAK IN CONTINUITY OF SECTIONS)

203. SCOPE AND PRACTICE STANDARDS.

A licensed midwife must adhere to the ~~Essential Documents of the National Association of Certified Professional Midwives to the extent such scope and practice standards are consistent with the Board's enabling law, Chapter 55, Title 54, Idaho Code when providing antepartum, intrapartum, postpartum, and newborn care~~ applicable standard of care when providing antepartum, intrapartum, postpartum, and newborn care, consistent with Title 54, Chapter 55, Idaho Code. (3-28-23)()

01. Conditions for Which a Licensed Midwife May Not Provide Care Without Health Care Provider Involvement. A licensed midwife may not provide care for a client with a history of the disorders, diagnoses, conditions, or symptoms listed in ~~Section 54-5505(1)(e)(ii)~~ Title 54, Chapter 55, Idaho Code, unless such disorders, diagnoses, conditions or symptoms are being treated, monitored or managed by a licensed health care provider. In ~~Section 54-5505(1)(e)(ii)(14)~~ Title 54, Chapter 55, Idaho Code, "history" includes illicit drug use or addiction during the current pregnancy. (3-28-23)()

02. Conditions for Which a Licensed Midwife Must Facilitate Hospital Transfer. A licensed midwife must facilitate the immediate transfer of a client to a hospital for emergency care if the client has any of the disorders, diagnoses, conditions or symptoms listed in ~~Section 54-5505(1)(e)(iv)~~ Title 54, Chapter 55, Idaho Code. Maternal fever in labor of more than 100.4 degrees Fahrenheit, in the absence of environmental factors; suggestion of fetal jeopardy, such as frank bleeding before delivery, any abnormal bleeding (with or without abdominal pain); evidence of placental abruption, meconium with non-reassuring fetal heart tone patterns where birth is not imminent; or abnormal fetal heart tones with non-reassuring patterns where birth is not imminent; (3-28-23)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.34.01 – RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 24-3401-2601

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 [54-1404\(12\)](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows. Additional meetings may be scheduled and will be posted on the DOPL website (<https://dopl.idaho.gov/calendar/>) and <https://townhall.idaho.gov>.

Monday, September 14, 2026 10:00 a.m. (MT)
Virtual Webex Meeting Link Meeting Number: 2869 354 8431 Password: w3T6KpBgKJ3 Thunderbolt Conference Room Division of Occupational and Professional Licenses 11341 W. Chinden Blvd., Bldg. 4 Boise, ID 83714

Rulemaking meetings will be held in person and via web conferencing to provide a rulemaking platform that enables broad participation by stakeholders from across the state and minimize travel for stakeholders. The meeting site(s) 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:

The contemplated rulemaking addresses the following: (1) updates the rules to allow for biennial birthdate renewals; (2) advances the exception to licensure of nurse apprenticeship to nurse internship; and (3) makes technical corrections to Idaho Code references throughout the chapter when citations are no longer accurate.

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

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

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

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 6, 2026 Idaho Administrative Bulletin, Volume [26-5](#), pages [25-26](#).

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 Ryan Bernard, Legislative & Regulatory Affairs Chief,

at (775) 870-7926. Materials pertaining to this rulemaking, including any available preliminary rule drafts, can be found on the DOPL website at the following web address: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2026.

DATED this 30th day of July, 2026.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
Phone: (775) 870-7926
Email: ryan.bernard@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3401-2601
(Only Those Sections With Amendments Are Shown.)

24.34.01 – RULES OF THE IDAHO BOARD OF NURSING

000. LEGAL AUTHORITY.

This chapter is adopted in accordance with Section [54-1404](#)(~~43~~[12](#)), Idaho Code.

(~~3-28-23~~)()

(BREAK IN CONTINUITY OF SECTIONS)

002. DEFINITIONS.

01. Accreditation. The official authorization or status granted by a recognized accrediting entity or agency other than a state board of nursing. (3-28-23)

02. Advanced Practice Registered Nurse. Advanced practice registered nurses, when functioning within the recognized scope of practice, assume primary responsibility for the care of their patients in diverse settings. This practice incorporates the use of professional judgment in the assessment and management of wellness and conditions appropriate to the advanced practice registered nurse's role, population focus and area of specialization. (3-28-23)

03. Approval. The process by which the Board evaluates and grants official recognition to education programs that meet standards established by the Board. (3-28-23)

04. Assistance With Medication. The process whereby a non-licensed care provider is delegated tasks by a licensed nurse to aid a patient who cannot independently self-administer medications. (3-28-23)

05. Certification. Means recognition of the applicant's advanced knowledge, skills and abilities in a defined area of nursing practice by a national organization recognized by the Board. The certification process measures the theoretical and clinical content denoted in the advanced scope of practice, and is developed in accordance with generally accepted standards of validation and reliability. (3-28-23)

06. Certified Nurse-Midwife. Means a licensed registered nurse who has graduated from a nationally accredited graduate or post-graduate nurse-midwifery program, and has current certification as a nurse-midwife from a national organization recognized by the Board. In addition to the core standards, the advanced practice registered nurse in the role of certified nurse midwife provides the full range of primary health care services to women throughout the lifespan, including gynecologic care, family planning services, preconception care, prenatal and postpartum care, childbirth, care of the newborn and reproductive health care treatment of the male partners of female patients. (3-28-23)

07. Certified Nurse Practitioner. Means a licensed registered nurse who has graduated from a nationally accredited graduate or post-graduate nurse practitioner program and has current certification as a nurse practitioner from a national organization recognized by the Board. In addition to core standards, the advanced practice registered nurse in the role of certified nurse practitioner provides initial and ongoing comprehensive primary care services to patients including, but not limited to, diagnosis and management of acute and chronic disease, and health promotion, disease prevention, health education counseling, and identification and management of the effects of illness on patients and their families. (3-28-23)

08. Certified Registered Nurse Anesthetist. Means a licensed registered nurse who has graduated from a nationally accredited graduate or post-graduate nurse anesthesia program and has current certification as a nurse anesthetist from a national organization recognized by the Board. In addition to core standards, the advanced practice registered nurse in the role of certified registered nurse anesthetist provides the full spectrum of anesthesia care and anesthesia-related care and services to individuals across the lifespan whose health status may range across the wellness-illness continuum to include healthy persons; persons with immediate, severe or life-threatening illness or injury; and persons with sustained or chronic health conditions. (3-28-23)

09. Clinical Nurse Specialist. Means a licensed registered nurse who has graduated from a nationally accredited graduate or post-graduate clinical nurse specialist program and has current certification as a clinical nurse specialist from a national organization recognized by the Board. In addition to core standards, the advanced practice registered nurse in the role of clinical nurse specialist provides services to patients, care providers and health care delivery systems including, but not limited to, direct care, expert consultation, care coordination, monitoring for quality indicators and facilitating communication between patients, their families, members of the health care team and components of the health care delivery system. (3-28-23)

10. Charge Nurse. A licensed nurse who bears primary responsibility for assessing, planning, prioritizing and evaluating care for the patients on a unit, as well as the overall supervision of the licensed and unlicensed staff delivering the nursing care. (3-28-23)

11. Curriculum. The systematic arrangement of learning experiences including didactic courses, practical experiences, and other activities needed to meet the requirements of the nursing program and of the certificate or degree conferred by the parent institution. (3-28-23)

12. Diagnosis. Means identification of actual or potential health problems and the need for intervention based on analysis of data collected. Diagnosis depends upon the synthesis of information obtained through interview, physical exam, diagnostic tests or other investigations. (3-28-23)

13. Disability. Any physical, mental, or emotional condition that interferes with the ability to safely and competently practice. (3-28-23)

14. Intervention. Means measures to promote health, protect against disease, treat illness in its earliest stages, manage acute and chronic illness, and treat disability. Interventions may include, but are not limited to ordering diagnostic studies, performing direct nursing care, prescribing pharmacologic or non-pharmacologic or other therapies and consultation with or referral to other health care providers. (3-28-23)

15. Licensed Practical Nurse (LPN). In addition to the definition set forth in Section 54-1402, Idaho Code, licensed practical nurses function in dependent roles. The stability of the patient's environment, the patient's clinical state, and the predictability of the outcome determine the degree of direction and supervision that must be provided to the licensed practical nurse. (3-28-23)

16. Licensed Registered Nurse (RN). In addition to the definition set forth in Section 54-1402, Idaho Code, licensed registered nurses are expected to exercise competency in judgment, decision making, implementation of nursing interventions, delegation of functions or responsibilities, and administration of medications and treatments prescribed by legally authorized persons. (3-28-23)

17. Nurse Apprentices and Nurse Interns. Nursing students who, in addition to their student role, are paid employees in a non-licensed capacity by a healthcare agency which has adopted a Board-approved education plan. ()

178. Nursing Assessment. The systematic collection of data related to the patient's health needs. (3-28-23)

189. Nursing Intervention. An action deliberately selected and performed to support the plan of care. (3-28-23)

1920. Nursing Jurisdiction. Unless the context clearly denotes a different meaning, when used in these rules, the term nursing jurisdiction means any or all of the fifty (50) states, U.S. territories or commonwealths. (3-28-23)

201. Organized Program of Study. A written plan of instruction to include course objectives and content, teaching strategies, provisions for supervised clinical practice, evaluation methods, length and hours of course, and faculty qualifications. (3-28-23)

242. Peer Review Process. The systematic process by which a qualified peer assesses, monitors, and makes judgments about the quality of care provided to patients measured against established practice standards. Peer review measures on-going practice competency of the advance practice registered nurse (APRN) and is performed by a licensed APRN, physician, physician assistant, or other professional certified by a recognized credentialing organization. Peer review focuses on a mutual desire for quality of care and professional growth incorporating attitudes of mutual trust and motivation. (3-28-23)

223. Plan of Care. The goal-oriented strategy developed to assist individuals or groups to achieve optimal health potential. (3-28-23)

234. Population Focus. Means the section of the population which the APRN has targeted to practice within. The categories of population foci are family/individual across the lifespan, adult-gerontology, women's health/gender-related, neonatal, pediatrics, and psychiatric-mental health. (3-28-23)

245. Practice Standards. General guidelines that identify roles and responsibilities for a particular category of licensure and used in conjunction with the decision-making model, define a nurse's relationship with other care providers. (3-28-23)

256. Prescriptive and Dispensing Authorization. Means the legal permission to prescribe, deliver, distribute and dispense pharmacologic and non-pharmacologic agents to a patient in compliance with Board rules and applicable federal and state laws. Pharmacologic agents include legend and Schedule II through V controlled substances. (3-28-23)

267. Restricted License. A nursing license subject to specific restrictions, terms, and conditions. (3-28-23)

278. Scope of Practice. The extent of treatment, activity, influence, or range of actions permitted or authorized for licensed nurses based on the nurse's education, preparation, and experience. (3-28-23)

289. Specialization. Means a more focused area of preparation and practice than that of the APRN role/population foci that is built on established criteria for recognition as a nursing specialty to include, but not limited to, specific patient populations (e.g., elder care, care of post-menopausal women), and specific health care needs (e.g., palliative care, pain management, nephrology). (3-28-23)

~~29~~**30.** **Specialty Nursing Organization.** A licensed registered nurse may carry out functions beyond the basic educational preparation within the parameters of a nursing specialty that meets criteria approved by the American Board of Nursing Specialties (ABNS) or the National Commission for Certifying Agencies (NCCA) of the National Organization of Competency Assurance (NOCA) when the nurse has completed additional education through an organized program of study which includes clinical experience and conforms to recognized nursing specialty practice parameters. (3-28-23)

301. **Supervision.** Designating or prescribing a course of action, or giving procedural guidance, direction, and periodic evaluation. (3-28-23)

~~34~~**2.** **Unlicensed Assistive Personnel (UAP).** This term is used to designate unlicensed personnel employed to perform nursing care services under the direction and supervision of licensed nurses. The term also includes licensed or credentialed health care workers whose job responsibilities extend to health care services beyond their usual and customary roles and which activities are provided under the direction and supervision of licensed nurses. UAPs are prohibited from performing any licensed nurse functions that are specifically defined in Section 54-1402, Idaho Code. UAPs may not be delegated procedures involving acts that require nursing assessment or diagnosis, establishment of a plan of care or teaching, the exercise of nursing judgment, or procedures requiring specialized nursing knowledge, skills or techniques. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

100. LICENSURE.

01. Persons Exempted by the Board. Licensure to practice nursing is not necessary, nor is the practice of nursing prohibited for persons exempted by the Board including: (3-28-23)

a. Technicians and ~~t~~Technologists. Technicians and technologists may perform limited nursing functions within their training, education, and experience provided they have enrolled in or completed a formal training program or are registered or certified by a national organization acceptable to the Board. ~~(3-28-23)~~()

b. ~~A nurse apprentice is a nursing student who is employed for remuneration in a non-licensed capacity outside the student role by a Board approved health care agency. Applicants for a nurse apprentice must be enrolled in good standing in an accredited nursing education program that is substantially similar to Idaho's programs for licensed/registered nursing and satisfactorily complete a basic nursing fundamentals course.~~Nurse Apprentices. ~~(3-28-23)~~()

~~ei.~~ Applicants for ~~A~~ nurse apprentice applicant must: ~~(3-28-23)~~()

~~i.~~(1) Be enrolled in an accredited/approved nursing education program that is substantially equivalent to Idaho's approved programs for practical/registered nursing. (3-28-23)

~~ii.~~(2) Be in good academic standing at the time of application and notify the Board of any change in academic standing. (3-28-23)

~~iii.~~(3) Satisfactorily complete a basic nursing fundamentals course. (3-28-23)

~~iv.~~(4) Complete ~~an application on a board approved form~~ a board-approved application. ~~(3-28-23)~~()

~~vii.~~ An individual whose application is approvedApproved nurse apprentice candidates will be issued a letter identifying the individual as ~~a nurse apprentice~~ such for a designated ~~time~~ period ~~to extend of~~ not more than three (3) months after successful completion of the nursing education program. ~~(3-28-23)~~()

~~viii.~~ A nurse apprentice may, under the supervision of a licensed registered nurse ~~supervision in good standing,~~ perform all functions approved by the Board for unlicensed assistive personnel as set forth in Subsection

002.3+2 of these rules.

(3-28-23)()

c. Nurse Interns.

()

i. A nurse intern applicant must meet all requirements of a nurse apprentice and must also be entering the final year of their accredited nursing education program.

()

ii. Approved nurse intern candidates will be issued a letter identifying the individual as such for a period of not more than three (3) months after successful completion of the nursing education program.

()

iii. Subject to the exceptions listed in Subparagraph iv., and under the direct supervisions of a registered nurse who is licensed in good standing in Idaho, a nurse intern may perform all nursing procedures for which the intern has received proper training from the supervising nurse, validated in a clinical setting. This includes preparing and administering intravenous medications that are specifically ordered at set doses or rates and are not titratable.

()

iv. Under no circumstances shall a nurse intern be permitted to:

()

(1) Administer blood or blood products;

()

(2) Carry out procedures on or administer medications through central lines;

()

(3) Perform intrathecal or epidural procedures;

()

(4) Administer antineoplastic agents or controlled substances;

()

(5) Administer intravenous medications requiring titration or a variable administration rate; or

()

(6) Delegate.

()

02. Licensure: General Requirements.

(3-28-23)

a. Board Forms. Initial applications, renewal applications and other forms used for licensure or other purposes must be in such form as designated by the Board.

(3-28-23)

b. Date License Lapsed. Licenses not renewed prior to ~~September 1 of~~ the licensee's birthdate in the appropriate year are lapsed and therefore invalid.

(3-28-23)()

c. LPN, RN, and APRN License Renewal. The original completed renewal application and renewal fee as prescribed in Section 400 of these rules, are submitted to the Board ~~and dated not later than August 31 of the appropriate renewal year. All licenses are renewed~~ as prescribed in Section 54-1411, Idaho Code.

(3-28-23)()

d. Reapplication. Review of a denied application may be requested by submitting a written statement and documentation that includes evidence, satisfactory to the Board, of rehabilitation, or elimination or cure of the conditions for denial.

(3-28-23)

e. Only one license- exception. A licensee may hold only one (1) active renewable license to practice nursing at any time except that licensed advanced practice registered nurses must also be licensed to practice as licensed registered nurses.

(3-28-23)

03. Temporary Licensure.

(3-28-23)

a. Issued at Discretion of Board. Temporary licenses are issued for a period not to exceed ninety (90) days, and may be extended, at the discretion of the Board.

(3-28-23)

b. Temporary Licensure by Interstate Endorsement. A temporary license may be issued to an applicant for interstate endorsement on proof of current licensure in good standing in another nursing jurisdiction,

and in compliance with the requirements of Section 100.076 of these rules.

(3-28-23)()

c. Temporary Licensure by Examination. A temporary license to practice nursing until notification of examination results and completion of criminal background check may be issued to an applicant for Idaho licensure beginning thirty (30) days prior to graduation from a nursing education program recognized by this Board or the professional licensing board for another nursing jurisdiction, and compliance with Section 100.054 of these rules.

(3-28-23)()

d. The practice of nursing by new graduates holding temporary licensure is limited as follows:

(3-28-23)

i. Direct supervision is provided by a licensed registered nurse that is physically present and immediately accessible to designate or prescribe a course of action or to give procedural guidance, direction, and periodic evaluation.

(3-28-23)

ii. Precluded from acting as charge nurse.

(3-28-23)

e. Unsuccessful Examination Candidates. An applicant who fails to pass the licensing examination is not eligible for further temporary licensure. In the event that such applicant subsequently passes the licensing examination after twelve (12) months or more have elapsed following completion of the educational program, a temporary license with conditions may be issued until verification of clinical competence is received.

(3-28-23)

f. Applicants Not in Active Practice. A temporary license with specific terms and conditions may be issued to a person who has not actively engaged in the practice of nursing in any nursing jurisdiction for more than three (3) years immediately prior to the application for licensure or to an applicant whose completed application indicates the need for confirmation of the applicant's ability to practice safe nursing.

(3-28-23)

g. Applicants from Other Countries. Upon final evaluation of the completed application, the Board may, at its discretion, issue a temporary license to a graduate from a nursing education program outside of a nursing jurisdiction, pending notification of results of the licensing examination.

(3-28-23)

h. Temporary Licensure- Advanced Practice Registered Nurse. A temporary license to engage in advanced practice registered nursing may be issued to the following:

(3-28-23)

i. An otherwise qualified applicant who is eligible to take the first available certification examination following completion of an approved advanced practice registered nurse education program. Verification of registration to write a Board-recognized national certification examination must be received from the national certifying organization.

(3-28-23)

ii. Temporary licensure to practice shall be deemed to expire upon failure of the certification examination. An applicant who fails the national certification exam shall not engage in advanced practice registered nursing until such time as all requirements are met.

(3-28-23)

iii. An applicant who is granted a temporary license to practice as an advanced practice registered nurse must submit notarized results of the certification examination within ten (10) days of receipt. Failure to submit required documentation shall result in the immediate expiration of the temporary license.

(3-28-23)

iv. The temporary license of an applicant who does not write the examination on the date scheduled shall immediately expire and the applicant shall not engage in advanced practice registered nursing until such time as all requirements are met.

(3-28-23)

i. Applicants Whose Certification Has Lapsed. A licensed registered nurse applying for re-entry into advanced registered nursing practice, who is required by the national certifying organization to meet certain specified practice requirements under supervision. The length of and conditions for temporary licensure shall be determined by the Board.

(3-28-23)

j. Applicants Holding a Temporary Registered Nursing License. An advanced practice registered

nurse currently authorized to practice advanced practice registered nursing in another nursing jurisdiction upon issuance of a temporary license to practice as a registered nurse, and upon evidence of current certification as an advanced practice registered nurse from a Board-recognized national certifying organization. (3-28-23)

k. Applicants Without Required Practice Hours. An advanced practice registered nurse who has not practiced the minimum required period of time during the renewal period may be issued a temporary license in order to acquire the required number of hours and demonstrate ability to safely practice. (3-28-23)

04. Qualifications for Licensure by Examination. (3-28-23)

a. In-State. Individuals who have successfully completed all requirements for graduation and have been conferred a degree from an Idaho nursing education program approved by the Board, will be eligible to make application to the Board to take the licensing examination. (3-28-23)

b. Out-of-State. Individuals who hold a certificate of completion from a nursing education program having board of nursing approval in another nursing jurisdiction will be eligible to make application to the Board to take the licensing examination, providing they meet substantially the same basic educational requirements as graduates of Idaho nursing education programs at the time of application. (3-28-23)

c. Practical Nurse Equivalency Requirement. An applicant for practical nurse licensure by examination who has not completed an approved practical nurse program, must provide satisfactory evidence (such as official transcripts) of successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses to include a course in personal and vocational relationships of the practical nurse. Related courses are to be equivalent to those same courses included in a practical nursing program approved by the Board. (3-28-23)

d. Time Limit for Examinations. Graduates who do not take the examination within twelve (12) months following completion of the nursing education program must follow specific remedial measures as prescribed by the Board. (3-28-23)

05. Examination and Re-Examination. (3-28-23)

a. Applicants for Registered or Practical Nurse Licensure. Applicants will successfully pass the National Council Licensure Examination (NCLEX) for registered nurse licensure or for practical nurse licensure, as applied for and approved. In lieu of the NCLEX, the Board may accept documentation that the applicant has taken and successfully passed the State Board Test Pool examination. (3-28-23)

06. Qualifications for Licensure by Endorsement. (3-28-23)

a. An applicant for Idaho licensure by interstate endorsement must: (3-28-23)

i. Graduation. Be a graduate of a state approved/accredited practical or registered nursing education program. Applicants for practical nurse licensure may also qualify under the provisions of Subsection 100.087.a. of these rules. (3-28-23)()

ii. Licensing Examination. Have taken the same licensing examination as that administered in Idaho and achieved scores established as passing for that examination by the Board. (3-28-23)

iii. Minimum Requirements. In lieu of the requirements in Subsections 100.086.a.i. and 100.06.a.ii. of this rule, have qualifications that are substantially equivalent to Idaho's minimum requirements. (3-28-23)()

iv. License from Another Nursing Jurisdiction. Hold a current, valid, and unrestricted license from another nursing jurisdiction. (3-28-23)

07. Qualifications for Licensure by Equivalency and Endorsement Licensure. (3-28-23)()

a. Application by Equivalency. An applicant for practical nurse licensure by interstate endorsement

based on equivalency must meet the following requirements: (3-28-23)

- i. Have successfully taken the same licensing examination as that administered in Idaho; and (3-28-23)
- ii. Hold a license in another nursing jurisdiction based on successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses to include a course in personal and vocational relationships of the practical nurse (or equivalent experience) and additional courses equivalent to those same courses included in a practical nursing program approved by the Board and provide evidence thereof. (3-28-23)
- b. Applicants Licensed in Another Nursing Jurisdiction. Graduates of schools of nursing located outside the United States, its territories or commonwealths who are licensed in a nursing jurisdiction and who meet the requirements of Subsection 100.098 of these rules may be processed as applicants for licensure by endorsement from another state. ~~(3-28-23)~~ ()

08. Qualifications for Licensure of Graduates of Schools of Nursing Located Outside the United States, Its Territories, or Commonwealths. A graduate from a nursing education program outside of the United States, its territories or commonwealths must: (3-28-23)

- a. Qualifications. Demonstrate nursing knowledge and; if the prelicensure education program is not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes components of reading, writing, speaking and listening. (3-28-23)
- b. Education Credentials. Have education qualifications that are substantially equivalent to Idaho's minimum requirements at the time of application. (3-28-23)
- c. License. Hold an active, unencumbered license or other indication of authorization to practice in good standing, issued by a government entity or agency from a country outside the United States, its territories or commonwealths. (3-28-23)
- d. Examination/Re-Examination. Take and achieve a passing score on the licensing examination required in Subsection 100.065 of these rules. ~~(3-28-23)~~ ()

09. Qualifications for Advanced Practice Registered Nurse. To qualify as an advanced practice registered nurse, an applicant shall provide evidence of: (3-28-23)

- a. Current Licensure. Current licensure to practice as a registered nurse in Idaho; (3-28-23)
- b. Completion of Advanced Practice Registered Nurse Program. Successful completion of a graduate or post-graduate advanced practice registered nurse program which is accredited by a national organization recognized by the Board; and (3-28-23)
- c. National Certification. Current national certification by an organization recognized by the Board for the specified APRN role. (3-28-23)

10. Recognition of National Certifying Organizations for Advanced Practice Registered Nursing. The Board recognizes advanced practice registered nurse certification organizations that meet criteria as defined by the National Council of State Boards of Nursing. (3-28-23)

11. Renewal of Advanced Practice Registered Nurse License. The advanced practice registered nurse license may be renewed every two (2) years as specified in Section 54-1411, Idaho Code, provided that the advanced practice registered nurse: (3-28-23)

- a. Current Registered Nurse License. Maintains a current registered nurse license or privilege to practice in Idaho. (3-28-23)
- b. Evidence of Certification. Submits evidence of current APRN certification by a national

organization recognized by the Board. (3-28-23)

c. Peer Review Process. Provides evidence, satisfactory to the Board, of participation in a peer review process acceptable to the Board. (3-28-23)

d. Exemption from Requirements. Nurse Practitioners not certified by a national organization recognized by the Board and approved prior to July 1, 1998, shall be exempt from the requirement set forth in Subsection 100.4209.b. of these rules. (3-28-23)()

12. Persons Exempted from Advanced Practice Registered Nursing License Requirements. (3-28-23)

a. Students. Nothing in these rules prohibits a registered nurse who holds a current license, or privilege, to practice in Idaho and who is enrolled as a matriculated student in a nationally accredited educational program for advanced practice registered nursing from practicing as an advanced practice registered nurse when such practice is an integral part of the advanced practice registered nurse curriculum. (3-28-23)

b. Certified Nurse Practitioners Licensed Prior to July 1, 1998. A certified nurse practitioner authorized to practice prior to July 1, 1998 may satisfy the requirement of Subsection 100.4209.b. of these rules by documenting competency within their specialty area of practice based upon education, experience and national certification in that specialty or education, experience and approval by the Board. (3-28-23)()

c. Advanced Practice Registered Nurses Educated Prior to January 1, 2016. (3-28-23)

i. An applicant for APRN licensure who completed a nationally accredited undergraduate or certificate APRN program prior to January 1, 2016, does not need to meet the APRN graduate or post-graduate educational requirements for initial licensure contained within Subsection 100.4009 of these rules. (3-28-23)()

ii. A person applying for APRN licensure in Idaho who: holds an existing APRN license issued by any nursing jurisdiction, completed their formal APRN education prior to January 1, 2016, and who meets all of the requirements for initial licensure contained within Subsection 100.4009 of these rules except for the APRN graduate or post-graduate educational requirement, may be issued an APRN license by endorsement if at the time the person received their APRN license in the other jurisdiction they would have been eligible for licensure as an APRN in Idaho. (3-28-23)()

13. Reinstatement. A person whose license has lapsed for failure to pay the renewal fee by the specified date may apply for reinstatement by submitting the items set out in Section 54-1411(3), Idaho Code and a current fingerprint-based criminal history check as set forth in Section 54-1401(3), Idaho Code, and paying the fee under RuleSection 400.02. (3-28-23)()

a. Application Following Discipline. A person whose license has been subject to disciplinary action by the Board is to include documentation of compliance with any terms and restrictions set forth in any order as a condition of reinstatement. (3-28-23)

b. Appearance Before Board. Applicants for reinstatement may be called to appear before the Board. (3-28-23)

c. Application for Reinstatement After Revocation. Unless otherwise provided in the order of revocation, applicants for reinstatement of revoked licenses are precluded from applying for reinstatement for a period of two (2) years after entry of the order. (3-28-23)

d. Following Disciplinary Action. (3-28-23)

i. After evaluation of an application for licensure reinstatement, the Board may issue a restricted license to a nurse whose license has been revoked. (3-28-23)

ii. The Board will specify the conditions of issuance of the restricted license in writing. The conditions

may be stated on the license. (3-28-23)

14. Reinstatement of Advanced Practice Registered Nurse License. An advanced practice registered nurse license may be reinstated as specified in Section 54-1411, Idaho Code, provided that the applicant: (3-28-23)

a. Current Registered Nurse License. Maintains a current registered nurse license or privilege to practice in Idaho. (3-28-23)

b. Evidence of Certification. Submits evidence of current APRN certification by a national organization recognized by the Board. (3-28-23)

c. Fee. Pays the fee specified in Section 400 of these rules. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

