



State of Idaho  
Division of Occupational and Professional Licenses  
Idaho Board of Drinking Water and Wastewater  
Professionals

**BRAD LITTLE**  
Governor  
**RUSSELL BARRON**  
Administrator

11341 W Chinden Blvd.  
P.O. Box 83720  
Boise, ID 83720-0063  
(208) 334-3233  
dopl.idaho.gov

**Minutes of 10/02/2023**

<b>Board Members</b>	Stacy Stewart, Chair	<b>Division</b>	John Nielsen, Executive Officer
<b>Present:</b>	Bryson Ellsworth, Vice-Chair	<b>Staff:</b>	Lea, Kear, Legal Counsel
	Paul Sifford		Jessica Spoja, Lic. & Regist. Prog. Mgr.
	A. J. Gray		Miah Ellett, Board Support Specialist
	Michael Parker		
	Jerri Henry		

The meeting was called to order at 9:00 AM MT by Chairman Stewart.

**BOARD BUSINESS**

**Zero-Based Regulation (ZBR):** Executive Officer John Nielsen provided an overview regarding the purpose of ZBR; which is the reason for this special meeting, and open comment period.

**Public Comment:** Michael Herron, AA Sprinkler and Backflow, questioned the proposed changes on the following topics for Backflow Assembly Testers:

- **Testing:** An individual can take the exam as many times as needed in the one-year period.
- **Education:** A high school diploma/GED is still required; however, the language has been removed in the rules as it is duplicative. Niki Summers, Veolia, stated experience for education is confusing as 1,600 hours of an Operator in Training can be substituted for one year of high school.
- **Continuing Education:** The new language was unclear on refresher courses. It was suggested replacing the verbiage "... A remote or distant study course is acceptable if it is germane to the license type." with "Must be a board approved course." Laurelei McVey, City of Meridian, stated, the "remove or distant" is important and there should be a sentence specific to backflow.
- **Discipline:** Language on Civil Fine (700.01), and Costs and Fees (700.02), have been stricken as they are duplicative and in Idaho Code §§ 54-2412 and 54-2413.
- **Standards of Conduct:** Language notifying/providing a report on discrepancies regarding inadequate or inappropriate backflow prevention assemblies has been removed in rules as it is duplicative and in statute. Ms. Summers would like to see it reported to the applicable water purveyor.
- **Principle 4:** Calibration of Field Test Kits. By removing this section, does this leave it up to the water purveyors the purview as to what they believe is adequate for their jurisdictions.

- Principle 8: Complete Test Reports. With the removal of this section, water purveyors should be given more authority by noting they can be more restrictive than, but not less than the University of Southern California (USC) minimums.

Ms. McVey was concerned with the following: 1) Amount of language being removed opens up more room for interpretation, 2) If striking everything in code, include ways to find the language in statute, 3) Removal of 70% passing rate, 4) Removal of any reference to endorsement/reciprocity, and 5) No longer allowed to skip license levels. Ms. Summers expressed her concern on item five as well.

Jeff Cook, Idaho Rural Water Association (IRWA), stated the topic on the progression of licensures from Class I to Class IV needs to be revisited. Mr. Cook is not sure he agrees with the provider setting the passing score and is glad to see there is clarification on the endorsement side.

The following comments/questions were made by Matt Brock, City of Fruitland, endorsements; Kenny Nelson, City of Fruitland, responsible charge operators and on-call time; and Gary Sievers, IRWA, very small water systems and progression of licensure.

Executive Officer Nielsen read the language with the approved changes at today's meeting:

- 100.03.e. Class I Operator: "One thousand six hundred (1,600) hours of onsite operating experience at a Class I or higher system or successful completion of one (1) year of an approved apprenticeship program or three thousand two hundred (3,200) hours of onsite operating experience at a very small water system."
- 100.05. Continuing Education: "To renew, a licensee must complete, during the prior licensing period, and retain proof of completion of six (6) classroom hours (0.6 CEUs) of continuing education germane to the license type, except that backflow assembly testers must complete eight (8) hours of board approved in person refresher course every two (2) years."

After a lengthy discussion regarding 200.03. Operators and Backflow Assembly Testers Code of Conduct, specific to water purveyors having more authority in local jurisdictions, the Board agreed to add the verbiage "with calibrated equipment" after "field test" in 200.03.e. Therefore, the sentence will read, "Use standard test procedures, operating procedures, methods, and equipment when conducting inspections, sampling, and field test **with calibrated equipment.**".

**Vote to go from Proposed to Pending (ZBR) – IDAPA 24.05.01 Rules of the Board of Drinking Water and Wastewater Professionals:** A motion was made and seconded to move from proposed to pending with the approved edits. The motion carried unanimously.

## ADJOURNMENT

There being no further business, the meeting adjourned at 11:33 AM.

01/17/2023/krb