

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES
IDAHO BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS
24.05.01 – Rules of the Board of Drinking Water and Wastewater Professionals

Who does this rule apply to?

This rule applies to applicants, and license holders for:

- Backflow Assembly Tester
- Drinking Water Distribution Operator – Classes I through IV
- Drinking Water Distribution Operator – Very Small
- Drinking Water Treatment Operator – Classes I through IV
- Wastewater Collection Operator – Classes I through IV
- Wastewater Laboratory Operator – Classes I through IV
- Wastewater Treatment Operator – Classes I through IV
- Wastewater Treatment Operator – Lagoon
- Wastewater Treatment Operator – Land Application
- Wastewater Operator – Very Small System

What is the purpose of this rule?

This rule governs the practice of drinking water and wastewater management in Idaho to protect the public health, safety, and welfare. This rule establishes:

- Minimum standards of competency and qualifications for applicants;
- Operator-in-training licensure;
- Scope of practice;
- Fees related to licensure;
- Continuing education for licensure;
- Backflow Assembly Tester code of ethics and standards of conduct; and
- Standards of practice

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

Professions, Vocations, and Businesses -

- [54-2401 through 54-2414, Idaho Code](#) – Drinking Water and Wastewater Professionals Licensing Act

Who do I contact for more information on this rule?

Idaho Board of Drinking Water and Wastewater Professionals
Division of Occupational and Professional Licenses
8 a.m. to 5 p.m., Mountain Time (except Saturdays, Sundays and holidays)
Mailing: PO Box 83720 Boise, ID 83720-0063
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Zero-Based Regulation Review – 2023 for Rulemaking and 2024 Legislative Review

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

00. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-2406, 54-2607, 67-2614, 67-9406, 67-9609, Idaho Code. (7-1-24)

01. SCOPE.

These rules govern the practice of drinking water operators, wastewater operators, and backflow assembly testers. (7-1-24)

02. DEFINITIONS.

01. **Very Small Public Drinking Water System.** A community or non-transient non-community public water system that serves five hundred (500) persons or **less-fewer** and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). (7-1-24)

02. **Very Small Wastewater System.** A public wastewater system that serves five hundred (500) connections or less and includes a collection system with a system size of six (6) points or **less-fewer** on the Idaho Department of Environmental Quality (DEQ) system classification rating form and is limited to only one (1) of the following wastewater treatment processes: aerated lagoons; non-aerated lagoon(s); primary treatment; or primary treatment discharging to a large soil absorption system (LSAS). (7-1-24)

03. -- 099. (RESERVED)

100. LICENSURE.

01. Classifications.

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

(7-1-24)

License Discipline	License Type	Classification
Drinking Water	Drinking Water Distribution Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, or IV
	Drinking Water Treatment Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, or IV
Wastewater	Wastewater Treatment Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, IV, or Land Application_
	Wastewater Collections Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, or IV

Commented [GT1]: BM Rec: Cut

Logic: DEQ defines Public Drinking Water System, and this may be redundant.

Attorney Comment: The DEQ definition is broader, and does not address the scale that these two definition do. Further, if these definitions were removed there would still need to be a reference to the DEQ definitions to incorporate them into this Board's rules.

Commented [GT2R1]: Classification per DEQ Administrative Rules

Commented [GT3]: BM Rec: Recommend identifying discipline, type, and classification for clarity with CEUs. BM also provided alternative (added on page, in Blue).

Commented [GT4R3]: Approve New Chart

	Wastewater Laboratory Analyst	Class I, II, III, or IV
Backflow Assembly Tester	Backflow Assembly Tester	BAT

02. Examination Requirement. Applicants must pass a written examination for each license type ~~and classification.~~ Applicants may apply and test for the classification level for which they have the requisite experience and education. (7-1-24)