200. PRACTICE STANDARDS.

01. Decision-Making Model. The decision-making model is the process by which a licensed nurse evaluates whether a particular act is within the legal scope of that nurse's practice and determines whether to delegate the performance of a particular nursing task in a given setting. This model applies to all licensure categories permitting active practice, regardless of practice setting. (3-28-23)

a. Determining Scope of Practice. To evaluate whether a specific act is within the legal scope of nursing practice, a licensed nurse shall determine whether: (3-28-23)

i. The act is expressly prohibited by the Nursing Practice Act, or the act is limited to the scope of practice of advanced practice registered nurses or to licensed registered nurses, or the act is prohibited by other laws; (3-28-23)

ii. The act was taught as a part of the nurse's educational institution's required curriculum and the nurse possesses current clinical skills; (3-28-23)

iii. The act is consistent with standards of practice published by a national specialty nursing organization or supported by recognized nursing literature or reputable published research and the nurse can document successful completion of additional education through an organized program of study including supervised clinical practice or equivalent demonstrated competency; (3-28-23)

iv. Performance of the act is within the accepted standard of care that would be provided in a similar situation by a reasonable and prudent nurse with similar education and experience and the nurse is prepared to accept the consequences of the act. (3-28-23)

b. Deciding to Delegate. When delegating nursing care, the licensed nurse retains accountability for the delegated acts and the consequences of delegation. Before delegating any task the nurse shall: (3-28-23)

i. Determine that the acts to be delegated are not expressly prohibited by the Nursing Practice Act or Board rules and that the activities are consistent with job descriptions or policies of the practice setting; (3-28-23)

ii. Assess the patient's status and health care needs prior to delegation, taking into consideration the complexity of assessments, monitoring required and the degree of physiological or psychological instability; (3-28-23)

iii. Exercise professional judgment to determine the safety of the delegated activities, to whom the acts may be delegated, and the potential for harm; (3-28-23)

- iv. Consider the nature of the act, the complexity of the care needed, the degree of critical thinking required and the predictability of the outcome of the act to be performed; (3-28-23)
- v. Consider the impact of timeliness of care, continuity of care, and the level of interaction required with the patient and family; (3-28-23)
- vi. Consider the type of technology employed in providing care and the knowledge and skills required to effectively use the technology, including relevant infection control and safety issues; (3-28-23)
- vii. Determine that the person to whom the act is being delegated has documented education or training to perform the activity and is currently competent to perform the act; and (3-28-23)
- viii. Provide appropriate instruction for performance of the act. (3-28-23)
- c. Delegating to UAPs. (3-28-23)
 - i. The nursing care tasks that may be delegated to UAPs shall be stated in writing in the practice setting. Decisions concerning delegation will be determined in accordance with the provisions of Section 200 of these rules. UAPs may complement the licensed nurse in the performance of nursing functions, but cannot substitute for the licensed nurse; UAPs cannot redelegate a delegated act. (3-28-23)
 - ii. Where permitted by law, after completion of a Board-approved training program, UAPs in care settings may assist patients who cannot independently self-administer medications, provided that a plan of care has been developed by a licensed registered nurse, and the act has been delegated by a licensed nurse. Assistance with medication may include: breaking a scored tablet, crushing a tablet, instilling eye, ear or nose drops, giving medication through a pre-mixed nebulizer inhaler or gastric (non-nasogastric) tube, assisting with oral or topical medications and insertion of suppositories. (3-28-23)
- d. Monitoring Delegation. Subsequent to delegation, the licensed nurse shall: (3-28-23)
 - i. Evaluate the patient's response and the outcome of the delegated act, and take such further action as necessary; and (3-28-23)
 - ii. Determine the degree of supervision required and evaluate whether the activity is completed in a manner that meets acceptable outcomes. The degree of supervision shall be based upon the health status and stability of the patient, the complexity of the care and the knowledge and competence of the individual to whom the activity is delegated. (3-28-23)
- 02. Standards of Conduct.** (3-28-23)
 - a. License. (3-28-23)
 - i. Reporting Grossly Negligent or Reckless Practice. The nurse shall report to the Board any licensed nurse who is grossly negligent or reckless in performing nursing functions or who otherwise violates the Nursing Practice Act or the Board rules. (3-28-23)
 - ii. Unlawful Use of License. The nurse shall not permit their license to be used by another person for any purpose or permit unlicensed persons under their jurisdiction or supervision to indicate in any way that they are licensed to perform functions restricted to licensed persons. (3-28-23)
 - b. Practice. The nurse shall have knowledge of the statutes and rules governing nursing and function within the defined legal scope of nursing practice, not assume any duty or responsibility within the practice of nursing without adequate training: (3-28-23)
 - i. Delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities and will not delegate to non-licensed persons functions that are to be performed only by licensed nurses. The nurse delegating functions is to supervise the persons to whom the functions have been assigned or

delegated. (3-28-23)

ii. Act to safeguard the patient from the incompetent practice, verbal or physical abusive acts or illegal practice of any person. (3-28-23)

iii. Not obtain, possess, furnish or administer prescription drugs to any person, including self, except as directed by a person authorized by law. (3-28-23)

iv. Not abandon patients in need of nursing care in a negligent manner. The nurse will leave a nursing assignment only after properly reporting and notifying appropriate personnel and will transfer responsibilities to appropriate personnel or care giver when continued care is necessitated by the patient's condition. (3-28-23)

v. Respect the patient's privacy. (3-28-23)

vi. Observe the condition and signs and symptoms of a patient, record the information, and report to appropriate persons any significant changes. (3-28-23)

vii. Function as a member of the health team and shall collaborate with other health team members as necessary to meet the patient's health needs. (3-28-23)

viii. Adhere to precautions and carry out principles of asepsis and infection control and not place the patient, the patient's family or the nurse's coworkers at risk for the transmission of infectious diseases. (3-28-23)

03. Professional Responsibility. (3-28-23)

a. Disclosing Contents of Licensing Examination. The nurse is not to disclose contents of any licensing examination, or solicit, accept, or compile information regarding the contents of any examination before, during, or after its administration. (3-28-23)

b. Considerations in Providing Care. In providing nursing care, the nurse will respect and consider the individual's human dignity, health problems, personal attributes, national origin, and handicaps and not discriminate on the basis of age, sex, race, religion, economic or social status or sexual preferences. (3-28-23)

c. Responsibility and Accountability Assumed. The nurse is responsible and accountable for their nursing judgments, actions and competence. (3-28-23)

d. Witnessing Wastage of Controlled Substances Medication. Controlled substances may not be wasted without witnesses. The nurse cannot sign any record as a witness attesting to the wastage of controlled substance medications unless the wastage was personally witnessed. The nurse cannot solicit the signatures on any record of a person as a witness to the wastage of a controlled substance when that person did not witness the wastage. The nurse will solicit signatures of individuals who witnessed the wastage in a timely manner. (3-28-23)

e. Record-keeping. The nurse shall make or keep accurate, intelligible entries into records mandated by law or customary practice of nursing, and will not knowingly make incorrect or unintelligible entries into patients' records or employer or employee records. (3-28-23)

f. Diverting or Soliciting. The nurse will respect the property of the patient and employer and not take or divert equipment, materials, property, or drugs without prior consent or authorization, nor solicit or borrow money, materials or property from patients. (3-28-23)

g. Professionalism. The nurse must not abuse the patient's trust, will respect the dignity of the profession and maintain appropriate professional boundaries with respect to patients, the patients' families, and the nurse's coworkers. The nurse is not to engage in sexual misconduct or violent, threatening or abusive behavior towards patients, patients' families or the nurse's coworkers. The nurse will be aware of the potential imbalance of power in professional relationships with patients, based on their need for care, assistance, guidance, and support, and ensure that all aspects of that relationship focus exclusively upon the needs of the patient. (3-28-23)

h. Sexual Misconduct with a Patient. The nurse must not engage in sexual misconduct. For purposes of this rule, sexual misconduct is defined as set forth in Section ~~18-919~~(b)(1)-(4), Idaho Code. (3-28-23)

04. Standards of Practice for Advanced Practice Registered Nursing. (3-28-23)

a. Core Standards for All Roles of Advanced Practice Registered Nursing. The advanced practice registered nurse is a licensed independent practitioner who shall practice consistent with the definition of advanced practice registered nursing, recognized national standards and the standards set forth in these rules. (3-28-23)

b. The advanced practice registered nurse shall provide patient services for which the advanced practice registered nurse is educationally prepared and for which competence has been achieved and maintained. (3-28-23)

c. The advanced practice registered nurse shall recognize their limits of knowledge and experience and consult and collaborate with and refer to other health care professionals as appropriate. (3-28-23)

d. The advanced practice registered nurse shall evaluate and apply current evidence-based research findings relevant to the advanced nursing practice role. (3-28-23)

e. The advanced practice registered nurse shall assume responsibility and accountability for health promotion and maintenance as well as the assessment, diagnosis and management of patient conditions to include the use of pharmacologic and non-pharmacologic interventions and the prescribing and dispensing of pharmacologic and non-pharmacologic agents. (3-28-23)

f. The advanced practice registered nurse shall use advanced practice knowledge and skills in teaching and guiding patients and other health care team members. (3-28-23)

g. The advanced practice registered nurse shall have knowledge of the statutes and rules governing advanced nursing practice, and practice within the established standards for the advanced nursing practice role and population focus. (3-28-23)

h. The advanced practice registered nurse shall practice consistent with ~~Subsection 200.01~~ of these rules. ~~(3-28-23)~~ ()

i. Unless exempted under Subsection ~~100.13-b.12~~ of these rules, an Advanced Practice Registered Nurse must document competency within their specialty area of practice based upon the education, experience, and national certification in the role and population focus. ~~(3-28-23)~~ ()

05. Prescriptive and Dispensing Authorization for Advanced Practice Registered Nurses. (3-28-23)

a. Prescriptions written by advanced practice registered nurses shall contain all the minimum information required by Idaho Board of Pharmacy statute and administrative rules and applicable federal law as well as the printed name and signature of the nurse prescriber, and the abbreviation for the applicable role of the advanced practice nurse (i.e. “CNP,” “CNM,” “CNS,” or CRNA”). If the prescription is for a controlled substance, it shall also include the DEA registration number and address of the prescriber. (3-28-23)

b. Prescribing and Dispensing Authorization. All advanced practice registered nurses may prescribe and dispense pharmacologic and non-pharmacologic agents pursuant to applicable state and federal laws. (3-28-23)

06. Valid Advanced Practice Registered Nurse/Patient Relationships. (3-28-23)

a. An advanced practice registered nurse shall not prescribe or dispense pharmacologic agents except in the course of their professional practice and when a bona fide advanced practice registered nurse/patient relationship has been established pursuant to Section ~~54-1733~~, Idaho Code. A valid relationship will exist when the advanced practice registered nurse has obtained sufficient knowledge of the patient’s medical condition through examination and has assumed responsibility for the health care of the patient. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

400. INITIAL LICENSE, RENEWAL AND REINSTATEMENT FEES.

01. Biennial Birthdate Renewal. All licenses issued by the Board of Nursing are subject to biennial renewal on the birthdate of the applicant. Any person who fails to timely renew a license will be considered delinquent, the license lapsed, and therefore invalid. ()

02. Assessed Fees. Fees will be assessed for issuance, renewal of licensure or for reinstatement of a lapsed, disciplined, limited, or emeritus license. Fees are due at the time of submission. Any person submitting the renewal application and fee dated later than August 31 is considered delinquent, and the license lapsed and therefore invalid. These fees may be aggregated for biennial licensure:

Initial Licensure, & Renewal & Reinstatement Fees				
	Registered Nurse	Practical Nurse	Advanced Practice Nurse	Medication Assistant - Certified
Temporary License-Fee	Not more than \$25	Not more than \$25	Not more than \$25	
Initial Application Fee License			Not more than \$90	
License by Exam-Fee	Not more than \$90	Not more than \$75	Not more than \$90	
License by Endorsement	Not more than \$110	Not more than \$110		
License Renewal	Not more than \$90	Not more than \$90	Not more than \$90	Not more than \$35
Expiration Date	Aug 31 odd years	Aug 31 even years	Aug 31 odd years	Aug 31 even years

(7-1-26)()

023. Reinstatement Fee. Nurses requesting reinstatement of a lapsed, disciplined, or restricted license, or reinstatement of an emeritus license to active status, will be assessed the thirty five dollar (\$35) reinstatement fee provided for in Section 67-2614(9), 54-1411(3), Idaho Code, in addition to renewal fees. (7-1-26)()

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.01.01 – RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-0101-2601

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 Sections [56-904](#), [61-305](#), [61-306](#), [61-307](#), [61-308](#), [61-501](#), [61-502](#), [61-503](#), [61-505](#), [61-507](#), [61-508](#), [61-515](#), [61-516](#), [61-538](#), [61-541](#), [61-601](#), [61-602](#), [61-603](#), [61-604](#), [61-605](#), [61-606](#), [61-607](#), [61-608](#), [61-609](#), [61-610](#), [61-611](#), [61-612](#), [61-613](#), [61-614](#), [61-615](#), [61-616](#), [61-617](#), [61-618](#), [61-619](#), [61-621](#), [61-622](#), [61-624](#), [61-625](#), [61-626](#), [61-803](#), [61-805](#), [61-806](#), [61-902](#), [61-903](#), [61-904](#), [61-905](#), [61-909](#), [61-1003](#), [61-1004](#), [61-1005](#), [61-1007](#), [61-1305](#), [61-1306](#), [61-1603](#), [61-1604](#), [61-1605](#), [61-1606](#), [61-1607](#), [61-1703](#), [61-1704](#), [61-1705](#), [61-1707](#), [61-1708](#), [61-1709](#), [61-1803](#), [62-304](#), [62-305](#), [62-424](#), [62-602](#), [62-603](#), [62-604](#), [62-605](#), [62-606](#), [62-607](#), [62-608](#), [62-609](#), [62-610](#), [62-611](#), [62-612](#), [62-613](#), [62-614](#), [62-615](#), [62-616](#), [62-619](#), [62-622](#), [62-1201](#), [62-1202](#), [61-1203](#), [61-1204](#), [61-1205](#), [61-1206](#), [62-1207](#), [62-1303](#), [62-1304](#), [63-3029I](#), and [67-6528](#), Idaho Code.

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

Tuesday, September 8, 2026 11:00 a.m. (MT)
In person: Idaho Public Utilities Commission 11331 W. Chinden Blvd., Bldg. 8, Ste 201-A Boise, ID 83714
Virtual: See Method of Participation Below

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: Those interested in participating in the Public Hearing are encouraged to attend the scheduled meeting in person. To participate online, please visit teams.live.com and click on the “Join a meeting” option on the upper left side of the page. Next, type 282 328 555 675 045 in the Meeting ID window. Then type v98Ks6Nq in the Meeting passcode window.

To participate over the phone, please call 1-208-985-2810 and enter conference number 445 048 830# when prompted.

For those who cannot participate by attending the meeting, written comments may be submitted to the Idaho Public Utilities Commission by email at secretary@puc.idaho.gov. Written comments may also be submitted using the Idaho Public Utilities Commission's Case Comment Form: <https://puc.idaho.gov/Form/CaseComment>. Case No. RUL-U-26-01.

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

In accordance with Idaho Code Section [67-5292](#), the Idaho Public Utilities Commission is reviewing IDAPA 31.01.01 to assess whether the content of the rule chapter is still necessary. The proposed rulemaking updates the Commission's Rules of Procedure to reflect current practices and modern administrative processes. It is intended to streamline and simplify the Commission's procedural rules while ensuring they remain practical, clear, and easy to

apply. The updates focus on modernizing filing and service requirements, aligning hearing procedures with current administrative standards, updating outdated statutory references, and removing obsolete or duplicative provisions. Overall, these revisions maintain the existing structure and scope of the Commission's rules while ensuring they remain accurate, accessible, and reflective of current Commission operations.

FEE SUMMARY: There are no fees associated with this rule.

FISCAL IMPACT: There is no fiscal impact due to this administrative rule.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted on June 11, 2026. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026, Idaho Administrative Bulletin, [Volume 26-6, 22-23](#).

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:

No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Taylor Thomas at 208-401-8894. Materials pertaining to the negotiated rulemaking can be found on the Idaho Public Utilities Commission website at the following web address: <https://puc.idaho.gov/case/Details/7755>.

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 September 23, 2026.

DATED this 2nd day of September, 2026.

Monica Barrios-Sanchez, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
Boise, ID 83720-0074
(208) 334- 0323 Office
(208) 334- 4045 Fax
secretary@puc.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 31-0101-2601
(Only Those Sections With Amendments Are Shown.)

31.01.01 – RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION

SUBCHAPTER A – GENERAL PROVISIONS
(Rules 0-20)

000. LEGAL AUTHORITY (RULE 0).

These rules are adopted under the general legal authority of the Public Utilities Law, [Chapters 1 through 7, Title 61, Idaho Code](#); [Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code](#); [Chapters 3 and 4, Title 62, Idaho Code](#);

~~the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the particular authority of Sections 56-904, 61-304 through 61-309, 61-501 through 61-505, 61-507, 61-516, 61-538, 61-541, 61-601 through 61-607, 61-610 through 61-619, 61-621 through 61-626, 61-803 through 61-806, 61-902 through 61-905, 61-909, 61-1003 through 61-1005, 61-1007, 61-1305, 61-1306, 61-1603 through 61-1607, 61-1703 through 61-1709, 62-304, 62-305, 62-424, 62-602 through 62-616A, 62-619, 62-622, 62-622A, 62-1201 through 62-1207, 62-1303, 62-1304, 63-30291, and 67-6528, Idaho Code. Chapters 1 through 7, Title 61, Idaho Code. Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code; Chapters 3 and 4, Title 62, Idaho Code; the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the particular authority of Sections 56-904, 61-304, 61-305, 61-306, 61-307, 61-308, 61-501, 61-502, 61-503, 61-505, 61-507, 61-508, 61-515, 61-516, 61-538, 61-541, 61-601, 61-602, 61-603, 61-604, 61-605, 61-606, 61-607, 61-608, 61-609, 61-610, 61-611, 61-612, 61-613, 61-614, 61-615, 61-616, 61-617, 61-618, 61-619, 61-621, 61-622, 61-624, 61-625, 61-626, 61-803, 61-805, 61-806, 61-902, 61-903, 61-904, 61-905, 61-909, 61-1003, 61-1004, 61-1005, 61-1007, 61-1305, 61-1306, 61-1603, 61-1604, 61-1605, 61-1606, 61-1607, 61-1703, 61-1704, 61-1705, 61-1707, 61-1708, 61-1709, 62-304, 62-305, 62-424, 62-602, 62-603, 62-604, 62-605, 62-606, 62-607, 62-608, 62-609, 62-610, 62-611, 62-612, 62-613, 62-614, 62-615, 62-616, 62-619, 62-622, 62-1201, 62-1202, 61-1203, 61-1204, 61-1205, 61-1206, 62-1207, 62-1303, 62-1304, 63-30291, and 67-6528, Idaho Code.~~ (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

006. -- ~~009~~10. (RESERVED)

~~010. THESE RULES SUPERSEDE THE ATTORNEY GENERAL'S RULES OF PROCEDURE (RULE 10).~~

~~These rules are affirmatively promulgated to supersede the Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01.000 et seq. The Attorney General's Idaho Rules of Administrative Procedure do not apply to Commission proceedings.~~ (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

012. OFFICE – OFFICE HOURS – FAX NUMBER – MAILING, ELECTRONIC AND STREET ADDRESSES – DROP BOX (RULE 12).

The Commission's office is in Boise, Idaho. This office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The Commission's telephone number is (208) 334-0300. The hearing or speech impaired may reach the Commission through the Idaho Telecommunications Relay Service by dialing 711. The Commission has no drop box for filing documents after the close of business. (3-31-22)

01. Fax Number, Mailing and Street Addresses, and Email. The Commission's FAX number is (208) 334-3762. The Commission's mailing address is: Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074. The Commission's ~~street physical~~ address is: 11331 W. Chinden Blvd, ~~Bldg Building~~ 8, Suite 201-A, Boise, Idaho 83714. The Commission's email address is secretary@puc.idaho.gov. All documents filed in all proceedings must be filed with the Commission at one (1) of these addresses. (3-31-22)()

02. Internet Homepage. The Commission's webpage is <https://www.puc.idaho.gov>. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

014. COMMISSION SECRETARY -- COMMUNICATIONS WITH COMMISSION (RULE 14).

01. The Commission Secretary. The Commission Secretary is the custodian of the Commission's public records and is responsible for service of all orders and notices and of all complaints filed with the Commission. Unless otherwise directed by order, the Commission Secretary issues the Commission's official notices. All written

communications and documents that are intended to be part of an official Commission record (other than a hearing record) must be filed with the Commission Secretary. (3-31-22)

02. Timely Filing. Unless otherwise provided by statutes, these rules, order or notice, documents are considered filed when received by the Commission Secretary, not when mailed or otherwise transmitted. (3-31-22)

03. Case Information. Information concerning proceedings before the Commission or the status of any matter before the Commission is available ~~from the Commission Secretary or~~ on the Commission's Internet homepage. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

016. SERVICE BY COMMISSION - DESIGNATION OF AGENT (RULE 16).

The Commission Secretary serves all notices, orders, summonses, and complaints issued by the Commission or by the Secretary. (3-31-22)

01. Service of Orders and Notices. All notices and orders served by the Commission ~~may~~ will be served by email. Notices and orders may also be served by United States mail in cases designated by the Commission. Unless otherwise provided by statute, these rules, order or notice, service of orders and notices is complete when a copy, properly addressed and stamped, is either ~~deposited in the United States mail or~~ transmitted electronically or deposited in the United States mail. All orders and notices shall be affixed with the Commission Secretary's official service date on the first page. The Commission Secretary will serve all orders and notices in a proceeding on the representatives of each party designated under Rule 41 for that proceeding and upon other persons designated by these rules or by the Commission or any Commissioner. (3-31-22)()

02. Service of Summonses and Complaints. The Commission Secretary will serve complaints against utilities upon the person designated for that purpose by the utility. Summonses and complaints directed to regulated utilities or other persons shall be served by registered or certified mail. Writs of summons or subpoena and warrants of attachments directed to all other persons must be served by a person authorized to serve process by statute or by the Idaho Rules of Civil Procedure. (3-31-22)

03. Designation of Agent for Service. All utilities shall designate a person as their agent to be served with summons and complaints. Utilities shall be responsible for maintaining on file with the Commission Secretary the current name, mailing address and e-mail address of the person designated as the agent to receive service. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

018. PAYMENT OF FEES AND REMITTANCES (RULE 18).

01. Payments. Fees and remittances to the Commission must be paid by money order, bank draft or check payable to "Idaho Public Utilities Commission." Remittances in currency or coin are wholly at the remitter's risk, and the Commission assumes no responsibility for their loss. The State of Idaho has required all tax payments of one hundred thousand dollars (\$100,000) or more to be paid by electronic funds transfer, or EFT (Idaho Code §67-2026). (3-31-22)()

02. Annual Regulatory Fees. Utilities and railroads shall pay their annual special regulatory fees as required by Chapter 10, Title 61 and Section 62-611, Idaho Code. Utilities and railroads that fail to pay their special regulatory fees and, are no longer conducting business in Idaho, may be administratively removed from the list of utilities and railroads subject to the annual regulatory fee. (3-31-22)

019. INCORPORATED BY REFERENCE -- IDAHO BAR COMMISSION RULE (RULE 19).

Rule 43 incorporates by reference Idaho Bar Commission Rule 227 (Pro Hac Vice Admission). Bar Rule 227 is

promulgated by the Idaho State Bar and adopted by order of the Idaho Supreme Court. Bar Rule 227 may be obtained from the Idaho State Bar, PO Box 895, Boise, ID 83701, or online at <http://www.isb.idaho.gov> <https://isb.idaho.gov>.
(3-31-22)()

020. DISCONTINUANCE OF TELECOMMUNICATIONS SERVICE (RULE 20).

A telephone corporation that intends to discontinue service in Idaho shall file a notice with the Commission at least ~~ninety~~ forty-five (45) days in before the date that it intends to cease operations. The telephone corporation proposing to discontinue basic local exchange or message telecommunications services shall also publish a notice, at least forty-five (45) days before the date that it intends to cease operations, of such discontinuance ~~in a legal newspaper circulated in its~~ to all customers and other local exchange providers in its local exchange service area under Section 62-612, Idaho Code. The telephone corporation customers and other local exchange providers in that service area must receive the notice prior to the day of the telephone's corporation notice to the Commission. If the telephone corporation held any customer deposits or advance payments, the telephone corporation shall indicate in the notice how the deposits are to be returned to customers. See also IDAPA 31.41.01, "Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission." ~~Section 3-12.~~
(3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

039. PERSONS -- PERSONS NOT PARTIES -- INTERESTED PERSONS -- PUBLIC INVOLVEMENT (RULE 39).

01. Persons and Person Not Parties. The term "person" includes natural persons, partnerships, corporations, associations, municipalities, government entities and subdivisions, and any other entity authorized by law to participate in administrative proceedings. Persons other than the persons named in Rules 32 through 37 are not parties for the purpose of any statute or rule addressing rights or obligations of parties. (3-31-22)

02. Interested Persons. For purposes of the Commission Secretary's service of notice under Rules 113, 123, and 202 interested persons are: (1) municipalities, counties, and chambers of commerce in the area affected by a proceeding and (2) persons who were parties to any similar proceeding involving the same utility or railroad in the preceding three (3) years. This rule does not define interested persons for purposes of Section 61-626, Idaho Code. (3-31-22)

03. Public Involvement. Persons may subscribe to the Commission's ~~Rich Site Summary (RSS) feed~~ notification system on the Commission home page at www.puc.idaho.gov to receive periodic updates about filings in certain groups of cases, in individual cases, or the issuance of press releases, orders and notices. Subscription to general information will be available at the home page at "Keep Me Updated" and case specific subscription will be available at each case summary page. The Commission's home page also links to other utility or Commission topics.
(3-31-22)()

040. (RESERVED)

REPRESENTATIVES OF PARTIES
(Rules 41-50)

041. INITIAL PLEADING BY PARTY -- LISTING OF REPRESENTATIVES (RULE 41).

01. Designation of Representative Required. The initial pleading of each party to a proceeding (be it an application, petition, complaint, motion, or answer) must name the party's representative(s) for service and state each representative's mailing and electronic (if available) address for purposes of receipt of all official documents. Service of documents on the named representative(s) is valid service upon the party for all purposes in that proceeding. If no person is explicitly named as a party's representative, the person signing the pleading will be considered the party's representative if the person meets the requirement of Rule 43. (3-31-22)

~~**02. Number of Representatives.** No more than two (2) persons may be designated as a party's~~

~~representatives for purposes of service or receipt of official documents unless otherwise authorized by order. The Commission may condition such an order upon reasonable terms concerning payment of copying costs and mailing costs to additional representatives.~~ (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

061. FILING DOCUMENTS WITH THE COMMISSION -- NUMBER OF COPIES -- DISCOVERY -- ELECTRONIC FILING (RULE 61).

The following numbers of documents shall be filed with the Commission Secretary: (3-31-22)

01. Printed Filings. When filing printed material: (3-31-22)

a. In utilities cases (other than those cases specified in Subsections 061.01.b. and 061.01.c. of this rule): (3-31-22)

i. Pleadings (applications, petitions, complaints, motions, answers and consent agreements)--an original (unbound and unstapled) and ~~seven~~ three (3) copies. (3-31-22)()

ii. Briefs, proposed orders, statements of position, and exceptions under Rule 312--an original (unbound and unstapled) and ~~seven~~ three (3) copies. (3-31-22)()

iii. Prepared testimony and exhibits--nine (9) copies (one (1) copy designated as reporter's copy) plus ~~CD-ROM~~ portable storage device as required by Rule 231.05. (3-31-22)()

b. Security issuance cases: (3-31-22)

i. Pleadings--an original (unbound and unstapled) and ~~four~~ three (3) copies. (3-31-22)()

ii. Other documents except for discovery-related documents -- three (3) copies. (3-31-22)

c. Telecommunication interconnection agreements: (3-31-22)

i. Pleadings--an original (unbound and unstapled) and three (3) copies. (3-31-22)

ii. All other documents -- two (2) copies. (3-31-22)

02. Filing Discovery. Discovery-related documents shall be filed in ~~printed or~~ electronic format. (3-31-22)()

~~a. If printed filing -- three (3) copies to the Commission Secretary.~~ (3-31-22)

03. Electronic Filings. Subject to Rules 61.04, all filings may be filed electronically with the Commission Secretary as an attachment to an e-mail ~~or on a CD-ROM~~, or on a portable storage device, through a shared file transfer, or filed through Commission's electronic filing system. The electronic document shall be in a computer searchable form of Adobe Acrobat (PDF) without password protection. (3-31-22)()

04. Commission Secretary's Authority to Require Printed Filings. The Commission Secretary is authorized to require an electronic filing be also filed in printed form. The Commission Secretary may specify the number of printed copies. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

063. SERVICE ON PARTIES AND OTHER PERSONS (RULE 63).

01. Generally. All documents referred to in Rule 61 (except as noted below) must be served upon the representatives of every party of record concurrently with filing with the Commission Secretary. When a document has been filed with the Commission Secretary by email, it must be served upon all other parties or by email. ~~For parties without email capability, service shall be made by overnight mail, hand delivery, or the next best available service if these services are not available.~~ The Commission may direct that some or all of these documents be served on interested or affected persons who are not parties. The Commission Secretary's notice of parties (and revisions to it) will list all persons whom the parties must serve and their representatives as of the date of the notice or its revision. (3-31-22)()

02. Service of Discovery. The service of discovery documents on parties shall be accomplished by email (as attachments to email). ~~For parties without email capability, service shall be made by overnight mail, hand delivery, or the next best available service if these services are not available.~~ See Rule 229. (3-31-22)()

064. PROOF OF SERVICE (RULE 64).

Every document that is filed with the Commission and intended to be part of the record for decision must be attached to or accompanied by proof of service by the following or similar certificate: (3-31-22)

I HEREBY CERTIFY (swear or affirm) that I have this day of, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy of it in person: (list names)) (by mailing a copy of it, properly addressed with postage prepaid, to: (list names)), (by emailing a copy of it (list emails)), (by submitting through the Commission online filing submission portal).

(Signature)

Each certificate of service must list the names and addresses of each person served. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

067. INFORMATION EXEMPT FROM PUBLIC REVIEW -- DEFINITIONS -- FORM -- PROCEDURES (RULE 67).

01. Definitions. (3-31-22)

a. "Trade secrets" filed with the Commission are exempt from public inspection, examination, and copying under Section 74-107(1), Idaho Code. Trade secrets means information, including a formula, pattern, compilation, program, computer program, device, method, technique, process, or unpublished or in progress research that: (3-31-22)

i. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (3-31-22)

ii. Is the subject of reasonable efforts to maintain its secrecy. (3-31-22)

b. "Confidential information" means information, documents, or records filed with the Commission that are specifically exempt from public inspection, examination and copying under Sections 74-104 through 74-109, Idaho Code. (3-31-22)

02. Form. In addition to the requirements of Rule 62 (except Subsection 062.01.a.), information that is alleged to be trade secrets, confidential or otherwise exempt from public disclosure shall be served upon the Commission and other parties who have entered into a protective agreement under Subsection 067.04 in either printed or electronic format. (3-31-22)

a. If in printed form, the page(s) containing the trade secret or confidential information shall be

reproduced on yellow paper. Each page shall be marked as "TRADE SECRETS" or "CONFIDENTIAL." See Rule 61 for the number of printed copies. (3-31-22)

b. If in electronic form, the trade secret or confidential information shall be reproduced separately on a CD-ROM or other electronic storage format approved by the Commission Secretary; and not included with other material electronically filed. Each CD-ROM or other storage device containing trade secret or confidential information shall be clearly identified with the case caption, case number, title of document and marked as "TRADE SECRETS" or "CONFIDENTIAL." (3-31-22)

03. Procedure. Whenever a party believes that information contained in pleadings or other documents are trade secrets, confidential or otherwise exempt from public disclosure, the attorney of such party designated by Rule 41 must state in writing that the information is protected by law from public inspection, examination or copying, citing the specific grounds and legal authority for that assertion. ~~Documents containing trade secrets or confidential information shall be separated from documents not containing trade secrets or confidential information. Trade secrets or confidential information contained in documents will be removed and replaced with a page marked: "This page allegedly contains trade secrets or confidential material and is separately filed."~~ All materials for which no assertion of protection from public inspection, examination and copying is made will be placed in files available for public inspection. Trade secrets, confidential information and other records exempt from public inspection shall be separately stored in a secured location with limited access and safeguarded from unauthorized disclosure. (3-31-22)()

a. Documents containing trade secrets or confidential information shall be separated from documents not containing trade secrets or confidential information. Trade secrets or confidential information contained in documents will be removed and replaced with a page marked: "This page allegedly contains trade secrets or confidential material and is separately filed." ()

04. Protective Agreements. In proceedings before the Commission involving trade secrets or other confidential information, parties may enter into protective agreements to facilitate and safeguard the exchange of necessary information. Protective agreements may include procedures for copying, exchanging, serving, safeguarding, or challenging the characterization of trade secrets or confidential information. The Commission shall not be a party and will not be bound by the terms of a protective agreement. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

076. PUBLIC WITNESSES (RULE 76).

"Public witnesses" are persons not parties and not called by a party to testify at a hearing. Public witnesses do not have parties' rights to examine witnesses or otherwise participate in the proceedings. Subject to Rules 249 and 251, public witnesses have a right to introduce evidence at hearing by their written or oral statements and exhibits introduced at hearing, except that public witnesses offering expert opinions at hearing or detailed analysis or detailed exhibits must comply with Rule 231 with regard to filing and service of testimony and exhibits to the same extent as witnesses of parties. Public witnesses' written or oral statements and exhibits are subject to examination and objection. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

114. APPLICATION FOR NEW COMPETITIVE LOCAL EXCHANGE CARRIER (CLEC) – FORM AND CONTENT (RULE 114).

The Commission issues Certificates of Public Convenience and Necessity to competitive local exchange carriers (CLECs) seeking to provide local exchange services in Idaho. The Commission uses certification to register and review applications to provide local telecommunications services. See Commission Order No. 26665. In accordance with Commission Order No. 32277, telecommunications companies that do not intend to provide basic local exchange service, but request Commission registration, are excluded from the requirements of Subsections 02, 03, and 04 of this rule. Each CLEC application shall include the following information: (3-31-22)()

- 01. Name, Address and Form of Business.** (3-31-22)
- a.** If the applicant is a sole proprietor, the applicant's personal name and any assumed business name and business address (street and mailing) and email address (if available). (3-31-22)
- b.** If the applicant is a partnership: (3-31-22)
- i.** Provide a list of the partners' names, and business addresses (street and mailing) of all the partners, and email addresses (if available); and (3-31-22)
- ii.** The partnership's business name (including any assumed business name). (3-31-22)
- c.** If the applicant is a corporation or limited liability company (LLC): (3-31-22)
- i.** A short statement of the character of public service in which the entity is engaged; (3-31-22)
- ii.** The entity's name (including any assumed business name) and the state in which it is incorporated or organized; (3-31-22)
- iii.** The street and mailing addresses of the entity's principal office and of its principal office in Idaho, and email address (if available); (3-31-22)
- iv.** A certified copy of the entity's articles of incorporation or certificate of organization if an LLC; (3-31-22)
- v.** The names, titles, and addresses of the entity's officers and directors if the entity is a corporation, or of at least one (1) governor if the entity is an LLC (i.e. a manager of a manager-managed LLC or a member of a member-managed LLC); (3-31-22)
- vi.** The names and addresses of subsidiaries the entity owns or controls; (3-31-22)
- vii.** If not incorporated or organized in Idaho, a certificate of authority from the Idaho Secretary of State, a certificate of good standing issued by the secretary of state in the state the entity is incorporated or organized, and the name and street address of the entity's registered agent for service in Idaho; and (3-31-22)
- viii.** The name and address of any corporation, association, or similar organization holding a five percent (5%) or greater ownership interest or a managerial interest in it, and the amount and nature of the ownership interest, and nature of the management interest. Include a copy of any management agreement with the application. (3-31-22)
- 02. Services and Territory.** (3-31-22)
- a.** A description of customer classes and customer services that the applicant proposes to offer to the public. The application shall indicate the date on which the applicant proposes to begin construction or anticipates it will begin to provide service in Idaho. (3-31-22)
- b.** A description sufficient to determine whether service is to be offered in a particular location and the names of incumbent local exchange corporations (ILECs) with whom the proposed utility is likely to compete. The application shall also describe the intended manner of service, e.g., resold services or facilities-based services; and a general description of the property owned or controlled by applicant. (3-31-22)
- c.** A reasonably sized and detailed map showing where the applicant proposes to provide service including exchanges (if different from existing exchanges), rural zones, and local calling areas. If the service area is identical to an incumbent LEC's service area, then applicant may refer to the incumbent's service area. (3-31-22)
- 03. Financial Information.** (3-31-22)

a. The current detailed balance sheets, including detailed income and profit and loss statements of applicant reflecting current and prior year balance for the twelve (12) months ending as of the date of the balance sheet, or if not readily available, for the period since the close of the preceding calendar year. If a balance sheet and income statement are not available, the applicant shall submit financial data sufficient to establish it possesses adequate financial resources to provide the proposed services. (3-31-22)

b. The latest annual report, if any. (3-31-22)

04. Tariffs and Price Lists. Proposed initial tariffs or price sheets setting forth rates, rules, terms, and regulations applicable to the contemplated service. Initial tariffs and price lists filings shall be in an electronic form as well as paper. The tariffs and price lists in electronic format will be in computer searchable Adobe Acrobat (PDF), or submitted on a CD-ROM or other format as prescribed by the Commission Secretary. (3-31-22)

05. Tariff and Customer Contact. The name, address, and telephone number for those persons responsible for tariff and price list questions, as well as customer complaints and inquiries. The application shall state the toll-free telephone number for customer inquiries and complaints. (3-31-22)

06. Interconnection Agreements. Whether the applicant has initiated interconnection negotiations and, if so, when and with whom. Include copies of any interconnection contracts which have been completed for the provision of telecommunication services. (3-31-22)

07. Compliance with Commission Rules. A written statement that the applicant has reviewed the Commission's rules and will comply, or request for waiver of those rules believed to be inapplicable, or both. (3-31-22)

08. Conservation of Telephone Numbers. An acknowledgment that non-paging telecommunications carriers with telephone numbering resources in Idaho shall be subject to numbering conservation measures including mandatory one thousand (1,000) block pooling. See Commission Order No. 30425. All CLECs shall evaluate their numbering resources and donate to the numbering resource pool unused one thousand (1,000) number blocks and one thousand (1,000) number blocks that have fewer than ten percent (10%) of the telephone numbers assigned. Applicable carriers shall also file the necessary utilization reports with NeuStar and semi-annual report their number resource utilization/forecast (NRUF) data at the one thousand (1,000) block level for each rate center within their service territory. The Federal Communications Commission has appointed NeuStar to manage the assignment and conservation of telephone area codes and telephone numbers in North America. (3-31-22)

115. -- 120. (RESERVED)

APPLICATIONS TO CHANGE RATES OR RULES **(Rules 121-130)**

121. FORM AND CONTENTS OF APPLICATION TO CHANGE RATES (RULE 121).

01. Utility Applications to Change Rates. Applications by any public utility to change any rate, fare, ~~toll~~, rental or charge or any classification, contract, practice, rule or regulation resulting in any such increase, decrease or change must include the following data: (3-31-22)()

a. An exhibit fully showing each proposed change in rates, ~~tolls~~, rentals, charges, rules or regulation by striking over proposed deletions to existing tariffs and underlining proposed additions or amendments to existing tariffs, except applications to increase or decrease all or almost all rates and charges by a uniform percentage or by a uniform amount may be made by filing a tariff listing the proposed change and all unchanged rates and charges or rates and charges not changed by a uniform percentage or a uniform amount, or by using another designation previously approved by the Commission that clearly calls attention to all proposed changes in numbers or wording. (3-31-22)()

b. A complete justification of the proposed increase in the form of testimony and exhibits or a narrative exposition. (3-31-22)

- c. A statement showing how and when the application has been or will be brought to the attention of affected customers and a copy of the press release and customer notice required by Rule 125. (3-31-22)
- d. A statement that the applicant stands ready for immediate consideration of the application. (3-31-22)
- e. Testimony and exhibits showing financial statements, cost of capital and appropriate cost of service studies. (3-31-22)
- f. Workpapers or documentation showing how test year data were adjusted. (3-31-22)
- g. If the applicant provides utility service in states besides Idaho or that is subject to federal regulation, a jurisdictional separation of all investments, revenues and expenses allocated or assigned in whole or in part to Idaho intrastate utility business regulated by this Commission showing allocations or assignments to Idaho. (3-31-22)

02. Proposals Based upon Computer Modeling. In addition, in any application in which a computer model is used to represent or simulate processes from which the revenue requirement is derived or upon which allocations of the revenue requirement to different customer classes are based, complete documentation of all those computer models must be supplied to the Staff, upon request, and be available in the utility's office or other depository. The Staff may request that the computer model itself be provided. A computer model includes the representation or simulation of a process, but does not mean or include the compilation of actual data. The application must state that (a) the models' documentation on file in the applicant's office or another depository fully describes the models or (b) necessary updates or additions to prior documentation that will fully describe the models is on file and will be supplied on request. (3-31-22)

03. Grounds for Returning or Dismissing Application. Failure to comply with Rule 121.01 and 121.02 is grounds to return or dismiss an application under Rule 65. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

123. PROPOSED CHANGES TO RATES OR RULES -- EFFECTIVE DATE -- NOTICE OF APPLICATION -- SUSPENSION (RULE 123).

01. Statutory Notice of Rate Changes. If a public utility applies to change any rate, fare, ~~tol~~, rental, charge or classification, or any rule, regulation, or contract relating to or affecting any rate, fare, ~~tol~~, rental, charge, classification, or service, or in any privilege or facility, on fewer than thirty (30) days after the application is filed, the proposed effective date is delayed until thirty (30) days after the application is filed by operation of Section 61-307, Idaho Code, unless the Commission approves an earlier effective date for good cause shown. Absent an order approving or suspending any or all of the proposed changes, the changes not suspended or approved take effect thirty (30) days after filing or on their proposed effective date, whichever is later. If no effective date is proposed for the changes, the changes do not take effect until approved by order. (3-31-22)()

02. Notice of Application. Within twenty-one (21) days of the date of any application to change any rate, fare, ~~tol~~, charge, or classification, or any rule, regulation or contract relating to or affecting any rate, fare, ~~tol~~, rental, charge, classification, or service, or in any privilege or facility, the Commission Secretary should issue a notice of application to all interested persons (see Rule 39.02), unless notice is issued under modified procedure or the application is earlier approved or described by order. (3-31-22)()

03. Suspension of Proposed Rate Changes. At any time before proposed changes take effect under Sections 61-307, Idaho Code and Rule 123.01 of this rule, the Commission may suspend the effectiveness of the changes under Sections 61-622, Idaho Code. Whenever the Commission suspends proposed changes for less than the maximum period of suspension allowed by statute, it may extend the period of the suspension to the statutory maximum consistent with the statutory standards. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

125. NOTICES TO CUSTOMERS OF PROPOSED CHANGES IN RATES (RULE 125).

01. Contents of Customer Notice. A public utility must notify its customers whenever it requests to change rates. (3-31-22)

a. If a utility requests a rate increase, the customer notice must briefly explain the utility's need for additional revenue and the dollar amount requested, and give the proposed overall percentage change from current rates as well as the proposed percentage increase in revenue for each major customer class. (3-31-22)

b. If the utility requests a rate decrease, customer notice must briefly explain the reason for the decrease, the overall dollar amount of the proposed decrease, and the proposed percentage decrease for each major customer class. (3-31-22)

c. The customer notice must clarify that the application is a proposal, subject to public review and a Commission decision. It shall also inform customers that a copy of the utility's application is available for public review at the offices of both the Commission ~~and the utility~~, and on the Commission's ~~homepage~~ website at www.puc.idaho.gov. (3-31-22)()

d. The customer notice shall inform customers that they may file written comments about the utility's application with the Commission. It shall also inform customers that they may subscribe to the Commission's ~~RSS feed~~ notification system (Subsection 039.03) for periodic updates via email. (3-31-22)()

02. Timing of Notice for Trackers or Annual Cost Adjustments. Tracker adjustment prompted by federal action that result in rate change may be brought to customers' attention in compliance with this rule after approval by the Commission. Other tracker or annual cost adjustment cases that result in a rate increase remain subject to this rule's advance notice requirements. Other tracker or annual cost adjustment cases that result in a rate decrease in rates may be brought to customers' attention in compliance with this rule after being approved by the Commission. (3-31-22)

03. Timely Distribution of Customer Notices. The customer notices referenced in Subsection 125.01 may be mailed separately to customers or included in the customer's regular bill as a bill stuffer. At the customer's option, the customer notice may be provided electronically. The information required by this rule must be clearly identified, easily understood, and pertain to the proposed rate change. The utility must start distributing customer notices when it files its application or as soon as possible thereafter. (3-31-22)

04. Press Release. In instances covered by Subsection 125.01, the utility shall also send a press release with at least the same information presented in the customer notices to all newspapers, radio, and television stations listed on the Commission's news organization list for that utility. The press releases shall be mailed or delivered simultaneously with filing of the application. (3-31-22)

05. Purposes and Effects of This Rule. Subsections 125.01 through 125.04 are intended to encourage wide dissemination to customers of information concerning proposed rate changes. These subsections do not expand, contract, or otherwise modify customers notice and due process rights under the Public Utilities Law and the Commission's Rules of Procedure, IDAPA 31.01.01. Accordingly, Subsections 125.01 through 125.05 create no due process or procedural rights for any customer that would give rise to a due process or other procedural claim cognizable by the Commission. A public utility's failure to comply with Subsections 125.01 through 125.05 of this rule can be grounds for returning an application for incompleteness. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

127. PUBLIC WORKSHOPS ON APPLICATIONS TO INCREASE RATES (RULE 127).

01. Public Workshop. When a public utility applies to increase any rate, fare, toll, rental or charge regarding any classification or service, the Commission will determine if the staff should conduct a public workshop. The workshop's purpose is for the staff to dispense information concerning the utility's application and to receive written or oral comments from the public before the staff files testimony or comments. (3-31-22)

02. Notice and Location of Workshop. Notice of the public workshop should be disseminated at least seven (7) days before the workshop to newspapers of general circulation and radio and television stations in the affected area. The Commission shall determine the location for the workshop. A workshop may be held in-person or telephonically. The notice shall also be posted on the Commission's website. (3-31-22)

~~**03. Exemptions.** Subsection 127.01 shall not apply to applications regarding uniform statewide surcharges under Sections 56-904, 62-610 and 62-610F, Idaho Code, or to utility tariff advices. (3-31-22)~~

128. -- 130. (RESERVED)

TARIFF SCHEDULES
(Rules 131-140)

131. FORM OF TARIFFS (RULE 131).

Utility tariff schedules must state "Idaho Public Utilities Commission" on their title page. A blank space ~~about~~ three by one and one-half inches (3" x 1-1/2") must be provided for the Commission's stamp of approval in the upper right or lower right corner of each schedule. (3-31-22)()

132. NUMBER OF TARIFF COPIES FILED (RULE 132).

The ~~Commission encourages~~ public utilities ~~to~~ shall file their tariff schedules via electronic mail. (3-31-22)()

01. Electronic Tariffs. ~~For electronically filed tariffs, e~~ Each utility shall submit its tariff schedules prepared in searchable Adobe Acrobat in portable document format (PDF) as an attachment to an e-mail, to the Commission Secretary at secretary@puc.idaho.gov. Electronic tariff schedules may also be submitted as PDF documents on ~~CD-ROM or~~ other electronic storage format approved by the Commission Secretary. (3-31-22)()

~~**02. Printed Tariffs.** To file printed tariffs, each utility shall file an original and two (2) copies of their tariff schedules with the Commission Secretary. (3-31-22)~~

~~**03. Approval.** The Commission will stamp its approval on each copy of an the approved tariff, placing the original a copy in its files and returning one (1) copy emailing a PDF to the public utility. (3-31-22)()~~

(BREAK IN CONTINUITY OF SECTIONS)

141. FORM AND CONTENTS OF APPLICATION TO ISSUE SECURITIES (RULE 141).

Except as provided in Rule 142, 147 or Section 61-909, Idaho Code, any utility applying to issue securities under Sections 61-901 through 61-904, Idaho Code, must submit an application with the following information: (3-31-22)

- 01. Description.** A general description of the applicant's field of operations. (3-31-22)
- 02. A Full Description of the Securities.** Including the proposed: (3-31-22)
 - a.** Amount; (3-31-22)
 - b.** Interest or dividend rates; (3-31-22)
 - c.** Date of issue (or statement that the securities will be a shelf registration); (3-31-22)

- d. Date of maturity; (3-31-22)
- e. Voting privileges; (3-31-22)
- f. Call or redemption provisions; and (3-31-22)
- g. Sinking fund or other provisions for securing payment. (3-31-22)
- 03. A Statement of the Proposed.** (3-31-22)
 - a. Method of marketing; (3-31-22)
 - b. Terms of sale; (3-31-22)
 - c. Underwriting discounts or commissions; (3-31-22)
 - d. Sale price; and (3-31-22)
 - e. Net proceeds to the applicant, including itemized statements of all fees and expenses (estimated if not known) to be paid in connection with the proposed transaction. (3-31-22)
- 04. A Statement of the Purposes.** Statement of the purposes for which the proceeds from the securities will be used, including: (3-31-22)
 - a. A description of the property to be acquired or constructed and a statement of its cost or value (estimated if not known); (3-31-22)
 - b. A description of obligations to be refunded or expenditures for which reimbursement is intended; or (3-31-22)
 - c. Other information advising the Commission of the nature and purposes of the proposed transaction. (3-31-22)
- 05. Statement of Explanation.** A statement explaining why the proposed transaction is consistent with the public interest and necessary or appropriate for or consistent with the applicant's proper performance of service as a public utility. (3-31-22)
- 06. Financial Statement.** A financial statement showing the authorized and outstanding classes of the applicant's securities and certified copies of the resolutions of stockholders or directors authorizing the proposed transaction and other instruments relating to the transaction. (3-31-22)
- ~~**07. Proposed Order.** A proposed order granting the application, captioned proposed order of applicant, suitable for adoption by reference if the application is granted. (3-31-22)~~
- 087. Statement of Public Notice Application.** A statement that notice of the application has been published in those newspapers in general circulation in the applicant's service area in Idaho or nearest applicant's service area in Idaho or will be published within seven (7) days of the application. These newspapers are: the Coeur d'Alene Press (Coeur d'Alene), the Idaho Business Review (Boise), the Idaho State Journal (Pocatello), the Idaho Statesman (Boise), the Lewiston Morning Tribune (Lewiston), the Post Register (Idaho Falls), the Preston Citizen (Preston), the Bonner County Daily Bee (Sandpoint), and the Times News (Twin Falls). The Commission may require the applicant to furnish further necessary information. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

151. TIMETABLE FOR DECISION -- CABLE POLE ATTACHMENT PROCEEDINGS (RULE 151).

Whenever a public utility, ~~as defined in Section 61-538, Idaho Code,~~ and a provider of a telecommunications service or broadband or a cable-television service company, as defined in Section 61-538, Idaho Code, are unable to agree upon the rates, terms, or conditions for pole attachments or the terms, conditions, or cost of production of space needed for pole attachments, and either the public utility or the cable television company files an application, complaint, or petition asking the Commission to establish and regulate rates, terms, or conditions, the Commission shall decide the case within ~~thirty ninety~~ (3090) days; provided, the Commission shall have the right, upon reasonable notice, to enter upon a hearing concerning the propriety of such proposed rate, term, or condition and to extend its period for considering the application, complaint, or petition an additional thirty (30) days plus five (5) months and, for good cause shown on the record, an additional sixty (60) days. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

203. COMMENTS (RULE 203).

Any person affected by the moving party's proposal may file a written ~~protest submission opposing~~, supporting, or otherwise commenting on the proposal. Comments must state and explain the person's position on the proposal. Persons desiring a hearing must specifically request a hearing in their written comments and explain why written comments alone are insufficient. A copy of the person's comment must be served on the moving party's representative. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

228. ANSWERS TO PRODUCTION REQUESTS OR WRITTEN INTERROGATORIES AND TO REQUESTS FOR ADMISSION (RULE 228).

01. When Answers Not Filed. Answers to production requests or written interrogatories and to requests for admission need not be filed and served in the following circumstances: (3-31-22)

a. Voluminous answers may be filed in a depository designated and agreed to by the parties or designated by the Commission, and an explanation notifying the parties of the availability of the answers at the depository must be filed and served in their stead. (3-31-22)

b. Answers involving data compiled by computer may be transmitted in computer-readable form (e.g., by disk or other mutually agreed means) to the party requesting them and to all other parties requesting them in similar computer-readable forms and an explanation notifying the parties of their distribution must be filed and served in their stead. (3-31-22)

02. Filing of Answers. Except as provided in Rule 228.01, answers to production requests or written interrogatories and to requests for admission must restate in full each question asked, then state in full the party's response to the question and the persons who will be able to answer questions about or sponsor the answer at hearing. Answers to production requests or interrogatories need not be separately answered under oath by each person preparing the party's response to the question or each witness who will be able to answer questions about or sponsor the answer, but instead can be generally subscribed by the party's representative. ~~The restatement of the question and its accompanying answer must begin on a new page whenever the preceding answer refers to other documents or whenever the preceding question in the particular production request or written interrogatory is not answered in full in that document.~~ (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

231. PREPARED TESTIMONY AND EXHIBITS (RULE 231).

01. Prepared Testimony May Be Required. Order, notice or rule may require a party or parties to

submit prepared testimony and exhibits to be presented at hearing. (3-31-22)

02. Format for Prepared Testimony. (3-31-22)

a. Prepared testimony and exhibits must be accompanied by a cover sheet showing the case caption and case title, the person testifying, the party for whom the testimony is offered, and the nature of the testimony (direct, rebuttal, etc.). (3-31-22)

b. The first page of prepared testimony should contain testimony only (i.e., it should begin with the first question to the witness and not repeat the information on the cover page). (3-31-22)

c. Prepared testimony must be submitted on white eight and one-half by eleven inch (8-1/2" x 11") paper, be double-spaced (except for quoted material and tables or other collections of numerical data), and ~~contain no more than ten (10) characters per inch and no less than twenty five (25) lines of double spaced testimony or more than thirty (30) lines per page~~ the font style must be Times New Roman or Courier New size eleven (11) or twelve (12.) Each page may be printed on the front and back (duplexed). (3-31-22)()

d. Each line of prepared testimony must be numbered at the left margin (except single-spaced quotations or tables of numerical data, which may be numbered at the left margin as though they were double-spaced). Each page of testimony must have a one and one-half (1-1/2) inch left margin that will allow the page to be bound on its left side without obscuring the printed material. Indentations for paragraphing and for "Q" and "A" must be seven (7) spaces. (3-31-22)

e. Each page of prepared testimony must be numbered at the lower right corner and must be blank in the center of the bottom margin to allow the reporter to insert transcript page numbers there. Each page of prepared testimony must have at least a one-inch (1") top and bottom margin. (3-31-22)

f. Each page of prepared testimony must contain the witness's surname followed by the designation "Di" (signifying direct testimony) or "Di-Reb" (signifying direct testimony on rebuttal) and the name of the party sponsoring the testimony printed in the lower right margin. For example, the marginal notation on page 5 of the testimony of the witness Lynn Accountant of ABC Company would be:

5	or	Accountant, Di 5
Accountant, Di		ABC Company
ABC Company		

(3-31-22)

03. References to Exhibits. All references to exhibits in prepared testimony must refer to the exhibits by their number as assigned by the Commission Secretary. Exhibits accompanying prepared testimony must be consecutively numbered from the first exhibit number assigned to the party by the Commission Secretary if the party has not previously identified exhibits, or from the highest exhibit number previously identified by that party. Exhibits must be filed on eight and one-half by eleven inch (8-1/2" x 11") paper unless it is impractical to make them that size. Exhibits accompanying prepared testimony must comply with Rule 267. (3-31-22)