03. Education and Experience Requirements. Applicants must present proof of the following: (7-1-24)

a. Operator-In-Training. Passage of the board-approved examination or enrollment in a board-approved apprenticeship program. The Operator-In-Training license is valid for five (5) years. (7-1-24)

b. Very Small Water. Eighty-eight (88) hours of relevant on-site operating experience ~~at a water system~~ and twelve (12) hours of chlorination and water distribution course(s). (7-1-24)

c. Very Small Wastewater. Eighty-eight (88) hours of relevant on-site operating experience ~~at a wastewater collection or treatment system~~; six (6) hours of pumps and motors or collection course(s); and six (6) hours of lagoon operation and maintenance, large soil absorption system, or wastewater treatment course(s). (7-1-24)

d. Class I Restricted. Two hundred sixty (260) hours of relevant on-site operating experience ~~at a Class I or higher system~~ during twelve (12) consecutive months with ~~the a~~ system and sixteen (16) hours of continuing education relevant to the license. A restricted license is limited to a specific system. (7-1-24)

Commented [GT5]: BM Comment: This would add the ability to skip classification levels if an applicant had the time and education. They would not have to test through the series which takes time and money.

Makes rules easier.

Attorney Comment: The Board may want to add language along the line "upon proof of education and experience", "The board, at its discretion, may permit applicants . . .". The may language is discretionary so that itself gives the board some wiggle room.

Commented [GT6R5]: BM Comment: I am good with people jumping to the license level they are experienced for

Commented [GT7]: BM Comment: Removing the requirement for experience to be at a certain level of system. This brings our rules in line with other states.

Makes rules easier.

~~e. _____ Class I Operator. One thousand six hundred (1,600) hours of on-site operating experience at a Class I or higher system, or 3200 hours of experience at a Very Small Wastewater System, or successful completion of one (1) year of an approved apprenticeship program. (7-1-24)~~

~~Class I Operator. One thousand six hundred (1,600) hours of relevant on-site operating experience, or successful completion of a board approved Class I apprenticeship program.~~

~~f.c. _____ Class II Operator. Four thousand eight hundred (4,800) hours of on-site operating experience at a Class I or higher system or successful completion of an approved apprenticeship program. (7-1-24)~~
~~Class II Operator. Four thousand eight hundred (4,800) hours of relevant on-site operating experience or successful completion of a board approved Class II apprenticeship program.~~

~~g.f. _____ Class III Operator. Two (2) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program and six thousand four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class II or higher system. (7-1-24)~~

~~Class III Operator. Two (2) years of postsecondary education in environmental control, engineering or related science or successful completion of a board approved Class III apprenticeship program; and six thousand four hundred (6,400) hours of relevant on-site operating experience.~~

~~h.g. _____ Class IV Operator. Four (4) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program; and six thousand four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class III or higher system. (7-1-24)~~

~~Class IV Operator. Four (4) years of postsecondary education in environmental control, engineering or related science or successful completion of a board approved Class IV apprenticeship program; and six thousand four hundred (6,400) hours of relevant on-site operating experience.~~

~~i.h. _____ Wastewater Land Application. Operator must hold and maintain an active Very Small Wastewater or Wastewater Treatment license. A wastewater Class I or higher operation license and eight hundred (800) hours of on-site operating experience at a wastewater land application system. A wastewater land application operator who is in responsible charge must be licensed at a class equal to or greater than the wastewater system classification. The wastewater treatment license must be maintained to renew the wastewater land application. (7-1-24)~~

~~j.i. _____ Backflow Assembly Tester. Successful completion of a bBoard-approved training program and passage of a practical examination using the University of Southern California (USC) testing procedures currently adopted by board. (7-1-24)~~

~~k.j. _____ Class I Wastewater Laboratory Analyst. One thousand six hundred (1,600) hours of lab experience at a Class I or higher system. (7-1-24)~~

~~l.k. _____ Class II Wastewater Laboratory Analyst. Four thousand eight hundred (4,800) hours of lab experience at a Class I or higher system. (7-1-24)~~

~~m.l. _____ Class III Wastewater Laboratory Analyst. Two (2) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience at a Class II or higher system. (7-1-24)~~

~~n.m. _____ Class IV Wastewater Laboratory Analyst. Four (4) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience at a Class III or higher system. (7-1-24)~~

04. Substitutions. An applicant may substitute education and experience requirements as follows:
(7-1-24)

Commented [GT8]: Attorney Comment: I received multiple rewrites of this rule. The first is a simpler rewrite that expands the experience to drinking water professionals and specifies that the approval for apprenticeship programs comes from the Board.