04. Number of Copies -- Filing and Service. Unless otherwise provided by order, notice or agreement of the parties, nine (9) legible copies of prepared testimony and exhibits must be filed with the Commission Secretary and copies filed on all parties under Rules 61, 62, 63 and 64 at least fourteen (14) days before the hearing at which they will be presented. The original, if there is an original, or one (1) of the copies, if there is not, must be specifically designated as the reporter's copy by cover sheet, attached note or otherwise, and be included with the copies filed with the Commission Secretary. In special circumstances, notice or order may provide that the reporter's copy of prepared testimony and exhibits be served directly on the reporter rather than the Commission Secretary. (3-31-22)

05. Computer-Searchable Copies of Testimony. In addition to the paper copies of prepared testimony, the Commission Secretary may also require or the parties may agree that some or all of the prepared testimony to be submitted to the Secretary, parties and the reporter as computer searchable PDF without password protection. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

234. ASSERTION OF RIGHT AGAINST SELF-INCRIMINATION DURING DISCOVERY OR AT HEARING -- IMMUNITY (RULE 234).

01. Assertion of Right. During discovery or at hearing, any person may assert the right not to testify or not to produce documents upon the ground that the testimony or production of documents may tend to incriminate or subject them to penalty or forfeiture. (3-31-22)()

02. Granting of Immunity. The Commission or any Commissioner may direct that person to testify or produce documents by written order or upon the record at hearing. In such case, that person shall not be prosecuted, punished or subjected to any forfeiture or penalty for or on account of any act, transaction, matter or thing concerning which they shall under oath have testified or produced documentary evidence: provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed in that testimony. (3-31-22)

03. No Immunity Without Assertion of Right. No immunity is granted under this rule or under Section 61-606, Idaho Code, absent of a specific assertion of the persons' rights under Section 61-606, Idaho Code, and the Commission's or a Commissioner's written order or direction on the record at hearing compelling the person to testify or produce written documents and immunizing the person from prosecution, punishment, forfeiture or penalty according to this rule and Section 61-606, Idaho Code. No immunity granted under this rule or Section 61-606, Idaho Code, shall extend to any public utility. (3-31-22)

(BREAK IN CONTINUITY OF SECTIONS)

254. ORAL ARGUMENT (RULE 254).

The Commission may set and hear oral arguments s on any matter before it on reasonable notice. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

~~259. ASSERTION OF RIGHT AGAINST SELF-INCRIMINATION AT HEARING -- IMMUNITY (RULE 259).~~(RESERVED)

~~**01. Assertion of Right.** At hearing any person may assert the right not to testify or not to produce documents upon the ground that the testimony or production of documents may tend to incriminate the person or subject him or her to penalty or forfeiture. (3-31-22)~~

~~**02. Granting of Immunity.** The Commission or any Commissioner may direct that person to testify or produce the document by written order or on the record at hearing. In such case, that person shall not be prosecuted, punished, or subjected to any forfeiture or penalty for or because of any act, transaction, matter, or thing concerning which the person shall under oath have testified or produced documentary evidence: provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by the person in that testimony. (3-31-22)~~

~~**03. No Immunity Without Assertion of Right.** No immunity is granted under this rule or Section 61-606, Idaho Code, unless the person specifically asserts their rights under Section 61-606, Idaho Code, and the Commission's or a Commissioner order in writing or directs on the record at hearing that the person must testify or produce written documents and shall be immunized from prosecution, punishment, forfeiture or penalty according to this rule and Section 61-606, Idaho Code. No immunity shall extend to a public utility. (3-31-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

321. INTERLOCUTORY ORDERS (RULE 321).

01. Defined. Interlocutory orders are orders that do not decide all previously undecided issues presented in a proceeding. The Commission may, however decide some issues and state that its decision on those issues is final and subject to review by reconsideration and appeal, but is not final on other issues. An order is interlocutory unless it contains a Rule 323 paragraph or a substantially similar one. (3-31-22)

02. Certain Orders Always Interlocutory. These orders are always interlocutory: orders suspending rates, fares, ~~tolls~~, rentals, charges, classifications, contracts, practices, rules or regulations under Section 61-622, Idaho Code; orders initiating complaints or investigations; orders joining, consolidating or separating issues, proceedings or parties; orders granting or denying intervention; orders scheduling prehearing conferences, discovery, hearing, arguments or deadlines for written communications; orders proposing modified procedure; orders compelling or refusing to compel discovery. (~~3-31-22~~)()

03. Review of Interlocutory Orders. Interlocutory orders may be reviewed under Rules 322, 324 and 325. (3-31-22)

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.36.01 – POLICIES AND PRESUMPTIONS FOR SMALL WATER COMPANIES

DOCKET NO. 31-3601-2601 (CHAPTER REPEAL)

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 Sections [61-303](#), [61-315](#), [61-501](#), [61-502](#), [61-503](#), [61-507](#), and [61-523](#), Idaho Code, with regard to valuation and service.

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 September 16, 2026.

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:

In accordance with Idaho Code Section [67-5292](#), the Idaho Public Utilities Commission is reviewing IDAPA 31.36.01 to assess whether the content of the rule chapter is still necessary. The Commission is proposing to repeal this rule because the definition of a “small water company” is outdated, and the rule’s presumption that all system assets are contributed capital may no longer align with how some systems are financed and operated today. Repealing this chapter will allow the Commission to address capital-investment issues on a case-by-case basis through existing rate-recovery filings, ensuring more accurate and appropriate regulatory treatment.

FEE SUMMARY: There are no fees associated with this rule.

FISCAL IMPACT: There is no fiscal impact due to this administrative rule.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted on June 11, 2026. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026, Idaho Administrative Bulletin, [Volume 26-6, 24-25](#).

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:

No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Taylor Thomas at 208-401-8894. Materials pertaining to the negotiated rulemaking can be found on the Idaho Public Utilities Commission website at the following web address: <https://puc.idaho.gov/case/Details/7756>.

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 September 23, 2026.

DATED this 2nd day of September, 2026.

Monica Barrios-Sanchez, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334- 0323 Office
(208) 334- 4045 Fax
secretary@puc.idaho.gov

IDAPA [31.36.01](#) IS PROPOSED TO BE REPEALED IN ITS ENTIRETY

IDAPA 35 – STATE TAX COMMISSION
35.01.01 – INCOME TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0101-2601
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 [63-105](#), Idaho Code.

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

Thursday, September 10, 2026 10:00 AM (MT)
In Person: Coral Conference Room Idaho State Tax Commission 11321 W. Chinden Blvd., Bldg. 2 Boise, ID 83714-1021
Join from the meeting link https://idahogov.webex.com/idahogov/j.php?MTID=m6e173f95ef714988fa710a5adf2a663a Meeting number: 2867 435 4563 Meeting password: q8TBkQiuB83
Join by phone: +1-415-655-0001 US Toll Meeting number: 2867 435 4563

The hearing site(s) will be accessible to people 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 State Tax Commission will perform a critical review of changes to statutes and existing rules chapter. We will rewrite sections of this chapter by standard rulemaking and contemplate the following:

- Rule 799 (Child Tax Credit): Eliminates the Idaho Child Tax Credit in its entirety. The credit sunset on December 31, 2025, pursuant to Idaho Code § [63-3029L](#).
- Rule 771 (Grocery Credit): Renames the Grocery Credit program as the Food Tax Credit. Removes the additional \$20 resident credit previously granted to individuals age 65 or older, standardizing the benefit as provided in [House Bill 605](#).
- Rule 252 (Income Adjustments): This inserts two new deductions, “Enhanced Deduction for Seniors” and “Qualified Passenger Loan Interest Deduction.” These changes align Idaho’s income-adjustment provisions with the federal definitions and requirements incorporated under [House Bill 559](#) (The One Big Beautiful Bill Act).
- Rule 895 (Limitation of Assessment): Removes outdated language concerning Federal Determinations. Revises the assessment timeline so that the statutory period begins on the date of the IRS determination, removing the requirement for taxpayers to mail a physical copy to the Idaho State Tax Commission, consistent with [House Bill 733](#).

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in July 1, 2026, Bulletin 35-0101-2601, Idaho Administrative Bulletin, Vol. 26-7, page 87.

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: There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Trisha Thomas at trisha.thomas@tax.idaho.gov or (208) 332-6691.

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 October 2, 2026.

DATED this 2nd day of September, 2026.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0101-2601
(Only Those Sections With Amendments Are Shown.)

35.01.01 – INCOME TAX ADMINISTRATIVE RULES

252. NONRESIDENT AND PART-YEAR RESIDENT INDIVIDUALS -- ADJUSTMENTS ALLOWED IN COMPUTING IDAHO ADJUSTED GROSS INCOME (RULE 252).

Section 63-3026A(6), Idaho Code

01. In General. Deductions allowed in computing adjusted gross income will be allowed in computing Idaho adjusted gross income unless specifically denied by Idaho law. The amount allowed will be computed as provided in this rule. Each computation in this rule will include the amounts reported for the taxable year unless otherwise indicated. (4-6-23)

02. Deductions Directly Related to Specific Items of Income or Property. If the deduction directly relates to a specific item of income or property, the allowable deduction will be computed by dividing the amount of related income reported in Idaho income by the total of such related income reported in federal income. This percentage is multiplied by the deduction to arrive at the amount allowed as an Idaho deduction. If the deduction is related to property that did not generate income during the taxable year, the deduction will be allowed in the proportion that the property to which the deduction relates was located in Idaho. Examples of some of these deductions include the following: (4-6-23)

a. Penalty on early withdrawal of savings. The allowable deduction will be computed by dividing the interest income of the time savings deposit subject to the penalty included in Idaho income by the total interest income of the time savings deposit included in federal income. This percentage is multiplied by the penalty deduction allowed for federal purposes. (4-6-23)

b. Certain business expenses of reservists, performing artists, and fee-basis government officials. (4-6-23)

c. Jury duty pay remitted to an employer. (4-6-23)

d. Deductible expenses related to income from the rental of personal property engaged in for profit. (4-6-23)

e. Reforestation amortization and expenses. The allowable deduction will be computed by dividing the income from the related timber operations included in Idaho income by the total income from the related timber operations. If there is no income from the related timber operations for the year of the deduction, the allowable deduction will be computed based on the percentage of property in Idaho to total property to which the reforestation amortization and expenses relate. This percentage is multiplied by the reforestation amortization and expense deduction allowed for federal income tax purposes. (4-6-23)

f. Repayment of supplemental unemployment benefits. The allowable deduction will be computed by dividing the supplemental unemployment benefits included in Idaho income by the total supplemental unemployment benefits reported in federal income. This percentage is multiplied by the repayment deduction allowed for federal purposes. (4-6-23)

g. Attorney fees and court costs. The allowable deduction will be computed by dividing the total income related to the attorney fees and court costs included in Idaho income by the total income from such actions. This percentage is multiplied by the attorney fees and court costs allowed for federal purposes. (4-6-23)

h. Qualified tips from Federal Schedule 1-A. ()

i. Qualified overtime compensation from Federal Schedule 1-A. ()

03. Deductions Allowed Based on Qualifying Types of Income. If the deduction is dependent on the taxpayer earning a qualifying type of income, the allowable deduction will be computed by dividing the amount of the qualifying income reported in Idaho income by the total of such qualifying income reported. This percentage is multiplied by the deduction to arrive at the amount allowed as an Idaho deduction. (4-6-23)

a. Payments to an individual retirement account (IRA), federal health savings or medical savings account, or Section 501(c)(18)(D) retirement plan. The allowable deduction will be computed by dividing the taxpayer's Idaho compensation by the taxpayer's total compensation. This percentage is multiplied by the deduction allowed for federal purposes. For purposes of this rule, compensation means "compensation" as defined in Section 219(f)(1), Internal Revenue Code, and Treasury Regulation Section 1.219-1(c)(1). Idaho compensation is determined pursuant to Rule 270 of these rules. (4-6-23)

b. Payments to a Keogh retirement plan, simplified employee pension (SEP) Plan, SIMPLE Plan, self-employment tax, and self-employment health insurance. The allowable deduction will be computed by dividing the taxpayer's self-employment income from Idaho sources by the taxpayer's total self-employment income. This percentage is multiplied by the self-employment deductions allowed for federal purposes. (4-6-23)

04. Other Deductions. Deductions that do not relate to specific items of income or to the earning of qualifying income will be allowed in the proportion that Idaho total income bears to federal total income. The federal net operating loss deduction is not included in either the federal total income or the Idaho total income for this calculation. Such deductions include the following: (4-6-23)

- a. Alimony payments. (4-6-23)
- b. Moving expenses. (4-6-23)
- c. Student loan interest payments. (4-6-23)
- d. Tuition and fees deduction. (4-6-23)
- e. Enhanced deduction for seniors from Federal Schedule 1-A. ()
- f. Qualified passenger loan interest deduction from Federal Schedule 1-A. ()

(BREAK IN CONTINUITY OF SECTIONS)

771. ~~GROCERY~~ FOOD TAX CREDIT: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 2007
(RULE 771).

Section 63-3024A, Idaho Code

~~01.~~ Residents. (4-6-23)

~~a. The additional twenty dollar (\$20) credit may not be claimed for other dependents who are age sixty-five (65) or older.~~ (4-6-23)

~~02.~~ Part-Year Residents. A part-year resident is entitled to a prorated credit based on the number of months ~~he was~~ they were domiciled in Idaho during the taxable year. For purposes of this rule, a fraction of a month exceeding fifteen (15) days is treated as a full month. If the credit exceeds ~~his~~ their tax liability, the part-year resident is not entitled to a refund. (4-6-23)()

~~03.~~ Circumstances Causing Ineligibility. A resident or part-year resident individual is not eligible for the credit for the month or part of the month for which the individual: (4-6-23)

- a. Received assistance under the federal food stamp program; or (4-6-23)
- b. Was incarcerated. (4-6-23)

~~04.~~ Nonresidents. A nonresident is not entitled to the credit even though the individual may have been employed in Idaho for the entire year. (4-6-23)

~~05.~~ Members of the Uniformed Services. A member of the uniformed services who is: (4-6-23)

- a. Domiciled in Idaho is entitled to this credit; (4-6-23)
- b. Residing in Idaho but who is a nonresident pursuant to the Servicemembers Civil Relief Act is not entitled to this credit. (4-6-23)

~~06.~~ Spouse or Dependents of Members of the Uniformed Services. Beginning on January 1, 2009, a spouse of a nonresident member of the uniformed services stationed in Idaho who has the same domicile as the military service member's home of record and who is residing in Idaho solely to be with the servicemember is a nonresident and is not entitled to the ~~grocery~~ food tax credit. A spouse who is domiciled in Idaho is entitled to the credit. The domicile of a dependent child is presumed to be that of the nonmilitary spouse. (4-6-23)()

(BREAK IN CONTINUITY OF SECTIONS)

799. PRIORITY ORDER OF CREDITS AND ADJUSTMENTS TO CREDITS (RULE 799).

Section 63-3029P, Idaho Code

01. Tax Liability. Tax liability is the tax imposed by Sections 63-3024, 63-3025, and 63-3025A, Idaho Code. (4-6-23)

02. Nonrefundable Credits. A nonrefundable credit is allowed only to reduce the tax liability. A nonrefundable credit not absorbed by the tax liability is lost unless the statute authorizing the credit includes a carryover provision. Nonrefundable credits apply against the tax liability in the following order of priority: (4-6-23)

a. Credit for taxes paid to other states as authorized by Section 63-3029, Idaho Code; (4-6-23)

b. For part-year residents only, the ~~grocery~~ food tax credit as authorized by Section 63-3024A, Idaho Code; (4-6-23)()

c. Credit for contributions to Idaho educational institutions as authorized by Section 63-3029A, Idaho Code; (4-6-23)

d. Investment tax credit as authorized by Section 63-3029B, Idaho Code; (4-6-23)

e. Credit for contributions to Idaho youth facilities, rehabilitation facilities, and nonprofit substance abuse centers as authorized by Section 63-3029C, Idaho Code; (4-6-23)

f. Credit for equipment using postconsumer waste or postindustrial waste as authorized by Section 63-3029D, Idaho Code; (4-6-23)

g. Promoter-sponsored event credit as authorized by Section 63-3620C, Idaho Code; (4-6-23)

h. Credit for Idaho research activities as authorized by Section 63-3029G, Idaho Code; (4-6-23)

i. Broadband equipment investment credit as authorized by Section 63-3029I, Idaho Code; and (4-6-23)

j. Small employer investment tax credit as authorized by Section 63-4403, Idaho Code. (4-6-23)

k. Small employer real property improvement tax credit as authorized by Section 63-4404, Idaho Code. (4-6-23)

l. Small employer new jobs tax credit as authorized by Section 63-4405, Idaho Code. (4-6-23)

m. Credit for live organ donation expenses as authorized by Section 63-3029K, Idaho Code. (4-6-23)

~~**n.** Idaho child tax credit as authorized by Section 63-3029L, Idaho Code. (4-6-23)~~

~~**o.**~~ **n.** Credit for employer contributions to employee's Idaho college savings program account as authorized by Section 63-3029M, Idaho Code. (4-6-23)

03. Adjustments to Credits. (4-6-23)

a. Adjustments to the amount of a credit earned is determined pursuant to the law applicable to the taxable year in which the credit was earned. (4-6-23)

b. Adjustments to the amount of a credit earned may be made even though the taxable year in which the credit was earned is closed due to the statute of limitations. Such adjustments to the earned credit also applies to any taxable years to which the credit was carried over. (4-6-23)

c. If the taxable year in which the credit was earned or carried over to is closed due to the statute of

limitations, any adjustments to the credit earned does not result in any tax due or refund for the closed taxable years. However, the adjustments may result in tax due or a refund in a carryover year if the carryover year is open to the statute of limitations. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

895. PERIOD OF LIMITATION ON ASSESSMENT AND COLLECTION OF TAX (RULE 895).

Sections 63-3068 and 63-3069A, Idaho Code

~~**01. Federal Determination.** The additional one (1) year period of limitation provided in Sections 63-3068(f) and 63-3068(j), Idaho Code, does not begin to run if the final federal determination is delivered to the Tax Commission by someone other than the taxpayer or the taxpayer's representative. The Internal Revenue Service and other taxing agencies are not representatives of taxpayers. (4-6-23)~~

02. State or Territory Determination. The additional one (1) year period of limitation provided in Section 63-3069A(2)(b), Idaho Code, does not begin to run if the final determination of income tax due to another state or territory is delivered to the Tax Commission by someone other than the taxpayer or the taxpayer's representative. Taxing agencies of other states or territories are not representatives of taxpayers. (4-6-23)

03. Protest of a Notice of Deficiency. If a taxpayer protests a Notice of Deficiency, the expiration of the period of limitations provided in Section 63-3068, Idaho Code, is suspended. (4-6-23)

04. Waiver of the Period of Limitation. If a taxpayer executes a waiver to extend the period of limitation, the waiver will state the taxpayer's name as shown on the tax return. If a group return is filed, the waiver applies to each corporation included in the combined group. (4-6-23)

05. Duplicate Returns. If a return is filed pursuant to Section 63-217(1)(b), Idaho Code, where the taxpayer establishes by competent evidence that the return was deposited in the United States mail or with a qualifying private delivery service (See IDAPA 35.02.01, "Tax Commission Administration and Enforcement Rules," Rule 010) on or before the date for filing and the Tax Commission has notified the taxpayer that it has not received the return, the taxpayer is to submit a duplicate return within fifteen (15) days of such notification for the newly filed return to qualify as a duplicate return. The period of limitations for a duplicate return is the later of one (1) year from the filing of the duplicate return or the date provided for in Section 63-3068, Idaho Code. (4-6-23)

896. REQUEST FOR PROMPT ACTION BY THE TAX COMMISSION (RULE 896).

Section 63-3068(e), Idaho Code

01. Requirements of a Valid Request for Prompt Action. The personal representative, executor, administrator, or other fiduciary representing the estate of a decedent is to file the request for prompt action in writing with the Tax Commission. The request must meet the following qualifications: (4-6-23)

- a.** It must be filed after the applicable return has been filed; (4-6-23)
- b.** It must be filed separately from any other document; (4-6-23)
- c.** It must identify the taxpayer by name and identification number and the taxable periods for which the prompt action is requested; and (4-6-23)
- d.** It must clearly state that it is a request for prompt action pursuant to Section 63-3068(e), Idaho Code. (4-6-23)

02. Applicable Returns. A request for prompt action does not apply to any return filed after the request has been filed. The request applies only to returns reflecting income earned or other activities and transactions occurring during the lifetime of the decedent or by ~~his~~ their estate during the period of administration. (4-6-23)()

IDAPA 35 – STATE TAX COMMISSION
35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0103-2601
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 [63-105](#), Idaho Code.

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

Thursday, September 10, 2026 1:00 p.m. (MT)
In person: Coral Conference Room Idaho State Tax Commission 11321 W. Chinden Blvd., Bldg. 2 Boise, ID 83714-1021
Virtual: Join from the meeting link https://idahogov.webex.com/idahogov/j.php?MTID=m1f19df25878ed393ed666fcdb97a613 Meeting number: 2864 231 2179 Meeting password: MShXc7JiQ74
Join by phone: +1-415-655-0001 US Toll Meeting number: 2864 231 2179

The hearing site(s) will be accessible to people 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 State Tax Commission will perform a critical review of changes to statutes and existing rules chapter. We will rewrite sections of this chapter by standard rulemaking and contemplate the following:

- Rule 609 (Homeowners Exemption Timing): Modified to align with [House Bill 843](#). The statute changed the primary residential exemption structure from a partial-year or full-year calculation to a strict full-year-only timeframe. The rule is being updated to prevent county assessors from mistakenly removing valid exemptions mid-year.
- Rule 610 (Cross-Reference Update): This is a purely technical cleanup. Because Rule 610 directly references the criteria in Rule 609, it must be adjusted to match the new full-year timeline terminology.
- Rule 618 (Irrigation Exemption Mechanism): This section is being completely deleted because it is entirely obsolete. A previous legislative session passed [House Bill 329](#), which revoked Idaho Code Section [63-602N](#) and created a completely separate mechanism pursuant to Idaho Code Section [63-3502C](#) for managing kilowatt hour tax exemptions on irrigation equipment.
- Taxing District Splits (Successor Apportionment): To incorporate [House Bill 722](#), a new Rule Section 418 is being added. It clarifies that when a school district, taxing unit, or urban renewal area splits into successor districts, the action will not be legally treated as a “dissolution” for tax reapportionment purposes. The rule

establishes how existing allocation proportions will be divided among successor districts following a split. It also reinforces the existing treatment of consolidations, which serves as the underlying allocation framework from which successor district proportions are derived. Both components are necessary to ensure the proportional tax is not reapportioned to surviving districts after a dissolution.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 1, 2026, Bulletin 35-0103-2601, Idaho Administrative Bulletin, Vol. 26-7, page 89.

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: There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Garin Evans at garin.evans@tax.idaho.gov or (208) 332-6624.

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 October 2, 2026.

DATED this 2nd day of September, 2026.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0103-2601
(Only Those Sections With Amendments Are Shown.)

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

418. KILOWATT HOURS AND THERMS TAX.
Sections 63-405, 63-3503C, Idaho Code

01. Recalculation of Allocation Proportions Following a Certain Taxing District, Unit, or Urban Renewal Revenue Allocation Area Boundary Change. Description of recalculation given the following boundary changes: ()

a. When a taxing district or unit, or urban renewal revenue allocation area, splits, and the combined boundary of the successor taxing district or unit, or urban renewal revenue allocation area, is identical to the original

boundary, the proportional allocation will be changed by determining the proportion of the taxable value of the splitting taxing district or unit, or urban renewal revenue allocation area, within each successor taxing district or unit or urban renewal revenue allocation area. The county will be notified of these changes by the first Monday of March in the year immediately following the boundary changes. ()

b. When taxing districts or units, or urban renewal revenue allocation areas, consolidate, the allocation proportions will equal the sum of the most recent proportions prior to consolidation. ()

c. When a taxing district or unit, or urban renewal revenue allocation area dissolves after the January payment to the county, the following July and January tax disbursements will be distributed by the county according to the proportions of the remaining districts, the board of county commissioners determines any redistribution of remaining monies that would have been disbursed to the dissolved district. The Tax Commission will recalculate the proportions in March of the year following the dissolution. ()

~~418~~². -- 508. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

609. PROPERTY EXEMPT FROM TAXATION -- HOMESTEAD.

Sections 63-602G, 63-701, 63-703, and 63-3077, Idaho Code

01. Homestead Exemption. Granted in 63-602G, Idaho Code. (7-1-24)

02. Partial Ownership. Any partial ownership is ownership for determining qualification for the homestead exemption. The amount of the exemption is equal to the percentage of ownership. If a person has five percent (5%) or greater ownership interest in a limited partnership, limited liability company or a shareholder of a corporation, there is no partial ownership adjustment to the homestead exemption. See homestead calculation examples at <https://tax.idaho.gov>. (7-1-24)

03. Part Year Ownership. For qualifying taxpayers who claimed the homestead exemption on an eligible property, the homestead that qualified on January 1 of the current tax year will continue to receive the exemption, ~~provided however, the assessor may remove that property's exemption if the taxpayer owns a different homestead and requests that the exemption be transferred to the second homestead~~ in the current year. (7-1-24) ()

~~**04. Determination of Residency.** The Tax Commission may release pertinent information from any Idaho income tax return to the county assessor and the county board of equalization for the sole purpose of providing one (1) indicator of eligibility for the homestead exemption. According to Section 63-3077(4), Idaho Code, this information is confidential and is not subject to public disclosure.~~ (7-1-24)

~~**05**~~⁴. **Notification of Erroneous Claims.** When it is determined that an exemption granted under this Section to a taxpayer who has also received property tax relief under Chapter 7, Idaho Code, should not have been granted, the county assessor will notify the Tax Commission of the determination. (7-1-24)

610. PROPERTY EXEMPT FROM TAXATION -- RESIDENTIAL IMPROVEMENTS -- SPECIAL SITUATIONS.

Sections 63-602G, 63-701(2), Idaho Code

01. Scope. This rule addresses issues relating to the homestead exemption as it applies to certain unusual factual situations. It states general principles applicable to unusual cases. The principles established may apply to the resolution of situations not addressed in the rule. (7-1-24)

02. Definitions. The following definitions apply to this rule: (7-1-24)

a. As used in this rule, dual residency couple means a married couple, each of whom has established a different dwelling place as their primary dwelling place as defined in Section 63-602G, Idaho Code, ~~and Subsection~~

~~609.03 of these rules.~~

~~(7-1-24)()~~

~~b. Multidwelling or Multipurpose Building means a building which is the primary dwelling place of the owner and which has a portion used for any purpose other than the primary dwelling place of the owner. (7-1-24)~~

~~eb.~~ Related Land means land, not to exceed one (1) acre, that is reasonably necessary for the use of the dwelling as a home. (7-1-24)

03. Dual Residency Couples -- General Principles. (7-1-24)

a. Whether a particular residential improvement is an individual's primary dwelling place is a question of fact for each individual. Each spouse of a dual residency couple can maintain a separate primary dwelling place for purposes of the homestead exemption. ~~The test to be applied is the general test set out in Subsection 609.03 of these rules.~~ (7-1-24)()

b. If a residential improvement is community property, either spouse can file an application for the homestead exemption regarding community property on their own authority. The signature of the other spouse is not required on the application. See Section 32-912, Idaho Code. (7-1-24)

c. Neither spouse is a partial owner of community property. (This principle is an exception to laws generally governing community property interests. It applies only for matters relating to the homestead exemption or the circuit breaker property tax relief program. See Section 63-701(7) Idaho Code.) Thus, there is no authority to reduce the value of the improvement proportionally to reflect one (1) spouse's ownership in community property before determining the amount of the homestead exemption. For purposes of the exemption, a community property interest is treated the same as a full ownership interest. (7-1-24)

d. An owner may apply only once for the homestead exemption. See Section 63-602G(c), Idaho Code. Thus, an application by one (1) spouse regarding a residential improvement that is community property, precludes the other spouse from making a second application on any other residential improvement whether held by the other spouse as community or separate property except as provided in Subsection 610.07. (7-1-24)

04. Both Residences are Community Property. (7-1-24)

a. Each member of a dual residency couple maintains his or her primary dwelling in a different residential improvement, each of which is owned by the couple as community property. Each applies for the homestead exemption for the residence in which he or she resides. (7-1-24)

b. The first application is valid. Any subsequent application, though filed by the other spouse, is not valid because the couple can not make more than one (1) application. The homestead exemption applies to the full value of the first residential improvement to qualify without any proportional reduction. The other residential improvement does not qualify. (7-1-24)

05. One Residence Is Community Property, the Other Is Separate Property. (7-1-24)

a. Each member of a dual residency couple maintains his or her primary dwelling in a different residential improvement. One (1) is owned by the spouse who resides in it as his or her separate property, the other is owned by the couple as community property. Each applies for the homestead exemption for the residence in which he or she resides. (7-1-24)

b. The first application is valid. Any subsequent application, though filed by the other spouse, is not valid. If the first application relates to the community property, it is an application on behalf of both members of the community. Thus, the other spouse can not file a second application relating to his or her separate property. If the first application relates to the separate property, then the subsequent application relating to the community property is a second application by the spouse owning the separate property and is not valid. The homestead exemption applies to the full value of the first residential improvement to qualify without any proportional reduction. The other residential improvement does not qualify. (7-1-24)

06. Both Residences are Separate Property. (7-1-24)

a. Each member of a dual residency couple maintains their primary dwelling in a different residential improvement, each of which is owned by the spouse residing in it as their separate property. Each applies for the homestead exemption for the residence in which he or she resides. (7-1-24)

b. Both residential improvements qualify for the full homestead exemption. Neither application is a second application by the same owner. Each spouse is the sole owner of the residential improvement, so the proportional reduction provisions for partial ownership do not apply. (7-1-24)

07. Apportionment of Homestead Exemption by Dual Residency Couples. Both spouses of a dual residency couple may elect to equally apportion the homestead exemption between the two (2) residential improvements if each files a written election with the county assessor of the county in which each property is located. When the election is made each residential improvement is entitled to one-half (1/2) of the exemption applicable to that property alone. The total exempted value of both properties will not exceed the amount of exemption available to the individual residential improvement with the greatest market value if no election were made. (7-1-24)

08. Multiple Ownerships Including Community Interests as Partial Owners. A community property interest in a residential improvement is a partial ownership when combined with the ownership of another individual who is not a member of the marital community. For example, if a deed conveys title to real property to a married couple and to an adult child of theirs, the married couple hold a community property interest in the improvement and the child is a tenant-in-common provided ownership interests are not specified in the deed. The parents collectively hold a one-half (1/2) partial interest and the child holds a one-half (1/2) partial interest in the property. Ownership interests specified in the deed supersede this guidance. Qualification of the property for the homestead exemption is as follows: (7-1-24)

a. If the residential improvement is the primary dwelling of the married couple but not the child, the homestead exemption applies to one-half (1/2) of the value of the improvement. (7-1-24)

b. If the residential improvement is the primary dwelling of the child, but not either spouse, the homestead exemption applies to one-half (1/2) of the value of the improvement. (7-1-24)

c. If the residential improvement is the primary dwelling of the married couple and child, the homestead exemption applies to the full value of the improvement. (7-1-24)

d. If the residential improvement is the primary dwelling of one (1) spouse but of neither the other spouse nor the child, the homestead exemption applies to one-half (1/2) of the value of the improvement unless the residential improvement of the other spouse has previously qualified for the homestead exemption under the dual residency couple rules set out in Subsections 610.02 through 610.07. The one-half (1/2) qualification results from the statutory provision that a community property interest is not considered a partial interest of either spouse. See Paragraph 610.03.c. of this rule. (7-1-24)

e. If the residential improvement is the primary dwelling of one (1) spouse and the child, the homestead exemption applies to the full value of the improvement unless the residential improvement of the other spouse has previously qualified for the homestead exemption under the dual residency couple rules set out in Subsections 610.02 through 610.07. (7-1-24)

09. Determining the Qualifying Portion of a Multidwelling or Multipurpose Building and the Related Land. The portion of a Multidwelling or Multipurpose Building and Related Land used for the primary dwelling place of the owner qualifies for the homestead exemption. When determining the value of the qualifying portion, the assessor will include the Related Land value. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

618. ~~COMPUTATION OF THE IDAHO IRRIGATION EXEMPTION.~~(RESERVED)

~~Section 63-602N, Idaho Code~~

~~**01. Production and Delivery Ratio.** This ratio is computed by comparing the Idaho investment in production and delivery property to the investment for all Idaho unitary property. The resulting ratio will be known as the production and delivery ratio. (7-1-24)~~

~~**02. Idaho Production and Delivery Value.** This is computed by multiplying the allocated Idaho unitary value, before any exemptions, by the production and delivery ratio. (7-1-24)~~

~~**03. Irrigation Use Ratio.** This ratio is computed by comparing Idaho irrigation revenue to the total Idaho revenue from unitary operations. The resulting ratio will be known as the irrigation use ratio. (7-1-24)~~

~~**04. Idaho Irrigation Exemption.** This is computed by multiplying the Idaho production and delivery value by the irrigation use ratio. (7-1-24)~~

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2601

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. This rulemaking action is authorized by Sections [39-105](#) and [39-107](#), Idaho Code.

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

Friday, October 2, 2026 9:30 a.m. MT
In Person Conference Room A - DEQ State Office, 1410 N. Hilton, Boise Microsoft Teams meeting Join: https://teams.microsoft.com/meet/223645207858766?p=LeDwUByXAcPzP2rGNM Meeting ID: 223 645 207 858 766 Passcode: m7TK3rZ3 Dial in by phone +1 208-985-2810 579257576# United States, Boise Find a local number Phone conference ID: 579 257 576#

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 agency address below.

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

This rule establishes general requirements and procedures for industries eligible to apply for an air quality general minor permit. A general minor permit is a source category specific permit under which DEQ has developed standardized emission limitations, operating requirements, and monitoring and recordkeeping provisions that require minimal site-specific engineering analysis. By using standardized permit conditions for categories of emission sources with similar operations and air quality impacts, the general minor permit approach is intended to reduce administrative burden while ensuring compliance with applicable air quality standards and continued protection of public health and the environment.

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. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2027 Idaho Legislature, the rule will become effective on July 1, 2027, unless otherwise specified in the concurrent resolution.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Not applicable.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state

general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220](#), Idaho Code, negotiated rulemaking was conducted. On April 1, 2026, the Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the Idaho Administrative Bulletin, [Volume 26-4 pages 13-14](#). Three public meetings were held during the negotiated rulemaking process.

At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, key information considered, and documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at [Air Quality: Docket No. 58-0101-2601](#) | Idaho Department of Environmental Quality.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule only regulates activities that are already regulated by the federal government, and it is not broader in scope or more stringent than existing federal regulations.

INCORPORATION BY REFERENCE: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Aislinn Johns at Aislinn.Johns@deq.idaho.gov or (208) 373-0185.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 2, 2026. Submit written comments to:

Aislinn Johns
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
Aislinn.Johns@deq.idaho.gov

Dated this 2nd day of September, 2026.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0101-2601
(Only Those Sections With Amendments Are Shown.)

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

007. DEFINITIONS FOR THE PURPOSES OF SECTIONS 200 THROUGH ~~228~~ 253 AND 400 THROUGH 461.

01. Agricultural Activities and Services. For the purposes of Subsection 222.02.f., the usual and customary activities of cultivating the soil, producing crops and raising livestock for use and consumption. Agricultural activities and services do not include manufacturing, bulk storage, handling for resale or the formulation of any agricultural chemical listed in Sections 585 or 586. (3-28-23)

02. Baseline Actual Emissions. The rate of emissions, in tons per year, of a regulated air pollutant as determined by the following provisions: (3-28-23)

a. For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the regulated air pollutant during any consecutive twenty-four (24) month period selected by the owner or operator within the five (5) year period immediately preceding when the owner or operator begins actual construction of the project. The Department will allow the use of a different time period upon a determination that it is more representative of normal source operation. The average rate must: (3-28-23)

i. Include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions. (3-28-23)

ii. Be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive twenty-four (24) month period. (3-28-23)

iii. For a regulated air pollutant, when a project involves multiple emissions units, use only one (1) consecutive twenty-four (24) month period to determine the baseline actual emissions for all the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated air pollutant. (3-28-23)

iv. Not be based on any consecutive twenty-four (24) month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Subsection 007.02.a.ii. (3-28-23)

b. For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the regulated air pollutant during any consecutive twenty-four (24) month period selected by the owner or operator within the ten (10) year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Department for a permit required under these rules, whichever is earlier, except that the ten (10) year period must not include any period earlier than November 15, 1990. The average rate must: (3-28-23)

i. Include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions. (3-28-23)

ii. Be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive twenty-four (24) month period. (3-28-23)

iii. Be adjusted downward to exclude any emission limitation with which the source must currently comply, had such source been required to comply with such limitations during the consecutive twenty-four (24) month period; however, if an emission limitation is part of a standard or other requirement under 40 CFR Part 63, the baseline actual emissions need only be adjusted if the Department has taken credit for such emissions reductions in an attainment demonstration or maintenance plan. (3-28-23)

iv. For a regulated air pollutant, when a project involves multiple emissions units, use only one (1) consecutive twenty-four (24) month period to determine the baseline actual emissions for all the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated air pollutant. (3-28-23)

v. Not be based on any consecutive twenty-four (24) month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Subsections 007.02.b.ii. and 007.02.b.iii. (3-28-23)

c. For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit must: equal zero (0) and, thereafter, for all other purposes, equal the unit's potential to emit. (3-28-23)

d. For a plant-wide applicability limit (PAL) for a stationary source, the baseline actual emissions must be calculated for existing electric utility steam generating units in accordance with the procedures contained in Subsection 007.02.a, for other existing emissions units in accordance with the procedures contained in Subsection 007.02.b., and for a new emissions unit in accordance with the procedures contained in Subsection 007.02.c. (3-28-23)

03. Emissions Increase. The amount by which projected actual emissions exceed baseline actual emissions of an emissions unit. (3-28-23)

04. General Minor Permit. A source category specific permit issued pursuant to Section 230. ()

045. Net Emissions Increase. For purposes of Sections 204 and 205, a net emissions increase is defined by the federal regulations incorporated by reference. For purposes of Section 210, a net emissions increase is an emissions increase from a particular modification plus any other increases and decreases in actual emissions at the facility that are creditable and contemporaneous with the particular modification, where: (3-28-23)

a. A creditable increase or decrease in actual emissions is contemporaneous with a particular modification if it occurs between the date five (5) years before the commencement of construction or modification on the particular change and the date that the increase from the particular modification occurs. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred and eighty (180) days; (3-28-23)

b. A decrease in actual emissions is creditable only if it satisfies the requirements for emission reduction credits (Section 460) and has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular modification and is federally enforceable at and after the time that construction of the modification commences. (3-28-23)

c. The increase in toxic air pollutant emissions from an already operating or permitted source is not included in the calculation of the net emissions increase for a proposed new source or modification if: (3-28-23)

i. The already operating or permitted source commenced construction or modification prior to July 1, 1995; or (3-28-23)

ii. The uncontrolled emission rate from the already operating or permitted source is ten per cent (10%) or less of the applicable screening emissions level listed in Section 585 or 586; or (3-28-23)

iii. The already operating or permitted source is an environmental remediation source subject to or regulated by the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901-6992k) and IDAPA 58.01.05, "Idaho Rules and Standards for Hazardous Waste," (IDAPA 58.01.05.000 et seq.) or the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 6901-6992k) or a consent order. (3-28-23)

056. Projected Actual Emissions. (3-28-23)

a. The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated air pollutant in any one (1) of the five (5) years (twelve (12) month period) following the date the unit resumes regular operation after the project, or in any one (1) of the ten (10) years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated air pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at an

existing major stationary source. (3-28-23)

b. In determining the projected actual emissions, the owner or operator of the stationary source: (3-28-23)

i. Shall consider all relevant information including, but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with state or federal regulatory authorities, and compliance plans under the approved state implementation plan; and (3-28-23)

ii. Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions; and (3-28-23)

iii. Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive twenty-four (24) month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or (3-28-23)

iv. In lieu of using the method set out in Subsections 007.05.b.i. through 007.05.b.iii., may elect to use the emissions unit's potential to emit, in tons per year. (3-28-23)

067. Reasonable Further Progress (RFP). Annual incremental reductions in emissions of the applicable air pollutant as identified in the SIP which are sufficient to provide for attainment of the applicable ambient air quality standard by the required date. (3-28-23)

078. Sensitive Receptor. Any residence, building or location occupied or frequented by persons who, due to age, infirmity or other health-based criteria, may be more susceptible to the deleterious effects of a toxic air pollutant than the general population including, but not limited to, elementary and secondary schools, day care centers, playgrounds and parks, hospitals, clinics and nursing homes. (3-28-23)

082. Short Term Source. Any new stationary source or modification to an existing source, with an operational life no greater than five (5) years from the inception of any operations to the cessation of actual operations. (3-28-23)

008. DEFINITIONS FOR THE PURPOSES OF SECTIONS 300 THROUGH 386.

01. Affected States. All States: (3-28-23)

a. Whose air quality may be affected by the emissions of the Tier I source and that are contiguous to Idaho; or (3-28-23)

b. That are within fifty (50) miles of the Tier I source. (3-28-23)

02. Allowance. An authorization allocated to a Phase II source by the EPA to emit during or after a specified calendar year, one (1) ton of sulfur dioxide. (3-28-23)

03. Applicable Requirement. All of the following if approved or promulgated by EPA as they apply to emissions units in a Tier I source (including requirements that have been promulgated through rulemaking at the time of permit issuance but which have future-effective compliance dates): (3-28-23)

a. Any standard or other requirement provided for in the applicable state implementation plan, including any revisions to that plan that are specified in 40 CFR Parts 52.670 through 52.690. (3-28-23)

b. Any term or condition of any permits to construct issued by the Department pursuant to Sections 200 through 223 or by EPA pursuant to 42 U.S.C. Sections 7401 through 7515; provided that terms or conditions relevant only to toxic air pollutants are not applicable requirements. (3-28-23)

- c. Any standard or other requirement under 42 U.S.C. Section 7411 including 40 CFR Part 60; (3-28-23)
- d. Any standard or other requirement under 42 U.S.C. Section 7412 including 40 CFR Part 61 and 40 CFR Part 63; (3-28-23)
- e. Any standard or other requirement of the acid rain program under 42 U.S.C. Sections 7651 through 7651o; (3-28-23)
- f. Any requirements established pursuant to 42 U.S.C. Section 7414(a)(3), 42 U.S.C. Section 7661c(b) or Sections 120 through 128; (3-28-23)
- g. Any standard or other requirement governing solid waste incineration, under 42 U.S.C. Section 7429; (3-28-23)
- h. Any standard or other requirement for consumer and commercial products and tank vessels, under 42 U.S.C. Sections 7511b(e) and (f); and (3-28-23)
- i. Any standard or other requirement under 42 U.S.C. Sections 7671 through 7671q including 40 CFR Part 82. (3-28-23)
- j. Any ambient air quality standard or increment or visibility requirement provided in 42 U.S.C. Sections 7470 through 7492, but only as applied to temporary sources receiving Tier I operating permits under Section 336. (3-28-23)

04. Designated Representative. A responsible person or official authorized by the owner or operator of a Phase II unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a Phase II unit, and the submission of and compliance with permits, permit applications, and compliance plans for the Phase II unit. (3-28-23)

05. Draft Permit. The version of a Tier I operating permit that is made available by the Department for public participation and affected State review. (3-28-23)

06. Final Permit. The version of a Tier I permit issued by the Department that has completed all review procedures required in Sections 364 and 366. (3-28-23)

07. General Tier I Operating Permit. A Tier I permit issued pursuant to Section 335. ~~(3-28-23)~~ ()

08. Major Facility. A facility (as defined in Section 006) is major if the facility meets any of the following criteria. (3-28-23)

- a. For hazardous air pollutants, the facility emits or has the potential to emit: (3-28-23)
 - i. Ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, which has been listed pursuant to 42 U.S.C. Section 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station must not be aggregated with emissions from other similar emission units within the facility; or (3-28-23)
 - ii. Twenty-five (25) tpy or more of any combination of any hazardous air pollutants, other than radionuclides, which have been listed pursuant to 42 U.S.C. 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station must not be aggregated with emissions from other similar emission units within the facility. (3-28-23)
- b. For non-attainment areas, the facility is located in: (3-28-23)
 - i. A “serious” particulate matter (PM₁₀ or PM_{2.5}) nonattainment area and the facility has the

potential to emit seventy (70) tpy or more of PM₁₀ or PM_{2.5}; (3-28-23)

ii. A “serious” carbon monoxide nonattainment area in which stationary sources are significant contributors to carbon monoxide levels and the facility has the potential to emit fifty (50) tpy or more of carbon monoxide; (3-28-23)

iii. An ozone transport region established pursuant to 42 U.S.C. Section 7511c and the facility has the potential to emit fifty (50) tpy or more of volatile organic compounds; or (3-28-23)

iv. An ozone nonattainment area and, depending upon the classification of the nonattainment area, the facility has the potential to emit the following amounts of volatile organic compounds or oxides of nitrogen; provided that oxides of nitrogen are not included if the facility has been identified in accordance with 42 U.S.C. Section 7411a(f)(1) or (2) if the area is “marginal” or “moderate,” one hundred (100) tpy or more, if the area is “serious,” fifty (50) tpy or more, if the area is “severe,” twenty-five (25) tpy or more, and if the area is “extreme,” ten (10) tpy or more. (3-28-23)

c. The facility emits or has the potential to emit one hundred (100) tons per year or more of any regulated air pollutant. The fugitive emissions are not considered in determining whether the facility is major unless the facility belongs to one (1) of the following categories: (3-28-23)

i. Designated facilities. (3-28-23)

ii. All other source categories regulated by 40 CFR Part 60, 61 or 63, but only with respect to those air pollutants that have been regulated for that category and only if determined by rule by the Administrator of EPA pursuant to Section 302(j) of the Clean Air Act. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

108. OBLIGATION TO COMPLY.

Receiving a permit to construct, a Tier I operating permit, a Tier II operating permit, a general minor permit, a permit by rule, or a certificate of registration for portable equipment does not relieve any owner or operator of the responsibility to comply with all applicable local, state, and federal statutes, rules, and regulations.

(3-28-23)()

(BREAK IN CONTINUITY OF SECTIONS)

201. PERMIT TO CONSTRUCT REQUIRED.

No owner or operator may commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining a permit to construct from the Department that satisfies the requirements of Sections 200 through 227 unless the source is exempted in any of Sections 220 through 223, or the owner or operator complies with Section 213 and obtains the required permit to construct, or the owner or operator complies with Sections 175 through 181, or the source operates in accordance with all of the applicable provisions of a permit by rule, or the source obtains a general minor permit in accordance with Sections 230-232.

(3-28-23)()

(BREAK IN CONTINUITY OF SECTIONS)

228. -- ~~299~~29. (RESERVED)

230. GENERAL MINOR PERMITS.

Sections 230 through 232 establish requirements and procedures for the Department to develop and issue general minor permits. Upon addressing any public comment, the Department will finalize the general minor permit.

statement of basis, and application materials. This information will be posted on the Department's website. ()

01. Applicability. A general minor permit can be developed by the Department for source categories that have similar operations, emissions, and applicable regulatory requirements. ()

02. Nonmajor Requirement. Source categories that are considered a "major facility" as defined in Section 008, or a "major stationary source" as defined in 40 CFR 51.165(a)(1) and 40 CFR 52.21(b) (referenced in Sections 204 and 205) are not eligible for a general minor permit. ()

03. Nonattainment Area Requirement. Sources operating within a designated nonattainment area are not eligible for a general minor permit. ()

231. PROCEDURES FOR DEVELOPING GENERAL MINOR PERMITS.

General minor permits will be developed through the preparation of a proposed general minor permit, statement of basis, and supporting materials, followed by a thirty (30) day public comment period. Upon addressing any public comments, the Department will finalize the general minor permit, statement of basis, and application. This information will be posted on the Department's website. ()

01. Requirements. Any new or modified general minor permit developed by the Department must meet all requirements in accordance with Section 203. ()

02. Reasonable Permit Conditions. The Department will develop reasonable permit conditions for a general minor permit in accordance with Section 211. ()

03. Request for a New Source Category. Any person may make a request to the Department to consider the development of a general minor permit for a new source category. The Department may use its discretion to determine whether to develop a new general minor permit. The request must include at minimum the following information: ()

a. Justification for why a new general minor permit category should be developed, and ()

b. The approximate number of sources that would be eligible for the general minor permit. ()

04. Public Notice. The Department will provide a thirty (30) day comment period after initial publication on any proposed or modified general minor permit for a source category. Notice of the proposed general minor permit, including the proposed permit, statement of basis, and supporting materials, will be posted on the Department's website. After consideration of comments and any additional information submitted during the comment period, and within fifteen (15) days after the close of the comment period, unless the Department determines additional time is required to evaluate comments and information received or the Department determines in its discretion that a general minor permit is not appropriate, the Department will make available the general minor permit, statement of basis, response to comments, and application on the Department's website. ()

232. PROCEDURES FOR APPLYING FOR COVERAGE UNDER A GENERAL MINOR PERMIT.

General minor permit application requirements for each source category developed by the Department will be posted on the Department's website. ()

01. Application Procedures. Owners or operators of a new or modified source which qualifies for a general minor permit may apply for coverage using the application materials available on the Department's website. ()

02. Fees. Owners or operators who apply for coverage under a general minor permit must submit general minor permit fees pursuant to these rules. Information about making fee payments is available on the Department's website. ()

03. Approval Procedures. Within fifteen (15) days of receipt of the qualifying application and fee, the Department will notify the applicant in writing of the approval, or denial, of the coverage under the general minor permit. The Department will describe reasons for any denial. ()

04. Public Notice. The public notice requirements in Section 231 do not apply to the approval of an application to be covered under the general minor permit. The Department will maintain a record of sources that are covered under a general minor permit, and this information will be made available on the Department's website. ()

05. Contested Cases. Finalization of a general minor permit constitutes final agency action on all permit terms and conditions except applicability to an individual source. Approval of coverage for an individual source constitutes final agency action on applicability of the general minor permit to that source. Any challenge of a coverage decision is limited to whether the source meets the general minor permit's applicability criteria. ()

233. – 299. (RESERVED)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2602 (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. This rulemaking action is authorized by Sections [39-105](#) and [39-107](#), Idaho Code.

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

Friday, October 2, 2026 10:15 a.m. MT
In Person Conference Room A - DEQ State Office, 1410 N. Hilton, Boise
Microsoft Teams meeting Join: https://teams.microsoft.com/meet/237997550933698?p=BISaxGkXbzc7kAReyk Meeting ID: 237 997 550 933 698 Passcode: uy3yt3pw Need help? System reference Dial in by phone +1 208-985-2810,,402002537# United States, Boise Find a local number Phone conference ID: 402 002 537#

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 agency address below.

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

This rulemaking is intended to update the application and processing fees for new and modified facilities seeking a permit to construct, general permit, permit by rule, or Tier II operating permit. This rulemaking will also add an annual fee for existing non-Title V facilities. The proposed fee revisions are intended to account for inflation and to reduce program reliance on the State General Fund for permitting and compliance activities for non-Title V facilities.

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

This proposed rule updates application and processing fees for issuing permits to construct, Tier II operating permits, permits by rule, and general permits to stationary sources requiring permits. This rule adds application fees for facility name and ownership changes, pre-permit construction, and exemption concurrence requests. This also adds an annual fee for existing non-Title V permitted sources based on facility classification.

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

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule only regulates activities that are already regulated by the federal government, and it is not broader in scope or more stringent than existing federal regulations.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted. On April 1, 2026, the Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the Idaho Administrative Bulletin, [Volume 26-4 pages 15-16](#). Two public meetings were held during the negotiated rulemaking process.

At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at [Air Quality: Docket No. 58-0101-2602](#) | Idaho Department of Environmental Quality.

INCORPORATION BY REFERENCE: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Aislinn Johns at Aislinn.Johns@deq.idaho.gov or (208) 373-0185.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 2, 2026. Submit written comments to:

Aislinn Johns
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
Aislinn.Johns@deq.idaho.gov

Dated this 2nd day of September, 2026.

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

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 58-0101-2602
(Only Those Sections With Amendments Are Shown.)

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

224. PERMIT TO CONSTRUCT-APPLICATION FEE.

~~All applicants for a permit to construct must submit a permit to construct application fee of one thousand dollars (\$1,000) to the Department at the time of the original submission of the application. The permit to construct application fee is not required to be submitted for:~~ Fees for permits to construct and exemption concurrences, must be paid in accordance with Sections 250 through 253. (3-28-23)()

01. Exemption Applicability Determinations. Exemption applicability determinations set forth in Sections 220 through 223; (3-28-23)

02. Typographical Errors. Changes to correct typographical errors; or (3-28-23)

03. Name or Ownership Change. A change in the name or ownership of the holder of a permit to construct when the Department determines no other review or analysis is required. (3-28-23)

~~225. PERMIT TO CONSTRUCT PROCESSING FEE.~~

~~A permit to construct processing fee, calculated by the Department pursuant to the categories provided in the following table, must be paid to the Department by the person receiving the permit. The applicable processing fee category is determined by adding together the amount of increases of regulated pollutant emissions and subtracting any decreases of regulated pollutant emissions as identified in the permit to construct. The fee calculation does not include fugitive emissions.~~

PERMIT TO CONSTRUCT CATEGORY	FEE
General permit, no facility specific requirements (Defined as a source category specific permit for which the Department has developed standard emission limitations, operating requirements, monitoring and recordkeeping requirements, and that require minimal engineering analysis. General permit facilities may include portable concrete batch plants, portable hot mix asphalt plants and portable rock crushing plants.)	\$500
New source or modification to existing source with increase of emissions of less than one (1) ton per year	\$1,000
New source or modification to existing source with increase of emissions of one (1) to less than ten (10) tons per year	\$2,500
New source or modification to existing source with increase of emissions of ten (10) to less than one hundred (100) tons per year	\$5,000
Nonmajor new source or modification to existing source with increase of emissions of one hundred (100) tons per year or more	\$7,500
New major facility or major modification	\$10,000
Permit modifications where no engineering analysis is required	\$250
Application submittals for exemption applicability determinations, typographical errors, and name and ownership changes as described in Subsections 224.01, 224.02, 224.03	\$0.00

(3-28-23)

~~226. PAYMENT OF FEES FOR PERMITS TO CONSTRUCT.~~

01. Fee Submittal. The permit to construct application fee must be submitted with the application. The permit to construct processing fee is payable upon receipt of an assessment sent to the person receiving a permit by the Department. Information for making payments is available at <http://www.deq.idaho.gov>. (3-28-23)

02. Delinquency. No application for a permit to construct will be processed by the Department unless accompanied by a permit to construct application fee. No permit to construct will be issued by the Department until the Department has received the permit to construct processing fee. (3-28-23)

~~227. RECEIPT AND USAGE OF FEES.~~

~~Permit to construct application and processing fee receipts will be deposited by the Department into a stationary source permit account. Monies from this account will be used solely toward technical, legal and administrative support of the Department's permit to Construct and Tier II permit programs and will not be used for those activities supported by the fund created for implementing the operating permit program required under Title V of the federal Clean Air Act. The permit to construct application fee payable under Section 227 will be retained by the Department regardless of whether a permit to construct is issued by the Department in response to an application.~~ (3-28-23)

~~22825~~. -- ~~29949~~. (RESERVED)

250. PERMIT FEES.

Sections 250 through 253 establish fees for a permit by rule, permit to construct, general minor permit, and Tier II operating permit; and establish an annual fee for all permitted facilities not subject to Sections 390 through 397 and Sections 760 through 764. ()

01. Permit by Rule Registration or Application Fee. A permit by rule registration fee or an application fee provided in Section 251 must be paid to the Department at the time of the original submission. ()

02. Processing Fee. A permit processing fee must be paid to the Department by the permittee pursuant to Section 251 through 252. For the purpose of determining processing fees in Sections 250 through 253: ()

a. The pollutants included are: CO, NOx, SO2, PM10, VOC, and HAPs. ()

b. The fee calculation will not include fugitive emissions. ()

c. A permit processing fee is not required if a permit to construct or Tier II operating permit is issued to opt out of a Tier I permit, and the Department's processing costs can be charged against fees collected from the source receiving the permit under Title V of the federal Clean Air Act amendments of 1990. ()

03. Annual Fee. The annual fee is not required for sources that must comply with Sections 390 through 397, and Sections 760 through 764. The source classification used for annual fees classification are defined below: ()

a. B Source- Minor stationary source with: ()

i. Uncontrolled potential to emit less than one hundred (100) tons per year for each criteria air pollutant; and ()

ii. Uncontrolled potential to emit less than ten (10) tons per year individually and less than twenty-five (25) tons per year combined for hazardous air pollutants. ()

b. SM Source- Synthetic minor stationary source, not classified as an SM 80 source, with: ()

i. Uncontrolled potential to emit greater than one hundred (100) tons per year for one (1) or more criteria pollutants and permitted potential to emit less than eighty (80) tons per year for those criteria pollutants; or ()

ii. Uncontrolled potential to emit greater than ten (10) tons per year individually or greater than twenty-five (25) tons per year combined and permitted potential to emit less than eight (8) tons per year individually or less than twenty (20) tons per year combined for hazardous air pollutants. ()

c. SM80 Source- Synthetic minor stationary source, with: ()

i. Uncontrolled potential to emit greater than or equal to one hundred (100) tons per year and permitted potential to emit greater than or equal to eighty (80) tons per year to less than one hundred (100) tons per year for one (1) or more criteria air pollutants; or ()

ii. Uncontrolled potential to emit greater than or equal to eight (8) tons per year to less than ten (10) tons per year individually, or greater than or equal to twenty (20) tons per year to less than twenty-five (25) tons per year combined for hazardous air pollutants. ()

251. PERMIT FEE SCHEDULE.

Fees described in Section 250 are provided in the following table. The following fees are valid for each state fiscal year starting July 1, 2027, through June 30, 2032. The fee structure will be updated every five (5) years. The final

year of fees remain in effect until fees have been updated.

Permit Fee Schedule

<u>Step 1 Application and Registration Fee</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>	<u>FY2032</u>
<u>Permit to Construct or Tier II Operating Permit</u>	<u>\$1,500</u>	<u>\$1,550</u>	<u>\$1,600</u>	<u>\$1,650</u>	<u>\$1,700</u>
<u>Permit By Rule Registration</u>	<u>\$500</u>	<u>\$520</u>	<u>\$540</u>	<u>\$560</u>	<u>\$580</u>
<u>General Minor Permit</u>	<u>\$500</u>	<u>\$520</u>	<u>\$540</u>	<u>\$560</u>	<u>\$580</u>
<u>Name or Ownership Change</u>	<u>\$500</u>	<u>\$520</u>	<u>\$540</u>	<u>\$560</u>	<u>\$580</u>
<u>Portable Equipment Relocation Form</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Pre-Permit Construction</u>	<u>\$3,000</u>	<u>\$3,090</u>	<u>\$3,180</u>	<u>\$3,280</u>	<u>\$3,380</u>
<u>Exemption Concurrence Request</u>	<u>\$500</u>	<u>\$520</u>	<u>\$540</u>	<u>\$560</u>	<u>\$580</u>
<u>Typographical errors: Permit changes to correct typographical errors provided in application that do not affect emissions</u>	<u>\$250</u>	<u>\$260</u>	<u>\$270</u>	<u>\$280</u>	<u>\$290</u>
<u>Step 2 Processing Fee</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>	<u>FY2032</u>
<u>Permit By Rule</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>General Minor Permit</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Name or Ownership Change</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Typographical errors: Permit changes to correct typographical errors provided in application that do not affect emissions</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Permit revisions where no engineering analysis is required^a</u>	<u>\$375</u>	<u>\$390</u>	<u>\$400</u>	<u>\$410</u>	<u>\$420</u>
<u>Permits to Construct^b:</u>					
<u> <u>New source or modification to existing source with combined pollutant emissions increase of:</u></u>					
<u> <u>less than 1 ton per year (or a requested decrease in potential emissions)</u></u>	<u>\$1,500</u>	<u>\$1,550</u>	<u>\$1,600</u>	<u>\$1,650</u>	<u>\$1,700</u>
<u> <u>1 ton per year to less than 10 tons per year</u></u>	<u>\$3,750</u>	<u>\$3,860</u>	<u>\$3,980</u>	<u>\$4,100</u>	<u>\$4,220</u>
<u> <u>10 tons per year to less than 100 tons per year</u></u>	<u>\$7,500</u>	<u>\$7,730</u>	<u>\$7,960</u>	<u>\$8,200</u>	<u>\$8,450</u>

Permit Fee Schedule

☐ <u>100 tons per year or more</u>	<u>\$11,250</u>	<u>\$11,590</u>	<u>\$11,940</u>	<u>\$12,300</u>	<u>\$12,670</u>
☐ <u>New major facility or major modification (first 150 hours)</u>	<u>\$15,000</u>	<u>\$15,450</u>	<u>\$15,910</u>	<u>\$16,390</u>	<u>\$16,880</u>
☐ <u>151 hours or more requires an additional hourly fee for service^c for actual expenses incurred</u>	<u>\$hourly</u>	<u>\$hourly</u>	<u>\$hourly</u>	<u>\$hourly</u>	<u>\$hourly</u>
<u>Tier II Operating Permits^b:</u>					
<u>New source and renewal of existing source based on facility-wide potential to emit for combined pollutants; or modification of existing source based on the change in potential to emit for the modification; with potential to emit increase of:</u>					
☐ <u>less than 1 ton per year (or a requested decrease in potential emissions)</u>	<u>\$1,875</u>	<u>\$1,930</u>	<u>\$1,990</u>	<u>\$2,050</u>	<u>\$2,110</u>
☐ <u>1 ton per year to less than 10 tons per year</u>	<u>\$3,750</u>	<u>\$3,860</u>	<u>\$3,980</u>	<u>\$4,100</u>	<u>\$4,220</u>
☐ <u>10 tons per year to less than 100 tons per year</u>	<u>\$7,500</u>	<u>\$7,730</u>	<u>\$7,960</u>	<u>\$8,200</u>	<u>\$8,450</u>
☐ <u>100 tons per year or more</u>	<u>\$15,000</u>	<u>\$15,450</u>	<u>\$15,910</u>	<u>\$16,390</u>	<u>\$16,880</u>
☐ <u>Synthetic minor stationary source with permitted emissions below a major threshold level</u>	<u>\$15,000</u>	<u>\$15,450</u>	<u>\$15,910</u>	<u>\$16,390</u>	<u>\$16,880</u>
<u>Step 3: Annual Fee</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>	<u>FY2032</u>
<u>B Source</u>	<u>\$750</u>	<u>\$770</u>	<u>\$790</u>	<u>\$810</u>	<u>\$830</u>
<u>SM Source</u>	<u>\$1,250</u>	<u>\$1,290</u>	<u>\$1,330</u>	<u>\$1,370</u>	<u>\$1,410</u>
<u>SM80 Source</u>	<u>\$3,000</u>	<u>\$3,090</u>	<u>\$3,180</u>	<u>\$3,280</u>	<u>\$3,380</u>
^a For example, including but not limited to, no change of emissions or modeling is evaluated, or no applicability review of state or federal standards.					
^b Fee is based on the total Facility Emission Cap limits for initial permits and renewals.					
^c Fee is based on actual time expended and expenses incurred by the Department following application submittal					

()

252. PAYMENT OF FEES FOR PERMITS.

01. Permit by Rule Registration, Application, and Processing Fees.

()

a. Fee Submittal. The application fee or permit by rule registration fee must be submitted with the application or registration. The processing fee is payable upon receipt of an assessment sent to the permittee by the Department. Information for making payments is available at <https://www.deq.idaho.gov>.

()

b. Delinquency. No permit, registration, or exemption concurrence request will be processed by the Department until the appropriate application or registration fee has been submitted. No permit will be issued until the processing fee has been submitted. ()

02. Annual Fee. ()

a. Fee Submittal. No later than September 15 of each year the Department will issue an annual fee invoice based on the source classification as of July 1 of that year. The annual fee must be paid to and received by the Department no later than October 31 of that same year. Information for making payments is available at <https://www.deq.idaho.gov>. ()

b. Delinquency. No permit, registration, or automatic permit transfers will be processed until all annual fees have been paid. Failure to submit annual fee payment as required may result in a violation. ()

253. RECEIPT AND USAGE OF FEES.

The fees received under Sections 250 through 252 will be deposited by the Department into a stationary source permit account. The application and permit by rule registration fees payable under Section 251 will be retained by the Department regardless of whether a permit is issued, or an exemption concurrence is issued. ()

254. – 299. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

407. TIER II OPERATING PERMIT ~~PROCESSING~~ FEE.

01. ~~Tier II Operating Permit Processing Fee.~~ A Tier II operating permit ~~processing~~ fee, calculated by the Department pursuant to the categories provided in ~~the following table~~ Sections 250 through 253, must be paid to the Department by the person receiving a Tier II permit or permit renewal. ~~The fee calculation will not include fugitive emissions in accordance with Sections 250 through 253.~~

TIER II OPERATING PERMIT CATEGORY	FEE
General permit, no facility specific requirements (Defined as a source category specific permit for which the Department has developed standard emission limitations, operating requirements, monitoring and recordkeeping requirements, and that require minimal engineering analysis.)	\$500
Stationary sources or facilities with permitted emissions of less than one (1) ton per year	\$1,250
Stationary sources or facilities with permitted emissions of one (1) to less than ten (10) tons per year	\$2,500
Stationary sources or facilities with permitted emissions of ten (10) to less than one hundred (100) tons per year	\$5,000
Stationary sources or facilities with permitted emissions of one hundred (100) tons or more per year	\$10,000
Synthetic minor stationary sources with permitted emissions below a major threshold level	\$10,000

(3-28-23)

02. ~~Tier II Operating Permit Processing Fee Not Required.~~ If the Department determines no other review or analysis is required, the Tier II operating permit processing fee is not required to be submitted when:

(3-28-23)

- ~~a. A permit to construct issued within the last five (5) years is rolled into a Tier II permit; (3-28-23)~~
- ~~b. A change to correct typographical errors is requested; (3-28-23)~~
- ~~c. A change in the name or ownership of the holder of a Tier II operating permit is requested; or (3-28-23)~~
- ~~d. A synthetic minor permit is issued and the Department's processing costs can be charged against fees collected from the person receiving the permit under Title V of the federal Clean Air Act amendments of 1990. (3-28-23)~~

408. PAYMENT OF TIER II OPERATING PERMIT PROCESSING FEE.

~~01. Fee Submittal. The Tier II operating permit processing fee is payable upon receipt of an assessment sent, along with the final permit or permit renewal, to the person receiving a permit or permit renewal by the Department. Information for making payments is available at <http://www.deq.idaho.gov>. (3-28-23)~~

~~02. Delinquency. Failure to submit a Tier II operating permit processing fee within forty-five (45) days of receipt of an assessment by the Department will result in a monthly accrual of interest in the amount of twelve percent (12%) per annum on the outstanding balance until the fee is paid in full. (3-28-23)~~

409. RECEIPT AND USAGE OF FEES.

~~Tier II operating permit processing fee and delinquency interest receipts will be deposited by the Department into a stationary source permit account. Monies from this account are used solely toward technical, legal and administrative support of the Department's Permit to Construct and Tier II permit programs and will not be used for those activities supported by the fund created for implementing the operating permit program required under Title V of the federal Clean Air Act amendments of 1990. (3-28-23)~~

~~410~~**08. -- 459. (RESERVED)**

(BREAK IN CONTINUITY OF SECTIONS)

800. REGISTRATION FEE FOR PERMIT BY RULE.

~~A registration fee of two hundred fifty dollars (\$250) must be submitted to the Department with each permit by rule registration in accordance with Sections 250 through 253. (3-28-23)()~~

801. PAYMENT OF FEES FOR PERMITS BY RULE REGISTRATION.

~~The permit by rule registration fee must be paid in its entirety at the time the required registration form is submitted to the Department. Information for making payments is available at <http://www.deq.idaho.gov>. (3-28-23)~~

802. RECEIPT AND USAGE OF FEES.

~~Permit by rule registration fee receipts will be deposited by the Department into a stationary source permit account. Monies from this account will be used solely toward technical, legal and administrative support of the Department's Permit to Construct and Tier II permit programs and will not be used for those activities supported by the fund created for implementing the operating permit program required under Title V of the federal Clean Air Act amendments of 1990. Fees payable under Section 800 will be retained by the Department regardless of whether a permit by rule registration is accepted by the Department in response to a registration request. (3-28-23)~~

~~803~~**01. -- 814. (RESERVED)**

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-2603

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. This rulemaking action is authorized by Sections [39-105](#) and [39-107](#), Idaho Code.

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

Friday, October 2, 2026 11:00 a.m. MT
In Person: Conference Room A - DEQ State Office, 1410 N. Hilton, Boise Microsoft Teams meeting: Join: https://teams.microsoft.com/meet/216923888986998?p=Ipv6gBhEpBRs7jK81C Meeting ID: 216 923 888 986 998 Passcode: VK32yb3d Need help? System reference Dial in by phone +1 208-985-2810,,909775748# United States, Boise Find a local number Phone conference ID: 909 775 748#

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 agency address below.

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

The purpose of this rulemaking is to ensure that the state rules remain consistent with federal regulations. The Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01, are updated annually to maintain consistency with federal regulations implementing the Clean Air Act (CAA). This proposed rule updates federal regulations incorporated by reference with the July 1, 2026 Code of Federal Regulations (CFR) effective as of July 1, 2026.

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. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2027 Idaho Legislature, the rule will become effective on July 1, 2027, unless otherwise specified in the concurrent resolution.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Not applicable.

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

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking and because DEQ has no discretion with respect to adopting federal regulations that are necessary for EPA approval of Idaho's Title V Operating Permit Program and state primacy of CAA programs. Whenever possible, DEQ incorporates federal regulations by reference to ensure that the state rules are consistent with federal regulations.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule only regulates activities that are already regulated by the federal government, and it is not broader in scope or more stringent than existing federal regulations.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:

Adoption of federal regulations is necessary for EPA approval of Idaho's Title V Operating Permit Program and state primacy of CAA programs. Incorporation by reference allows DEQ to keep its rules up to date with federal regulation changes and simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.

In compliance with Idaho Code 67-5223(4), DEQ prepared a brief synopsis detailing the substantive differences between the previously incorporated material and the latest revised edition or version of the incorporated material being proposed for incorporation by reference. The Overview of Incorporations by Reference can be obtained at [Air Quality: Docket No. 58-0101-2603](#) | Idaho Department of Environmental Quality.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Aislinn Johns at Aislinn.Johns@deq.idaho.gov or (208) 373-0185.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 2, 2026. Submit written comments to:

Aislinn Johns
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
Aislinn.Johns@deq.idaho.gov

Dated this 2nd day of September, 2026.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0101-2603
(Only Those Sections With Amendments Are Shown.)

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

107. INCORPORATIONS BY REFERENCE.

- 01. Requirements for Preparation, Adoption, and Submittal of Implementation Plans.** 40 CFR Part 51 revised as of July 1, ~~2025~~ 2026. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, are excluded from incorporation except 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules. (7-1-26)()
- 02. National Primary and Secondary Ambient Air Quality Standards.** 40 CFR Part 50, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 03. Approval and Promulgation of Implementation Plans.** 40 CFR Part 52, Subparts A and N and Appendices D and E, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 04. Ambient Air Monitoring Reference and Equivalent Methods.** 40 CFR Part 53, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 05. Ambient Air Quality Surveillance.** 40 CFR Part 58, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 06. Standards of Performance for New Stationary Sources.** 40 CFR Part 60, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 07. National Emission Standards for Hazardous Air Pollutants.** 40 CFR Part 61, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 08. Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008.** 40 CFR Part 62, Subpart HHH, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 09. Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014.** 40 CFR Part 62, Subpart OOO, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 10. National Emission Standards for Hazardous Air Pollutants for Source Categories.** 40 CFR Part 63, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 11. Compliance Assurance Monitoring.** 40 CFR Part 64, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 12. State Operating Permit Programs.** 40 CFR Part 70, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 13. Permits.** 40 CFR Part 72, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 14. Sulfur Dioxide Allowance System.** 40 CFR Part 73, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 15. Protection of Stratospheric Ozone.** 40 CFR Part 82, revised as of July 1, ~~2025~~ 2026. (7-1-26)()
- 16. Clean Air Act.** 42 U.S.C. Sections 7401 through 7671g (1997). (7-1-24)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-2601 (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. This action is authorized by [Chapter 1, Title 39](#), Idaho Code and Idaho Code [§39-119](#) specifically authorizes the agency to charge and collect reasonable fees.

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 September 16, 2026.

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 this rulemaking is to revise the fee schedule found in IDAPA 58.01.08.007, Idaho Rules for Public Drinking Water Systems.

The proposed update is intended to update the 1993 fee schedule and align drinking water fees with current and anticipated program operating costs and reduce the reliance on declining and volatile federal funding sources. This will allow the Department to retain primary enforcement authority instead of the Environmental Protection Agency and maintain regulatory oversight of the drinking water program to ensure public health protection.

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

The proposed rule will replace the current tier-based fee structure with a base fee of \$100 for all system and a base rate for community and non-transient, non-community systems of \$5.65 per service connection. The proposal implements the change over a 3-year period.

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

Not applicable.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule only regulates activities that are already regulated by the federal government, and it is not broader in scope or more stringent than existing federal regulations.

This rulemaking does not revise substantive drinking water standards. The proposed amendments are broader in scope than federal law or regulations only with respect to the assessment and collection of annual drinking water system fees. The fees are authorized by Section 39-119, Idaho Code.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220](#), Idaho Code, negotiated rulemaking was conducted. On April 1, 2026, the Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the Idaho Administrative Bulletin, [Volume 26-4 pages 19-20](#). Three public meetings were held during the negotiated rulemaking process.

At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at [Drinking Water: Docket No. 58-0108-2601](#) | Idaho Department of Environmental Quality.

INCORPORATION BY REFERENCE: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Tyler Fortunati at tyler.fortunati@deq.idaho.gov or (208) 373-0140.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. DEQ will consider all written comments received on or before September 23, 2026. Submit written comments to:

Tyler Fortunati
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
tyler.fortunati@deq.idaho.gov

Dated this 2nd day of September, 2026.

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

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 58-0108-2601
(Only Those Sections With Amendments Are Shown.)

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

007. FEE SCHEDULE FOR PUBLIC DRINKING WATER SYSTEMS.

All owners of PWSs must pay an annual drinking water system fee. The fee will be assessed as provided in this section. ~~The Department may waive the requirements of this section at its discretion.~~ (7-1-24)()

01. Effective Date. Annual fees will be paid for each fee year. Fee years begin on October 1 of each calendar year. (7-1-24)

02. Fee Schedule. (7-1-24)

a. Owners of community and non-transient non-community PWSs must pay an annual fee ~~according to the following fee schedule:~~ of one hundred dollars (\$100) plus a per service connection fee of five dollars and sixty-five cents (\$5.65). The new fee structure will be implemented as follows: ()

i. Beginning one (1) year after the effective date of this rule all PWSs will be assessed an annual fee, in accordance with IDAPA 58.01.08.007.04 Billing, of one hundred dollars (\$100) plus a per service connection fee of three dollars (\$3.00). ()

ii. Beginning two (2) years after the effective date of this rule all PWSs will be assessed an annual fee, in accordance with IDAPA 58.01.08.007.04 Billing, of one hundred dollars (\$100) plus a per service connection fee of five dollars and sixty-five cents (\$5.65). ()

Number of Connections	Fee
1 to 20	\$100
21 to 184	\$5 per connection, not to exceed a total of \$735 per PWS
185 to 3,663	\$4 per connection, not to exceed a total of \$10,988 per PWS
3,664 or more	\$3 per connection

(7-1-24)

b. The annual fee for transient PWSs is ~~twenty-five~~ one hundred dollars (\$~~25~~100). (7-1-24)()

c. New PWSs ~~formed~~ established after ~~October~~ August 1 will not pay a fee until the ~~following~~ next annual billing cycle. (7-1-24)()

03. Fee Assessment. (7-1-24)

a. An annual fee assessment will be generated for each ~~community and non-transient non-community~~ PWS using the number of service connections the Department has on record. (7-1-24)()

b. Community and non-transient non-community PWSs will be notified each year of the official number of service connections ~~listed in SDWIS the Department has on record~~. PWSs will have at least one (1) month to notify the Department if the number of service connections provided are not in agreement with the PWS's records. (7-1-24)()

04. Billing. An annual fee statement will be ~~mailed or~~ delivered electronically, where not otherwise prohibited, to all PWS ~~owners~~ on record with the Department by September 1 of each year and will include acceptable payment methods. (7-1-24)()

05. Payment. (7-1-24)

a. Annual fee payment will be due on October 1, unless it is a Saturday, a Sunday, or a legal holiday, in which event the payment will be due on the successive business day. (7-1-24)

b. Invoice payment must be made using an electronic funds transfer or through the online payment portal, unless otherwise prohibited. ()

~~b.c.~~ If a PWS consists of two hundred fifty (250) service connections or more, the PWS may request to divide its annual fee payment into equal ~~monthly or~~ quarterly installments by submitting a written request to the Department. (7-1-24)()

i. A PWS must accept electronic delivery of the invoice and remit payment electronically to be eligible for quarterly installments. ()

ii. The Department will notify PWSs of approval or denial of ~~a the~~ requested ~~monthly or~~ quarterly installment plan within ten (10) business days of receiving the request. (7-1-24)()

~~ii. If a PWS has been approved to pay monthly installments then each installment will be due by the first day of each month, unless it is a Saturday, a Sunday, or a legal holiday, in which event the installment will be due on the successive business day.~~ (7-1-24)

iii. If a PWS ~~has been~~ is approved to pay quarterly installments then each installment will be due by the first day of the month of each quarter (October 1, January 1, April 1, and July 1), unless it is a Saturday, a Sunday, or a legal holiday, in which event the installment will be due on the successive business day. (7-1-24)()

iv. Approval granted after August 1 will not be invoiced quarterly until the following year. ()

06. Delinquent Unpaid Fees. ()

a. A PWS owner will be delinquent in payment if its annual fee assessment has not been received by November 1; or if having opted to pay ~~monthly or~~ quarterly installments, its ~~monthly or~~ quarterly installment has not been received by the last day of the month in which the ~~monthly or~~ quarterly payment is due. (7-1-24)()

b. A one-time late fee shall be assessed for any PWS that is more than ninety (90) days delinquent in payment. The late fee shall be the greater of fifty dollars (\$50) or ten percent (10%) of the total invoiced amount, not to exceed one thousand dollars (\$1,000). ()

c. Any PWS delinquent in payment of its annual fee and associated late fee, in excess of one hundred and eighty (180) days, will be referred for collection in accordance with Section 67-2358, Idaho Code. Upon referral, the PWS shall remain responsible for the full amount of all fees assessed, including any additional costs, interest, or charges incurred through the collection process or imposed by the collection agency. ()

07. Suspension of Services and Disapproval Designation. (7-1-24)

a. For any PWS owner delinquent in payment of fee assessed under Subsections ~~010~~007.02, in excess of ninety (90) days, technical assistance provided by the Department may be suspended ~~except for review and processing of~~ as follows: (7-1-24)()

i. Review and processing of Monitoring waivers; and (7-1-24)()

ii. Engineering reports; and Third party technical assistance provider referrals. (7-1-24)()

iii. Plans and specifications for design and construction as set forth in Sections 500 through 552. (7-1-24)

b. For any PWS owner delinquent in payment of fee assessed under Subsections 007.02, in excess of one hundred and eighty (180) days, the Department may disapprove the PWS pursuant to Subsection 0075.06 and may suspend all technical assistance provided as indicated above, and including review and processing of: (7-1-26)()

i. Engineering reports; (7-1-24)()

ii. Plans and specifications for design and construction as set forth in Sections 500 through 552; or (7-1-24)()

iii. Monitoring waivers Revocation of approval for quarterly installments. (7-1-24)()

08. Reinstatement of Suspended Services and Approval Status. For any PWS owner for which suspension of ~~technical assistance~~ services, disapproval, or both has occurred, reinstatement of ~~technical assistance~~ services, approval, or both, will occur upon payment of delinquent annual fee assessments and any incurred late fees. (7-1-24)()

09. Fee Reduction or Temporary Suspension. In the event that the total unobligated fund balance exceeds six (6) months or fifty percent (50%) of annualized program expenditures as of the close of the most recent state fiscal year, the Department may, at its discretion, reduce or suspend fee assessments for the next invoicing cycle, in whole or in part, as necessary to maintain prudent reserves, continued program sustainability, and regulatory compliance. The Department shall establish the duration, eligibility criteria, and any limitations of such reduction or suspension as necessary to ensure continued program sustainability and regulatory compliance. ()

0910. Responsibility to Comply. Subsection 007.~~07~~ in no way relieves any PWS from its obligation to comply with these rules. (7-1-26)()

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.13 – RULES FOR ORE PROCESSING BY CYANIDATION

DOCKET NO. 58-0113-2502

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. This rulemaking action is authorized by Sections [39-105](#), [39-107](#), and [39-118A](#), 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 September 16, 2026.

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 rulemaking was initiated to address public comments on the alignment of Agency rules with the new requirements of Section 39-118A, Idaho Code, as mandated by the [2025 Senate Bill 1170](#). The proposed rule addresses new public comments, and comments that were received under a previous docket (58-0113-2501), but were not addressed due to the narrow scope of that docket.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Not applicable.

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

Not applicable.

IDAHO CODE SECTION 39-107D STATEMENT: This rule proposes to regulate an activity that is not regulated by the federal government and has previously been approved as meeting the requirements of Section 39-107D, Idaho Code, in Omnibus Rule Docket No. 58-0000-2000F (negotiated under Docket No. 58-0113-1901).

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the December 3, 2025, Idaho Administrative Bulletin, [Volume 25-12 page 90](#). One scoping meeting and four public meetings were held during the negotiated rulemaking process.

DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at [Cyanidation: Docket No. 58-0113-2502](#) | Idaho Department of Environmental Quality.

INCORPORATION BY REFERENCE: Not applicable.

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

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before September 23, 2026. Submit written comments to the undersigned:

Dated this 2nd day of September, 2026.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0113-2502
(Only Those Sections With Amendments Are Shown.)

58.01.13 – RULES FOR ORE PROCESSING BY CYANIDATION

004. – ~~0056.~~ (RESERVED)

~~006. CONFIDENTIALITY OF RECORDS.~~

~~Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Title 74, Chapter 1, Idaho Code, and IDAPA 58.01.21, “Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality.” (3-24-22)~~

007. DEFINITIONS.

The terms “Application,” “As-built Submittal,” “Component or Phase,” ~~“Controls,”~~ “Cyanidation,” “Cyanidation Facility,” “Cyanidation Pollutants,” “Issued for Construction (IFC) Data Package,” “Major Modification or Material Modification,” ~~and~~ “Permit,” ~~“Procedural Completeness,” and “Technical Completeness”~~ are defined in ~~Section 39-118A, Idaho Code.~~ The terms “Department,” “Director,” “Person,” and “Waters” are defined in ~~Section 39-103, Idaho Code.~~ The term “ground-water” is defined in ~~Section 39-121, Idaho Code.~~ The terms “Beneficial Use” and “Best Management Practices (BMPs)” are defined in ~~IDAPA 58.01.02.~~ (7-1-26)()

~~01. Containment. Any structure, liner, pad, equipment, device, procedure, or system utilized to prevent discharge of cyanidation pollutants into the environment. ()~~

~~042. Degradation.~~ When referring to surface water, “degradation” has the meaning provided in ~~IDAPA 58.01.02, Section 010.~~ When referring to ground-water, “degradation” has the meaning provided in ~~IDAPA 58.01.11, Section 007.~~ (7-1-26)()

~~023. Discharge.~~ When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a cyanidation pollutant into waters. (7-1-26)

~~034. Idaho Pollutant Discharge Elimination System (IPDES) Permit.~~ A permit issued by the Department for the purpose of regulating discharges into surface waters. (3-24-22)

~~045. Land Application.~~ A process or activity involving application of liquids or slurries potentially containing cyanide from the cyanidation facility to the land surface for the purpose of treatment, neutralization, disposal, or ground-water recharge. (3-24-22)()

~~056. Liner.~~ A continuous layer of natural or man-made materials beneath and, if applicable, on the sides of ponds, tailings impoundments, or leach pads that restricts the downward and lateral movement of liquids. (3-24-22)

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

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

089. Outstanding Resource Water (ORW). A high-quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been designated by the legislature and subsequently listed in IDAPA 58.01.02. ORW constitutes an outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality. (7-1-26)()

0910. Permanent Closure. Those activities that result in neutralization, material stabilization and decontamination of cyanidation facilities and the facilities' final reclamation. (3-24-22)

101. Permanent Closure Plan. As defined in Chapter 15, Title 47, Idaho Code, and meets the intent and purpose of Section 39-118A, Idaho Code, and all applicable rules. (7-1-26)

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

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

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

15. Primary Containment. Containment in direct contact with cyanidation pollutants designed to control and contain those pollutants. Primary containment includes, but is not limited to, tanks, vats, pipes, and liners. ()

146. Process Water. Any liquid intentionally or unintentionally introduced into any portion of the cyanidation process which may contain ~~cyanide~~ cyanidation pollutants. (7-1-26)()

157. Seasonal ~~Closure~~ Operation Suspension. Annual cessation of operations ~~that is due to weather.~~ (3-24-22)()

18. Secondary Containment. Containment that is designed to capture any release of cyanidation pollutants from primary containment to further control and contain those pollutants. Secondary containment includes, but is not limited to, double-walled tanks, berms, curbs, concrete slabs, vaults, sumps, and liners other than primary liners. ()

169. Sensitive Resource Aquifer. Any aquifer or portion of an aquifer listed in IDAPA 58.01.11, Subsection 300.01. (7-1-26)

1720. Tailings Impoundment. A process component that is the final depository for processed ore from the mining, milling, or chemical extraction process. (3-24-22)

4821. Temporary ~~Closure~~ Operating Suspension. Any cessation of operations exceeding thirty (30) days, other than seasonal or permanent closure. (3-24-22)()

4922. Treatment or Treated. Any method, technique or process, including neutralization, that changes

the physical, chemical, or biological character or composition of a waste for the purpose of disposal, or the end result of such action. (3-24-22)

~~20. **Water Balance.** An inventory and accounting process, capable of being reconciled, that integrates all potential sources of water that are entrained in the cyanidation facility or may enter into or exit from the cyanidation facility. The inventory must include the water holding capacity of specific structures within the facility that contain process water. The water balance is used to ensure that all process water and cyanidation pollutants can be contained as engineered and designed within a factor of safety as determined in the permanent closure plan.~~ (7-1-26)

~~21. **Water Management Plan.** A document that describes the results of the water balance and the methods that will be used to ensure that cyanidation pollutants are not discharged from a cyanidation facility into waters unless permitted or otherwise approved by the Department.~~ (7-1-26)

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

(BREAK IN CONTINUITY OF SECTIONS)

050. PRE-APPLICATION PROCESS AND PRELIMINARY DESIGN.

Any person who intends to apply for a permit or proposes to construct or operate a facility that is intended to contain, treat, or dispose of process water and process-contaminated water generated in ore processing operations that utilize cyanide as a primary leaching agent should contact the Department during the initial stages of site characterization to begin the permitting process. ()

01. Cost Recovery Agreement. Prospective applicants must execute a cost recovery agreement with the Department prior to the permitting process (Section 39-118A(7), Idaho Code). The cost recovery agreement must provide for the recovery of costs incurred by the Department during the permitting process, including third-party consultant costs, as applicable (Sections 39-118A(7)(a) and 39-105(5)(c), Idaho Code). Any third-party consultant contracted to support application review (Section 39-118A(12)(a), Idaho Code) should be acceptable to the prospective applicant and the Department. ()

~~**01.2. Pre-application Conference.** Any person who intends to apply for a permit or proposes to construct or operate a facility that is intended to contain, treat, or dispose of process water and process-contaminated water generated in ore processing operations that utilize cyanide as a primary leaching agent should contact the Department during the initial stages of site characterization to schedule a pre-application conference. Once Following execution of a cost recovery agreement in accordance with Section 39-118A(7), Idaho Code, has been executed, prospective applicants are encouraged to begin meeting with agents of should contact the Department to schedule a preapplication conference, ideally at least one (1) year in advance of preliminary design report submittal to discuss, at a minimum, the following.~~ (7-1-26)()

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

b. The proposed water quality monitoring and reporting required in Subsection 200.44.08 and the monitoring well siting and construction plans required in Subsection ~~200.12~~ 050.04. The applicant is encouraged to submit a report describing the purpose, objectives, location, and proposed construction of monitoring wells to the Department for review and comment during the initial stages of site characterization. (3-24-22)()

c. The preliminary design report and alternative design proposals required prior to application submittal under Subsection 050.023. (3-24-22)()

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

e. The timing of additional pre-application meetings. The pre-application conference may trigger a period of collaborative effort between the applicant, the Department, and the Idaho Department of Lands to develop an application that complies with rule requirements and ensures the facility will not impair beneficial use of waters or degrade waters. (7-1-26)

023. Information Required for Preliminary Design Report. Submittal of a preliminary design report is mandatory and must include the monitoring well siting and construction plan (Subsection 050.04) if not previously submitted. Upon submittal, the preliminary design report must include ~~sufficient detail to determine~~ the following: (3-24-22)()

a. ~~The general framework and design criteria for the project~~ A general overview of the project, including the project location, a description of the cyanidation method, proposed locations of cyanidation facilities, and final treatment or disposal of cyanidation pollutants; (3-24-22)()

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

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

d. How the requirements of these rules will be met in the final permit application and/or the issued for construction data package(s); and (3-24-22)()

e. How design, construction, operation, and closure will ensure the facility will not impair beneficial use of waters or degrade waters. (7-1-26)

04. Monitoring Well Siting and Construction Plan. The applicant is encouraged to submit a report describing the purpose, objectives, location and proposed construction of monitoring wells to the Department for review and comment during the initial stages of site characterization. If not submitted separately, a monitoring well siting and construction plan must be provided upon submittal of the preliminary design report under Subsection 050.03. ()

a. Monitoring well siting and construction plans must provide for the following. ()

i. A quality assurance/quality control plan for well construction. ()

ii. A groundwater monitoring network sufficient to demonstrate groundwater flow direction underneath the cyanidation facility with a minimum of three (3) monitoring wells. ()

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

i. Large areas with multiple potential sources for cyanidation pollutants; ()

ii. Areas with complex geology, fractured bedrock; and ()

iii. Areas with insufficient background hydrogeology. ()

c. All monitoring well construction must also conform to the well construction rules listed in IDAPA 37.03.09. ()

d. Record diagrams including well construction details, well elevation and a detailed geologic log

must be provided to the Department for each monitoring well. ()

~~035.~~ **Notice of Preliminary Design Approval or Disapproval.** Unless otherwise provided in this Subsection 050.035, the Director will notify the applicant in writing of the decision to approve or disapprove a preliminary design report within thirty (30) days after the Department receives all information required by Subsection 050.023. For alternative design proposals submitted under Section 205, the Director will notify the applicant in writing of the decision for alternative design approval or disapproval within ninety (90) days after the Department receives all information required by Section 205. The time required to review and, if appropriate, approve the preliminary design report is separate from and not included as part of the one hundred eighty (180) day period for issuing notice of rejection or notice of approval of the permit under Section 39-118A(11)(a), Idaho Code. Approval of the preliminary design report does not authorize the construction, modification, or operation of the cyanidation facility. (7-1-26)()

051. -- 099. (RESERVED)

100. PERMIT AND PERMIT APPLICATION.

01. Permit Required. No person may construct a new cyanidation facility prior to obtaining a permit from the Director. No person may make a major modification or material modification to a cyanidation facility prior to obtaining a modified permit for such modification pursuant to Section 750. (7-1-26)

02. Permit Application. The owner or proposed operator of a cyanidation facility or the owner's or operator's authorized representative must: make an application to the Director in writing in a format as agreed to by the Department and the applicant. (3-24-22)()

~~a. Make application to the Director in writing and in a manner or form prescribed herein; and~~ (3-24-22)

~~b. Provide five (5) paper copies of the application to the Director, unless otherwise agreed to by the Department and the applicant.~~ (3-24-22)

03. Contents of Application. A permit application ~~and its contents~~ will be used to determine if an applicant can locate, construct, operate, maintain, close, and monitor the proposed cyanidation facility in conformance with Section 39-118A, Idaho Code, and ~~these and other~~ applicable rules including, ~~but not limited to,~~ IDAPA 58.01.02, ~~IDAPA 58.01.08,~~ and IDAPA 58.01.11. The application should also discuss other rules that apply including IDAPA 58.01.05, IDAPA 58.01.06, IDAPA 58.01.11, and IDAPA 58.01.25, and other permits needed for the proposed cyanidation facility. The application must ~~include the information required by Section 39-118A(8), Idaho Code, and in this subsection,~~ be in sufficient detail to allow the Director to determine if the application is procedurally and technically complete as defined in Section 39-118A(1)(o), Idaho Code, and is in compliance with Sections 200 through 205 as applicable, and Section 39-118A(8), Idaho Code. The application must contain the following information. (7-1-26)()

- a. Name, location, and mailing address of the cyanidation facility. (3-24-22)
- b. Name, mailing address, and phone number of the applicant, and a registered agent. (3-24-22)
- c. Land ownership status of the cyanidation facility (federal, state, private, or public). (3-24-22)
- d. Name, mailing address, and phone number of the applicant's construction and operations manager. (3-24-22)
- e. The legal structure (corporation, partnership, etc.) and residence of the applicant. (3-24-22)
- f. The legal description, to the quarter-quarter section, of the location of the proposed cyanidation facility. (3-24-22)
- g. Evidence the applicant is authorized by the Secretary of State to conduct business in the State of

Idaho. (3-24-22)

h. A general description of the ~~operational plans for the~~ cyanidation facility from construction through permanent closure. This description must include any proposed phases for construction, operations, and permanent closure. (3-24-22)()

i. The design maximum daily throughput of ore through the cyanidation facility and the total projected volume of material to be processed during the life of the operation. (3-24-22)

j. Cyanidation facility layouts including water management systems designed to segregate storm water from process water. (3-24-22)

~~**k.** A geotechnical evaluation of all process water and process chemical containment systems within the proposed cyanidation facility.~~ (3-24-22)

~~**k.**~~ **k.** A preconstruction topographic site map or aerial photos extending at least one (1) mile beyond the outer limits of the cyanidation facility, identifying and showing the location and extent of the following features: (3-24-22)

i. All wells, perennial and intermittent springs, adit discharges, wetlands, surface waters, and irrigation ditches that may be affected by the cyanidation facility; (3-24-22)

~~**ii.** All process water supply source(s);~~ (3-24-22)

~~**iii.** All public and private drinking water supply source(s) within at least one (1) mile of the cyanidation facility;~~ (3-24-22)

~~**iv.** Identified Mapped floodplain areas (shown on USGS sectional Quadrangle maps) of the 100-year flood that intersects the cyanidation facility boundary;~~ (3-24-22)()

~~**v.** All service roads and public roads;~~ (3-24-22)

~~**vi.** All buildings and structures within half (1/2) a mile of the cyanidation facility;~~ (3-24-22)

~~**vii.** All outstanding resource waters and sensitive resource aquifers within one (1) mile of the cyanidation facility; and~~ (3-24-22)

~~**viii.** All Clean Water Act Section 303(d) listed streams, and their listed impairments, within ten one (10) miles of the site boundary that may be affected by the cyanidation facility.~~ (3-24-22)()

~~**ix.**~~ **m.** To the extent such information is available, a description and location of underground mine workings and adits and a description of the structural geology that may influence ground-water flow and direction. (3-24-22)()

~~**x.**~~ **n.** A description and siting diagram of the proposed land application site, including monitoring sites. The description must include a potentiometric map, surface and subsurface soil characteristics, geology, hydrogeology and ground-water quality. The description of these characteristics must be sufficient to determine anticipated impacts to the affected soils, associated vadose zone as well as anticipated changes in geochemistry that may affect surface and ground-water quality. (3-24-22)()

~~**o.** Siting diagram for land application sites, monitoring wells, lysimeters, surface or ground water discharge sites, or surface water monitoring locations.~~ (3-24-22)

~~**p.** A description of measures to protect wildlife that may be affected by the facility.~~ (3-24-22)

~~**q.**~~ **o.** Proposed post-construction topographic maps. (3-24-22)

~~9.~~ Proposed ~~E~~ngineering plans and specifications for all components or phases of the cyanidation facility must be submitted to the Department for review and approval. Preliminary designs for components or phases of the cyanidation facility may be submitted as part of the permit application pursuant to Section 39-118A(18), Idaho Code. Department review and approval of the issued for construction data package is required before construction of those components or phases may begin. All cyanidation facility engineering plans and specifications must ~~bear the imprint of an Idaho licensed professional engineer that is both signed and dated by the engineer~~ be sealed, signed, and dated by an Idaho-licensed professional engineer per Section 54-1215(3)(b), Idaho Code. These plans and specifications must, at a minimum, include all of the following information applicable to the proposed facility.

~~(7-1-26)~~ ()

i. Designs sufficient to demonstrate the facility's ability to meet applicable criteria in Sections 200 through 204. (7-1-26)

ii. Any alternative design ~~approved~~ as agreed to by the Department under Section 205. ~~(3-24-22)~~ ()

~~iii. The water balance, ore flow, and processing calculations demonstrating the logic behind sizing of facilities.~~ ~~(3-24-22)~~

~~iv.~~ ii. ~~The~~ A general ore processing overview ~~and analyses of chemical compatibility of containment materials with process chemicals and wastes, including a chemical mass balance at inputs and outputs from the cyanidation facility, including methods and process components used for beneficiation, and a process flow diagram of the ore processing circuit(s), detoxification, and process water storage components.~~ ~~(3-24-22)~~ ()

~~iv.~~ Baseline geotechnical report demonstrating site suitability for construction of selected cyanidation facilities. ~~(3-24-22)~~ ()

vi. Requirements for site preparation. (3-24-22)

~~vii. Pumping and dewatering requirements.~~ ~~(3-24-22)~~

~~viii.~~ ix. Procedures for materials selection, including classifying or modifying, if necessary, and placement for backfilling, bedding, and other structural and containment protecting materials in and around foundation areas, pads, ponds, and tailings impoundments or other containment structures. ~~(3-24-22)~~ ()

~~ix.~~ Criteria for caps and covers used as source control measures. ~~(3-24-22)~~

~~x.~~ xvii. Criteria for ensuring stability of embankments for pads, ponds and tailings impoundments. ~~(3-24-22)~~

~~xi. Procedures to classify and modify, if necessary, excavated fill, bedding and cover materials for buildings, pads, ponds, and tailings impoundments.~~ ~~(3-24-22)~~

~~xii.~~ xviii. Plan views and cross-section drawings of piping and conveyance ~~schematics and component specifications~~ systems between cyanidation facility components. ~~(3-24-22)~~ ()

~~xiii.~~ xix. Plan views and cross-section drawings of cyanidation facility components, including ore processing buildings for secondary containment, leach pads, permanent heaps, ~~vats,~~ process water storage ponds, tailings impoundments, and spent ore disposal areas that contain cyanidation pollutants. ~~(3-24-22)~~ ()

~~xiv.~~ xx. Leak detection and collection system plans and specifications including, but not limited to, schematics and narratives describing liner and geotextile material specifications, sumping capacity and layout, location of monitoring port(s), monitoring port components, construction operation and maintenance procedures for monitoring ports and pumping systems, including backup system, triggers for containment repairs, replacement or other contingency mitigation, frequency of monitoring, and monitoring parameters and logic behind monitoring, operation, and maintenance plans. ~~(3-24-22)~~ ()

xvi. Provisions to protect containment systems from heavy equipment, fires, earthquakes, and other natural phenomena. (3-24-22)

xvii. Quality assurance/quality control procedures for construction of cyanidation facilities. (3-24-22)()

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

sp. Proposed Operation and maintenance plans that include all of the following as required by Subsections 200.07 through 200.10. (7-1-26)()

i. Maintenance plans, including routine service procedures for containment systems, process chemical storage, and disposal of contaminated water or soils. (7-1-26)

ii. A water management plan that provides for handling and containment of process water including the methods to manage and/or treat all process water and cyanidation pollutants, run-off or run-on water, emergency releases, and excess water due to flood, rain, snowmelt, or other similar events. The plan must include the basis for the designed containment volumes and estimations of the need for and operation of a land application site, injection wells, infiltration galleries or leach fields, or the need for an IPDES permit. The permittee will update the plan on a regular basis to reflect the reconciliation of the water balance changes in the project through construction, operation, maintenance, and permanent closure, including modifications to the cyanidation facility. (7-1-26)

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

iv. An emergency and spill response plan that describes procedures and methods to be implemented for the abatement and clean up of any cyanidation pollutant that may be discharged from the cyanidation facility. (7-1-26)

v. A seasonal/temporary closure plan, if applicable, that describes the procedures, methods, and schedule to be implemented for the treatment and disposal of process water and cyanidation pollutants, the control of drainage from the cyanidation facility during the period of closure, the control of drainage from the surrounding area, and the secure storage of process chemicals. (7-1-26)

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

uq. Characterization and predicted concentrations of cyanidation pollutants contained in or released from the cyanidation facility, including the potential for the cyanidation pollutants to cause degradation of waters impair beneficial use or degrade waters. Pollutants may be characterized and predicted concentrations may be identified by facility component or ore processing circuit within the same containment, as appropriate, for pollutants with potential to impair beneficial use or degrade waters. (7-1-26)()

~~101. — 199.~~ (RESERVED)

101. ISSUED FOR CONSTRUCTION DATA PACKAGE.

01. Issued for Construction Requirements. An IFC data package must be submitted to the Department for review and approval prior to construction of any cyanidation facility component or phase (Section 39-118A(18), Idaho Code). The IFC data package may be submitted with a permit application or following permit issuance as a permit condition per Section 39-118A(18), Idaho Code. An IFC data package must contain plans and specifications for actual construction of a cyanidation facility consistent with the criteria for the IFC data package and other supporting documents that are sealed, signed, and dated by an Idaho-licensed professional engineer per Section 54-1215(3)(b), Idaho Code. All construction must be in compliance with Section 39-118A(17), Idaho Code. The IFC data package must include, at a minimum, the following information (Section 39-118A(1)(k), Idaho Code). ()

- a. A final report documenting the basis of the design. ()
- b. IFC specifications, including any storage features or secondary containments, as applicable, including final chemical compatibility of containment materials with process chemicals and wastes. ()
- c. IFC drawings depicting facility layout and typical sections, primary containment and secondary containment and location of primary containment within secondary containment. ()
- d. Final capacity calculations for primary and secondary containment. For primary within secondary containment, such as vats, tanks, or other beneficiation components, primary capacity information must be sufficient to demonstrate necessary secondary containment capacity as required by Section 203. ()
- e. Final load validation, including supporting geotechnical data and analysis demonstrating the logic for plans and specifications of foundation materials and placement, including information required by Sections 200 through 205, if applicable. ()
- f. Manufacturer's specifications for materials and equipment necessary to meet the requirements of Sections 200 through 205. ()
- g. The identity of the person(s) selected to be directly responsible for supervising construction and quality assurance/quality control. ()
- h. A quality assurance/quality control plan for the construction of containment systems that provides a process for documenting owner acceptance of all underlying components of the containment system prior to construction of the overlying components. ()
- i. Requirements for site preparation. ()
- j. Operation and maintenance plans as required by Subsection 200.10 and revised for IFC, as applicable. ()

102. AS-BUILT SUBMITTAL.

01. As-built Requirements. An as-built submittal is required to be submitted to the Department for review and approval following completing construction of a cyanidation facility component or phase. The as-built submittal must depict that actual construction of the cyanidation facility component or phase does not deviate from the plans and specifications approved in the permit and IFC data package (Section 39-118A(19), Idaho Code). An as-built submittal must be sealed, signed, and dated by an Idaho-licensed professional engineer and be consistent with the criteria for as-built documentation and other supporting documents, including: ()

- a. As-built drawings; and ()
- b. Quality assurance/quality control documentation demonstrating that the constructed cyanidation facility, including controls, substantially conforms to the final permit and issued for construction data package, as applicable. ()

103 – 199. (RESERVED)

200. ~~REQUIREMENTS FOR WATER QUALITY PROTECTION~~ CYANIDATION FACILITY REQUIREMENTS.

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

01. Professional Engineer. Plans and specifications for construction, alteration or expansion of any cyanidation facility must be prepared by or under the supervision of an Idaho licensed professional engineer and bear

the imprint of the engineer's seal. Construction must be observed by an Idaho licensed professional engineer or a person under the supervision of an Idaho licensed professional engineer. (3-24-22)

~~02. **Plans and Specifications.** An issued for construction data package must be submitted to and approved by the Department before construction may begin (Section 39-118A(18)(b), Idaho Code). All construction must be in compliance with Section 39-118A(17), Idaho Code. Within thirty (30) days of the completion of such construction, an as-built submittal must be submitted to the Department (Section 39-118A(19), Idaho Code).~~ (7-1-26)

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

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

~~05. **Process Water Storage Sizing Criteria.** All aspects of the cyanidation facility that entrain, utilize, treat, discharge, pump, convey, or otherwise contain process water, treated process water, or run-off water from any portion of the cyanidation facility must be included in the water balance. Any cyanidation facility component that contains or conveys process water or cyanidation pollutants and is exposed to the atmosphere, including, but not limited to Each ponds, tailings impoundments, and or ditches, containing process water must be designed to maintain a minimum two (2) foot freeboard during storage or conveyance of the design climatic events plus the maximum expected normal operating levels volume. The maximum expected normal operating volume must be calculated with a water balance that includes all sources of water that may enter or exit the cyanidation facility. The design climatic event is the volume of run-on and run-off water associated with a 24-hour storm event that has a one percent (1%) annual exceedance probability. Snowmelt events will be considered in determining the maximum flow volume during the design climatic event. Leach pad design must provide containment of the maximum expected operating flows plus storm flows from the design climatic event. At a minimum, a cyanidation facility must be designed to contain the maximum expected normal operating water balance and the volume of run-on and run-off water associated with a climatic event that has a one percent (1%) annual exceedance probability. Snowmelt events will be considered in determining the maximum flow volume during the design climatic event. Contingency plans for managing excesses of all water included as a part of the water balance any process water or cyanidation pollutant contaminated water must be described in the water management strategy plan. Each structure that impounds process cyanidation pollutant water or process cyanidation pollutant contaminated water must include a means of passing excess water unless otherwise approved by the Department.~~ (3-24-22)()

~~06. **Minimum Plans and Specifications Design Criteria.** Unless the Department approves an alternative design under Section 205, the plans and specifications for any portion of a cyanidation facility that will contain process water must satisfy the applicable general design criteria in Subsection 200.064 and the design criteria in Sections 201 through 204 for the type of facility receiving process water. These provisions establish minimum cyanidation pollutant control technologies and define the site and operating conditions that must be evaluated.~~ (7-1-26)()

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

i. Minimize releases of cyanidation pollutants into ground-water or subsurface migration pathways so that any release will not cause unauthorized degradation of waters. (7-1-26)()

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

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

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

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

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

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

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

~~vi. Implement measures to protect birds, other wildlife and livestock from adverse effects of cyanide process water and cyanidation pollutants. (7-1-26)~~

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

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

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

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

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

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

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

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

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

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

iii. Include the following if an equivalent layer replacing the soil layer described in Subsection 200.064.b.ii. is proposed: (3-24-22)()

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

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

(3) ~~Materials that provide appropriate shear resistance of the upper and lower component interface to prevent sliding of the upper component including on slopes~~ Anchorage or materials that provide appropriate shear resistance to prevent sliding of overlying materials. Anchorage, whether in a trench or by mechanical means, must be capable of resisting tensile forces from liner self-weight, cover soil, liquids, wind uplift, and thermal movement; (3-24-22)()

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

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

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

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

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

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

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

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

075. Process Buildings, Process Chemical Storage Containment Areas and General Facility Criteria. Storage, handling and use of all ~~process chemicals, process wastes, process water~~ process solutions and solutions containing cyanidation pollutants must be conducted within a clean, safe and secure work-space to prevent unauthorized discharges to soils, ground-water or surface water. The plans and specifications must contain sufficient detail, including pump capacity and ~~plumbing piping~~ for evacuation of collection sumps, triggering systems for sump

evacuation, and monitoring and reporting requirements and, ~~where appropriate,~~ provide for: (7-1-26)()

- a. Structural integrity of the foundation, walls and roof for process ~~and process chemical storage~~ buildings; (3-24-22)()
- b. Restriction of public access; (3-24-22)
- ~~e.~~ Protection of wildlife; (3-24-22)
- ~~dc.~~ Internal sumps ~~and spill cleanup plans~~; (3-24-22)()
- ~~ed.~~ Grouted and sealed concrete stemmed walls and floors in the process buildings ~~and process chemical storage and containment facilities where concrete is providing secondary containment; and~~ (3-24-22)()
- ~~f.~~ Vapor barriers and frost protection; (3-24-22)
- ~~g.~~ Segregation of process chemicals according to compatibility; (3-24-22)
- ~~h.~~ Communication systems; (3-24-22)
- ~~ie.~~ Fire suppression systems, internal and external, ~~and~~ as required by local ordinances. (3-24-22)()
- ~~j.~~ Quality assurance/quality control for construction activities and construction materials. (3-24-22)

~~08. Cap and Cover Criteria. Caps and covers used as source control measures for facilities must be designed and constructed to minimize the interaction of meteoric waters, surface waters, and ground waters with wastes containing cyanidation pollutants that are likely to be mobilized and discharged to waters. Caps and covers designed for permanent closure must demonstrate permanence applicable to the permittee's designed and approved permanent closure plan.~~ (7-1-26)

~~096. Plumbing Piping and Conveyance Criteria. Plumbing Piping and conveyance systems between cyanidation facility components must:~~ (3-24-22)()

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

~~1007. Operation and Maintenance Plans. Operation and maintenance plans must be submitted to the Department for review and approval. Operation and maintenance plans must include, but are not limited to:~~ (3-24-22)

- a. ~~An overall plan that includes techniques for evaluating the integrity and performance of all containment systems~~ An operation and maintenance plan for containment systems, including leak detection and collection, which includes techniques for evaluating the integrity and performance, a schedule for inspections, routine service procedures, and specific actions that will mitigate compromised performance or damage; (3-24-22)()
- b. ~~Schedule for inspections of all containment systems;~~ An emergency and spill response plan that describes procedures and methods to be implemented for the abatement and cleanup of any cyanidation pollutant that may be discharged from the cyanidation facility, including disposal of contaminated water or soils. (3-24-22)()
- c. ~~Schedule for inspections on piping and conveyance systems that carry process water;~~ A water management plan that provides for handling and containment of process water including the methods to manage and/or treat all process water and cyanidation pollutants, run-off or run-on water, emergency releases, and excess water due to flood, rain, snowmelt, or other similar events. The plan must include the basis for the designed containment

volumes as required by Subsection 200.05 and demonstrate that all process water and cyanidation pollutants can be contained as engineered and designed with a factor of safety. If applicable, the plan must include the need for and operation of a land application site, injection wells, infiltration galleries or leach fields, or the need for an IPDES permit. The permittee will update the plan through construction, operation, maintenance, and permanent closure, including modifications to the cyanidation facility. (3-24-22)()

~~d. Response plans that detail specific actions that will result in mitigation of compromised or damaged containment systems; and~~ A permanent closure plan that is the same as the plan submitted to the Idaho Department of Lands pursuant to the Idaho Mined Land Reclamation Act, Chapter 15, Title 47, Idaho Code, and the rules promulgated thereunder. (3-24-22)()

~~e. Response plans that detail specific thresholds identified under Section 39-118A(9), Idaho Code, the locations and frequency at which the thresholds will be monitored, and actions that will result in mitigation of an exceedance of any threshold.~~ (7-1-26)

11.08. Water Quality Monitoring and Reporting. The water quality monitoring plan submitted with the application must be reviewed and, ~~if appropriate,~~ approved by the Department. The approved water quality monitoring plan must comply with Section 39-118A(9), Idaho Code, and: (7-1-26)()

a. Provide for physical, chemical and biological monitoring, including measurements of surface water flow, wildlife and bird mortality, and aquatic indicator species in potentially affected surface and ground-water, as appropriate; (3-24-22)()

b. Provide for sampling locations and frequency; (3-24-22)

c. Provide an assessment of the existing surface and ground-water conditions prior to construction of the proposed cyanidation facility; (3-24-22)()

d. Be site specific and dependent on location, design and operation of the cyanidation facilities included in the overall operating plan; (3-24-22)

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

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

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

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

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

j. Provide response actions or mitigation measures for the exceedance of any threshold concentrations or water quality compliance criteria established under Section 39-118A(9), Idaho Code; and ()

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

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

- ~~a. Monitoring well siting and construction plans must provide for the following. (3-24-22)~~
- ~~i. A quality assurance/quality control plan for well construction. (3-24-22)~~
- ~~ii. A minimum of three (3) monitoring wells with one (1) located up gradient and two (2) located down gradient of primary components of the cyanidation facility to determine ground water flow direction. (3-24-22)~~
- ~~b. Siting and planning for additional wells or replacement wells may be required in the permit application and final permit. Specifically, additional wells may be required for: (3-24-22)~~
- ~~i. Large areas with multiple potential sources for cyanidation pollutants; (7-1-26)~~
- ~~ii. Areas with complex geology, fractured bedrock; and (3-24-22)~~
- ~~iii. Areas with insufficient background hydrogeology. (3-24-22)~~
- ~~37.03.09. e. All monitoring well construction must also conform to the well construction rules listed in IDAPA (7-1-26)~~
- ~~d. Record diagrams including well construction details, well elevation and a detailed geologic log must be provided to the Department for each monitoring well. (3-24-22)~~
- 1309. Land Application.** Plans and specifications must include: (3-24-22)
- a.** An operation and maintenance plan including: (3-24-22)
- i.** Water balance for the land application site; (3-24-22)
- ii.** Pretreatment requirements and procedures; (3-24-22)
- iii.** Operating season for land application; (3-24-22)
- iv.** Seasonal closeout procedures; (3-24-22)
- v.** Special soils or vegetative amendments; (3-24-22)
- vi.** Storm water run-on/run-off controls; (3-24-22)
- vii.** Best management practices for all areas impacted by the land application system; and (3-24-22)
- viii.** A topographic map of the land application site and adjacent affected areas, of sufficient scale to facilitate site-specific analysis of soils, vegetation, surface water, and ground-water; ~~(3-24-22)~~ ()
- b.** Chemical, physical, and volumetric characteristics of the material to be land applied; (3-24-22)
- c.** A complete description of the chemical and physical characteristics of the soils and applicable geology of the land application site; (3-24-22)
- d.** Methods of process water treatment, distribution and disposal; (3-24-22)
- e.** Hydraulic loading capacity of the soils; (3-24-22)
- f.** Constituent loading capacity of the site; (3-24-22)
- g.** Attenuation capacity of the vegetative covers and soils; (3-24-22)
- h.** Evapotranspiration capacity of the site; (3-24-22)

- i. Testing and analytical procedures for water quality and soils samples prior to, during, and following the land application process; (3-24-22)
- j. Trend analysis of the constituent loading in the affected soils, vegetation, and water quality of the affected surface or ground-water systems; (3-24-22)()
- k. Reporting requirements including both frequency and form; and (3-24-22)
- l. Standby power and pumps sufficient to maintain all treatment and distribution works. (3-24-22)

1410. Temporary ~~or~~ and Seasonal ~~Closure~~ Operating Suspension. Plans for Temporary and seasonal ~~closure plans~~ operating suspension for the ~~entire~~ cyanidation facility must be submitted by an applicant ~~to the~~ for Department ~~for~~ review and approval ~~prior to issuance of a final permit~~. Seasonal plans are only required for cyanidation facilities planning seasonal operating suspension. Temporary and seasonal ~~closure~~ operating suspension plans may, subject to Department approval pursuant to Section 750, be modified to provide for changes in operating conditions of the facilities and must incorporate a water management plan for the period of inactivity as well as during shut down and reactivation. Plans must describe the procedures, methods, and schedule to be implemented for the treatment and disposal of process water and cyanidation pollutants, the control of drainage from the cyanidation facility, the control of drainage from the surrounding area, and the secure storage of process chemicals during the period of operating suspension. (3-24-22)()

a. Prior to seasonal ~~closure~~ or temporary operating suspension, process buildings, process chemical storage, process water ponds, tailings impoundments, spent ore disposal areas and other ancillary cyanidation facilities must be stabilized and/or conditioned to prevent any emergency or unauthorized discharges to surface or ground-water. (3-24-22)()

b. Subsequent to seasonal ~~closure~~ or temporary operating suspension, process buildings, process chemical storage, process water ponds, tailings impoundments, spent ore disposal areas and other ancillary facilities must be maintained to prevent any emergency or unauthorized discharges to surface or ground-water. Cyanidation facilities must be conditioned and maintained to provide: (3-24-22)()

- i. Material stabilization for all solids affected by process waters; (3-24-22)
- ii. Optimum freeboard in all ponds, as dictated by the water management plan; (3-24-22)
- iii. Fully functional power and pumping systems that are ready for use; both power and pumps are to incorporate redundant systems to allow for failure of either power or a pumping system. A failed power supply or pump is not an acceptable reason for an unauthorized discharge; (3-24-22)
- iv. Protection of ~~all~~ containment; and (3-24-22)()
- v. Sufficient availability of qualified staff to restrict public access, fully implement the water quality monitoring plan, and initiate the emergency and spill response plan. (3-24-22)

1511. Employee Education Program. Operators and staff of facilities must be properly oriented and trained to operate, maintain, and protect containment systems; waste disposal and discharge systems; and to implement monitoring and emergency and spill response plans. ~~An applicant must submit an employee orientation and continuing training plan to the Department for review prior to issuance of a final permit. The plan must provide the format and contents for training, the general qualifications of the person(s) responsible for training and testing, and the person(s) or positions who must receive such training. A permittee must develop and implement an employee orientation and continuing training plan and provide it to the Department upon request.~~ (3-24-22)()

201. DESIGN CRITERIA FOR LEACH PADS AND OTHER NON-IMPOUNDING SURFACES THAT CONTAIN AND PROMOTE HORIZONTAL FLOW OF PROCESS WATER. Plans and specification for leach pads and other nonimpounding surfaces that temporarily contain, not impound, process water and promote the horizontal flow of process water must provide for all of the following. (3-24-22)

01. Minimal Hydraulic Head. Process water is limited to twelve (12) inches or less hydraulic head pressure on the liner systems. (3-24-22)

02. Engineered Liner System. In addition to meeting the general liner requirements in Subsection 200.064.b., the engineered liner system plans and specifications are to provide for geomembrane liners with a minimum thickness of eighty (80) milli-inches (two point zero (2.0) mm) or equivalent liners approved by the Department. (3-24-22)()

a. If leach pads or other non-impounding surfaces are located above areas where ground-water is considered near the surface pursuant to Subsection 200.064.a.iii., the Department may require a liner system with a higher level of engineered containment. (3-24-22)()

b. When a material or system that provides hydraulic relief is installed, beneath a single liner, including, but not limited to, sand, French drains and geotextiles, regardless of the intent of its design, it is to function as a leak detection system and include a means for recovering process water. (3-24-22)

c. Depending on the methods and materials used for their construction, the Department may require all open channels that routinely transport process water to be traced by a leak detection system. (3-24-22)

03. Ore Loading Procedures. Procedures for loading ore onto the leach pads that minimize tensile stresses in the containment liners that may result in failure of the liners. (3-24-22)

04. Monitoring. Monitoring points that will provide for early detection of any discharge. (3-24-22)

05. Process Water Containment. Where appropriate, process water containment calculations at the leach pad perimeter ~~should~~ **must** include the potential for drainage constrictions, including constrictions due to talus or washouts at the ore pile toe. Ore pile setbacks from the leach pad perimeter ~~should~~ **must** be calculated based on local climatic conditions, ore properties, and site-specific operating conditions. Solution collection ditches in which the liner is contiguous with the leach pad may be used to satisfy perimeter containment requirements. (3-24-22)()

202. DESIGN CRITERIA FOR PROCESS PONDS.

01. Engineered Liner System. In addition to meeting the general liner requirements in Subsection 200.064.b., the engineered liner system plans and specifications must provide for all of the following. (3-24-22)()

a. Lower geomembrane liners with a minimum thickness of eighty (80) milli-inches (two point zero (2.0) mm) or equivalent liners approved by the Department. (3-24-22)

b. Leak detection and collection system that provides material between the lower geomembrane liner and the upper liner system to collect, transport and remove all process water that passes through the upper liner at such a rate as to prevent hydraulic head from developing on the lower geomembrane liner to the level at which it may be reasonably expected to result in leaks through the lower liner system. (3-24-22)

c. Upper geomembrane liners with a minimum thickness of eighty (80) milli-inches (two point zero (2.0) mm) or equivalent liners approved by the Department. (3-24-22)

d. Routines and schedules for the evaluation of the efficiency and effectiveness of the removal of process water from the leak collection system. The properly working system will continually relieve head pressures on the lower geomembrane liner. (3-24-22)

e. Monitoring points that will provide for early detection of any discharge. (3-24-22)

f. Specific triggers for maintenance routines to address inadequate performance of liner systems. (3-24-22)

g. Specific operation and maintenance procedures to address inadequate performance of containment or leak detection and collection systems. (3-24-22)

02. Temporary Containment. Ponds for temporary containment of excess quantities of process water as a result of storm events may be constructed with a single liner if approved by the Department. (3-24-22)

(BREAK IN CONTINUITY OF SECTIONS)

204. DESIGN CRITERIA FOR TAILINGS IMPOUNDMENTS.

01. Engineered Liner System. In addition to meeting the general liner requirements in Subsection 200.064.b., the engineered liner system plans and specifications must provide for the following. ~~(3-24-22)~~()

a. Geomembrane liners with a minimum thickness of sixty (60) milli-inches (one point five (1.5) mm) or equivalent liners approved by the Department. (3-24-22)

b. A system to limit hydraulic head over the geomembrane liner that preserves the integrity and long-term performance of the liner system and includes the following: (3-24-22)

i. A system to reduce excess pore pressure within the tailings; and (3-24-22)

ii. A plan for managing the depth, area, and volume of process water occurring above the tailings surface and in direct contact with the liner, including thresholds and contingency measures to manage excess accumulation of process water in the facility. (3-24-22)

c. Monitoring points that will provide for early detection of discharges of cyanidation pollutants. (7-1-26)

02. Enhanced Containment Criteria. An enhanced level of containment may be required by the Department for all of the tailings impoundment or for a portion thereof after considering the following factors: (3-24-22)

a. The anticipated characteristics of the material to be deposited; (3-24-22)

b. The characteristics of the soil and geology of the site; (3-24-22)

c. The methods employed and degree to which the hydraulic head on the liner is minimized; (3-24-22)

d. The extent of and methods used for material stabilization and recycling or neutralization of process water; (3-24-22)

e. Area and volume of process water; (3-24-22)

f. The depth from the surface to all ground-water; ~~(3-24-22)~~()

g. The methods employed in depositing the impounded material; and (3-24-22)

h. The proximity to surface water and the ground-water interactions with surface water. ~~(3-24-22)~~()

03. Tailings Treatment. Tailings impoundments are restricted to a maximum of fifty (50) mg/L WAD cyanide concentration in the liquid fraction unless otherwise approved by the Department. (3-24-22)

205. ALTERNATIVE PLANS AND SPECIFICATIONS FOR FACILITIES THAT CONTAIN PROCESS WATER.

An applicant may propose an alternative to the requirements identified in Subsection 200.064, Sections 201, 202, 203, or 204 based on site-specific conditions and best management practices to protect water quality ~~and human health~~. All other requirements in Section 200 apply to alternative design proposals. (3-24-22)()

01. Alternative Design Proposal. The applicant must demonstrate that the alternative design will protect water quality and ~~human health~~ by confirming that the alternative to the minimum design criteria is appropriate based on the WAD cyanide concentration and chemical characteristics of materials contained; the physical characteristics of the materials contained; site-specific soil, geology, hydrology, and hydrogeology characteristics; degree to which hydraulic head on the liner is minimized; area and volume of the facility; depth to ground-water; methods employed in depositing the impounded material; potential for leaks and impacts to water quality; and risk ~~to human health and of discharge to~~ the environment. The alternative design must provide an evaluation based on site-specific data, supported by best available science, and consistent with best management practices demonstrating that process water and ~~process cyanidation pollutant~~ contaminated water are safely contained, and controlled, or treated as necessary to protect public safety and prevent discharge to the environment, prevent impairment of beneficial uses, prevent unauthorized degradation of waters, and achieve all applicable water quality and ground-water quality standards. The alternative design must include all applicable elements listed below. (3-24-22)()

a. A hydrogeology assessment of site characteristics including depth to ground-water; distance to surface water; hydrogeology and stratigraphy of the site; ground-water and surface water interaction; and the quality, characteristics and existing and future beneficial uses of ground-water and surface water that may be potentially affected by the facility. (3-24-22)()

b. An engineering assessment detailing the design of each component of the containment system, including type and thickness of each component of the liner system; types of materials to be used and methods of placement of those materials; structures, devices and techniques for controlling drainage and minimizing solution loss; and method to control internal hydraulic head. (3-24-22)

c. A water quality assessment providing an analysis of potential for the facility to cause degradation of waters including the effect of ground-water and surface water interactions, the potential for process water to reach waters, and the potential impact of process water on waters. (3-24-22)()

02. Preliminary Design Submittal. Alternative design proposals must be provided to the Department upon submittal of the preliminary design report required in Section 0530. (3-24-22)()

03. Department Review. In evaluating alternative design proposals, the Department will consider the WAD cyanide concentration and other materials contained in facilities receiving process water, site hydrogeology, advances in liner technology, alternative designs implemented at other facilities receiving process water, and other site-specific factors in determining if an alternative is appropriate to protect water quality and the public health. (3-24-22)

04. Cost Recovery Agreement. As provided in Section 39-118A(7), Idaho Code, the applicant must enter into an agreement with the Department for actual costs incurred to process an alternative design proposal under this subsection. The Department may utilize a third-party to support Department review of the alternative design proposal. (7-1-26)

206. – 499. (RESERVED)

500. PERMIT CONDITIONS.

The following conditions apply to and must be specified in all permits: (3-24-22)

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

02. Construction. Construction of individual components of a cyanidation facility may commence upon approval by the Department of the issued for construction data package per Sections 39-118A(13)(c)(i) and 39-118A(18), Idaho Code, for that component, and approval by the Department of any other preconstruction permit conditions. (7-1-26)()

03. As-built Submittal. An as-built submittal must be submitted by the permittee to the Director within thirty (30) days after the completion of the construction of each component or phase of a cyanidation facility as approved by the Department (Section 39-118A(19), Idaho Code). ~~The as-built submittal must include all the information required by Section 39-118A(1)(b), Idaho Code.~~ The Department will review the as-built submittal to verify that the facility was constructed in compliance with and does not deviate from the approved issued for construction data package. If the Department determines that the facility was not constructed in compliance with or deviates from the approved issued for construction data package, the Department will provide the permittee written notice of necessary corrective actions within thirty (30) days of receipt of an as-built submittal. In the event the Department provides such written notice, operation of the facility may not begin until the Department inspects and provides written approval of the corrective actions. Operation of the facility may begin if the Department does not deliver to the permittee such written notice within thirty (30) days of receipt of an as-built submittal. (7-1-26)()

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

05. ~~Notifications~~Operations. After initial construction ~~and seasonal and/or temporary closure~~, the permittee must, within thirty (30) days, provide written notice to the Director of the permittee's intentions to commence ~~or restart~~ operations. At least thirty (30) days prior to completion of operations, ~~and/or temporary or seasonal operations~~, the permittee must notify the Director of the permittee's intentions to ~~temporarily, seasonally or~~ permanently close operations. Notification must provide sufficient time for the Director to provide pre-operational or post-operational inspections, as necessary. (3-24-22)()

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

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

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

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

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

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

a. Orally, as soon as possible but no later than twenty-four (24) hours from the time the permittee knows or should reasonably know of any noncompliance that may ~~endanger the public health or the environment result in a discharge to the environment or impair beneficial uses or degrade waters.~~ (3-24-22)()

b. In writing, within five (5) working days from the time a permittee knows or should reasonably know of any event that may be or that may result in a violation of these rules, or IDAPA 58.01.02, or IDAPA 58.01.11. This report must contain: (7-1-26)

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

- ii. The period of the event including, to the extent possible, the individual(s) involved in the incident(s) and the time(s) and date(s) of the incidents; (3-24-22)
- iii. Measures taken to mitigate or eliminate the event ~~and protect the public health~~; and (3-24-22)()
- iv. Steps taken to prevent recurrence of the event; (3-24-22)
- c. In writing, confirmation of any conditions that may result in violation of any permit condition; and (3-24-22)
- d. In writing, when the permittee knows or should reasonably know of relevant facts not submitted or incorrect information submitted in a permit application or any report or notice to the Director or the Department. Those facts or the correct information must be included as a part of this report. (3-24-22)

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

09. Temporary ~~or~~ and Seasonal Closure Plans Operating Suspension. ~~Prior to temporary or seasonal closure, the permittee must submit a temporary or seasonal closure plan to the Director for approval. The plan must describe the procedures, methods, and schedule to be implemented for the treatment and disposal of process water and cyanidation pollutants, the control of drainage from the cyanidation facility, the control of drainage from the surrounding area, and the secure storage of chemicals during the period of closure. Within thirty (30) days of receiving the plan, the Director will approve and/or suggest modifications necessary to protect waters. Within thirty (30) days of initiating temporary or seasonal operation suspension, the permittee must notify the Director.~~ The permittee must ensure that ~~closure operating suspension~~ complies with ~~an the~~ approved plan. The approved plan must be implemented before the permittee completes temporary or seasonal ~~closure operating suspension~~. At least thirty (30) days prior to initiating operations following temporary or seasonal operating suspension, the permittee must notify the Director. ~~Facilities Operations~~ may not be temporarily or seasonally ~~closed suspended~~ for ~~a period~~ longer than two (2) years unless approved by the Director. (7-1-26)()

10. Begin Construction. A permit will be deemed void if the permittee fails to begin construction of a cyanidation facility within two (2) years of the effective date of the permit unless the permittee requests and receives an extension (Section 39-118A(16)(a), Idaho Code). (7-1-26)

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

501. COMPLETION OF PERMANENT CLOSURE.

01. Implementation of a Permanent Closure Plan. Unless otherwise specified in the approved permanent closure plan, the permittee must begin implementation of the approved permanent closure plan: (3-24-22)

- a. Within two (2) years of the final addition of cyanide to the ore processing circuit; or (3-24-22)
- b. If the product recovery phase of the cyanidation facility has been suspended for a period of more than two (2) years. (3-24-22)

02. Submittal of a Permanent Closure Report. The permittee must submit a permanent closure report to the Department for review and approval. A permanent closure report must be of sufficient detail for the directors of the Department and the Idaho Department of Lands to issue a determination that permanent closure, as defined in Section 007, has been achieved. The permanent closure report must address: (3-24-22)

- a. The effectiveness of material stabilization; (3-24-22)
- b. The effectiveness of the water management plan and adequacy of the monitoring plan; (3-24-22)

- c. The final configuration of the cyanidation facility and its operational/closure status; (3-24-22)
- d. The post-closure operation, maintenance, and monitoring requirements, and the estimated reasonable cost to complete those activities; (3-24-22)
- e. The operational/closure status of any land application site of the cyanidation facility; (3-24-22)
- f. Source control systems that have been constructed or implemented to eliminate, mitigate, or contain short and long-term discharge of cyanidation pollutants from the cyanidation facility, unless otherwise permitted; ~~(7-1-26)~~()
- g. The short and long-term water quality trends in surface and ground-water through the statistical analyses of the existing monitoring data collected pursuant to the ore processing by cyanidation permit; ~~(3-24-22)~~()
- h. Ownership and responsibility for the cyanidation facility during the defined post-closure period; (3-24-22)
- i. The future beneficial uses of the land, surface and ground-waters in and adjacent to the closed facilities; and ~~(3-24-22)~~()
- j. How the permanent closure of the cyanidation facility complies with the Resource Conservation and Recovery Act, Hazardous Waste Management Act, Solid Waste Management Act, and appropriate rules. (3-24-22)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.17 – RECYCLED WATER RULES

DOCKET NO. 58-0117-2601

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 a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapter 1, Title 39, Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

Friday September 18, 2026 9:00 a.m. MT
In person: DEQ State Office Conference Rooms A & B 1410 N. Hilton Boise, ID 83706 Microsoft Teams meeting: Join: https://teams.microsoft.com/meet/254120091569970?p=5JCvKmcMXVunP8hPKY Meeting ID: 254 120 091 569 970 Passcode: WY2A8eA2 Dial in by phone: +1 208-985-2810,,993027760# United States, Boise Find a local number Phone conference ID: 993 027 760#

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

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

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons on the rulemaking webpage as provided at the end of this notice.

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

The Department intends to initiate negotiated rulemaking to consider revisions to the recycled water rules related to renewal of industrial reuse permits. The rulemaking will evaluate whether efficiencies can be achieved by establishing a streamlined renewal process for permits meeting specified eligibility criteria, while maintaining compliance with applicable laws, rules, and environmental protection objectives. The negotiated rulemaking process will provide an opportunity for interested persons to participate in the development and evaluation of potential rule language.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Mary Anne Nelson at Mary.Anne.Nelson@deq.idaho.gov or (208) 373-0291.

SUBMISSION OF PUBLIC COMMENTS: Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be delivered on or before October 2, 2026 and must be delivered to: Mary Anne Nelson Idaho Department of Environmental Quality 1410 N. Hilton St. Boise, ID 83706 Mary.Anne.Nelson@deq.idaho.gov.

OBTAINING DRAFT COPIES, AND ADDITIONAL INFORMATION: For meeting details, information on how and when to submit comments, and to access materials pertaining to the negotiated rulemaking, contact the undersigned or visit: Recycled Water: [Docket No. 58-0117-2601| Idaho Department of Environmental Quality](#).

Dated this 2nd day of September, 2026.

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

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LEGAL NOTICE

Summary of Proposed Rulemakings

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

*The proposed rule public hearing request deadline is September 16, 2026, unless otherwise posted.
The proposed rule written submission deadline is September 23, 2026, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES PO Box 83720, Boise, ID 83720-0063

***24-2601-2601, Rules of Midwifery.** (*PH) To align chapter with recent legislation, this rulemaking updates midwifery use of formulary drugs procedures, as well as approved continuing education hours and requirements for biennial birthdate licensure renewals.

***24-3401-2601, Rules of the Idaho Board of Nursing.** (*PH) Contemplated changes allow for biennial birthdate renewal of all board-issued licenses and advance the exception to licensure of nurse apprenticeship to nurse internship.

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION PO Box 83720, Boise, ID 83720-0074

***31-0101-2601, Rules of Procedure of the Idaho Public Utilities Commission.** These updates modernize filing and service requirements, align hearing procedures with current administrative standards, update outdated statutory references, and remove obsolete or duplicative provisions.

31-3601-2601, Policies and Presumptions for Small Water Companies. This chapter is being repealed due to outdated terminology and not aligning with current practice. The repeal allows the Commission to provide more accurate and appropriate regulatory treatment on a case-by-case basis.

IDAPA 35 – STATE TAX COMMISSION PO Box 36, Boise, ID 83722-0036

***35-0101-2601, Income Tax Administrative Rules.** These rule changes: eliminate the Idaho Child Tax Credit; renames and standardizes the Food Tax Credit; aligns income-adjustment provisions with federal and state legislation; and revises the assessment timeline by removing outdated language concerning Federal Determinations so that the statutory period begins on the date of the IRS determination. Comment by 10/2/2026.

***35-0103-2601, Property Tax Administrative Rules.** Proposed rulemaking: establishes how existing allocation proportions will be divided among successor districts following when a school district, taxing unit, or urban renewal area splits, consolidates, or dissolves; changes primary residential exemption structure to prevent county assessors from mistakenly removing valid homeowner exemptions mid-year, which includes technical cleanup to match the new full-year timeline terminology; and omits obsolete language moved into state law for managing kilowatt hour tax exemptions on irrigation equipment. Comment by 10/2/2026.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY 1410 N Hilton St, Boise, ID 83706

58.01.01 – Rules for the Control of Air Pollution in Idaho.

***58-0101-2601,** This rulemaking establishes general requirements and procedures for industries eligible to apply for an air quality general minor permit, which require minimal site-specific engineering analysis, intended to reduce administrative burden while ensuring compliance with applicable air quality standards and continued protection of public health and the environment. Comment by 10/2/2026.

***58-0101-2602 (Fee Rule)**, This rulemaking updates the application and processing fees for new and modified facilities seeking a permit to construct, general permit, permit by rule, or Tier II operating permit and adds an annual fee for existing non-Title V facilities intended to account for inflation and to reduce program reliance on the State General Fund. Comment by 10/2/2026.

***58-0101-2603**, The Code of Federal Regulations incorporated by reference effective as of July 1, 2026, have been updated to maintain state primacy of Clean Air Act programs. Comment by 10/2/2026.

58-0108-2601 (Fee Rule), Idaho Rules for Public Drinking Water Systems. These updates intend to revise and align the 1993 drinking water fees schedule with current and anticipated program operating costs allowing the Department to retain primary enforcement and regulatory authority.

58-0113-2502, Rules for Ore Processing by Cyanidation. To address ongoing public comments on alignment with enacted legislation, this rulemaking: updates definitions; clarifies preliminary design, pre-application and permitting processes and conditions; Issued For Construction data package criteria; cyanidation facility requirements; and updates to design criteria and alternative plans for facility process water and ponds.

NOTICES OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

(Please see the Administrative Bulletin for dates and times of meetings and other participant information)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58-0117-2601, Recycled Water Rules

Please refer to the Idaho Administrative Bulletin [September 2, 2026, Volume 26-9](#), for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management
P.O. Box 83720, Boise, ID 83720-0032
Phone: 208-334-3900; Email: adminrules@dfm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

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

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

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

April 2, 2026 – September 2, 2026

(PLR 2026) – Final Effective Date Is Pending Legislative Review in 2026

(eff. date)L – Denotes Adoption by Legislative Action

(eff. date)T – Temporary Rule Effective Date

SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # – denotes the number of a House Concurrent Resolution (Legislative Action)

(This Abridged Index includes all active rulemakings.)

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02.02.14, Rules for Weights and Measures

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02.04.05, Rules Governing Grade A Milk and Manufacture Grade Milk

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08-0202-2602 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-6

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08-0203-2603 Notice of Temporary and Proposed Rule, Bulletin Vol. 26-8 (eff. 8-5-26)T

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IDAPA 11 – IDAHO STATE POLICE

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

11-1101-2602 Notice of Temporary and Proposed Rule, Bulletin Vol. 26-7 (eff. 7-1-26)T

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Executive Order No. 2026-03	Declaring Idaho's Intent To Opt-In to the Federal Scholarship Tax Credit Program, Bulletin Vol. 26-3
Executive Order No. 2026-02	Recommissioning the Idaho Governor's Trophy, Bulletin Vol. 26-3
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[24-0501-2601](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-7

24.10.01, Rules of the State Board of Optometry

[24-1001-2601](#) Notice of Proposed Rulemaking, Bulletin Vol. 26-8

[24-1001-2601](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-5

24.13.01, Rules Governing the Physical Therapy Licensure Board

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24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists

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24.26.01, Rules of Midwifery

[24-2601-2601](#) Notice of Proposed Rulemaking, Bulletin Vol. 26-9

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24.30.01, Idaho Accountancy Rules

24-3001-2601 Notice of Proposed Rulemaking, Bulletin Vol. 26-8

24-3001-2601 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-5

24.32.01, Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

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24.34.01, Rules of the Idaho Board of Nursing

24-3401-2601 Notice of Proposed Rulemaking, Bulletin Vol. 26-9

24-3401-2601 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-5

24.39.10, Rules of the Idaho Electrical Board

24-3910-2601 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-7

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28.04.01, Rules Governing the Idaho Reimbursement Incentive Act

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29.01.01, Rules of the Idaho Potato Commission

29-0101-2601 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-5

IDAPA 31 – PUBLIC UTILITIES COMMISSION

31.01.01, Rules of Procedure of the Idaho Public Utilities Commission

31-0101-2601 Notice of Proposed Rulemaking, Bulletin Vol. 26-9

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31.36.01, Policies and Presumptions for Small Water Companies

31-3601-2601 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 26-9

31-3601-2601 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 26-6

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