The second is a places “relevant” into the rule, and thus achieves the same end but adds vagueness (what is relevant, and who determines it).

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Commented [GT9]: BM Comment: See Comment in Section h

Counsel Comment: I have moved the comment from ‘h’ to here, as this appears first.

Propose removing responsible charge requirement. This requirement often causes issues due to the nebulous definition of responsible charge.

This is different than the DEQ required Responsible Charge Operator.

Recommend removing to be more in line with other states.

Will make the rules easier.

Commented [GT10]: BM Comment: Propose removing responsible charge requirement. This requirement often causes issues due to the nebulous definition of responsible charge.

This is different than the DEQ required Responsible Charge Operator.

... [1]

Commented [GT11]: BM Comment: I am good with changing this part and re-wording. I do have some concerns about removing the class requirement for several reasons.

Commented [GT12R11]: Also applies to sub-part h

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Commented [GT13]: BM Comment: If we get rid of RC we should get rid of this section.

Commented [GT14R13]: BM Comment: [As to last sentence] Is this a DOPL requirement we can enforce or is this more treading in the direction of DEQ?

Commented [GT15]: BM Comments:

1)Update rule language to specify USC testing procedure version currently adopted by the Board.

... [2]

a. Completion of an apprenticeship program will be accepted in lieu of education or experience requirements as identified in Rule 100.03 if the program provides experience and education related to the operation of Class I-IV systems; is registered with the U.S. Department of Labor, Office of Apprenticeship; meets the Standards of Apprenticeship developed by the U.S. Department of Labor; and fulfills the requirements in Rules 100.03. (7-1-24)

b. Education for Experience. For Classes I, II, III and IV, postsecondary education in environmental control, engineering or related science can be substituted for up to fifty percent (50%) of the required experience, at a rate of thirty (30) college semester-credits or four hundred and fifty (450) hours equivalent to 45 CEUs of germane continuing education for one thousand six hundred (1,600) hours of experience. Education substituted for experience must be in addition to the minimum education requirement. For non-environmental, engineering, or science related degrees only courses germane to these disciplines will be eligible for substitution as determined by the board. (7-1-24)

c. Experience for Education. One thousand six hundred (1,600) hours of on-site operating experience may be substituted for one (1) year of high school or post secondary education. For Class III and IV, responsible charge experience may be

Commented [GT16]: BM Comment: Can we also incorporate English and Technology? Not fully accepting degrees but the classes as general college credits? What about open accepting general credits?

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Commented [GT17]: Attorney Comment: Post Secondary Education would work here too

c. ~~substituted for postsecondary education at a rate of one thousand six hundred (1,600) hours of experience for one (1) year postsecondary education.~~ Experience substituted for education must be in addition to the minimum experience requirement. (7-1-24)

d. Experience for Experience. ~~Fifty percent (50%) of the required operating experience must be met by relevant, onsite operating experience in the license type being applied for.~~ (7-1-24)

i. Experience as a laboratory analyst may count towards ~~one-half fifty percent (1/250%)~~ of the required wastewater operating experience and experience as a wastewater operator may count towards ~~one-half (1/2) fifty percent (50%)~~ of the required laboratory analyst experience. (7-1-24)

ii. ~~The following experience may be substituted for one-half fifty percent (1/250%) of the operating experience requirement for Class I, II, III and IV: environmental or operations consultant; environmental or engineering branch of federal, state, county, or local government; wastewater collection system operator; wastewater treatment plant operator; water distribution system operator or manager; and/or waste treatment operation or maintenance.~~ (7-1-24)

iii. ~~The following experience may be substituted for one-half fifty percent (1/250%) of the operating experience requirement for Class I and II: construction of a water or wastewater distribution or collections system if such experience is documented in a declaration from a system owner or licensed operator.~~

~~iv. Experience in the following licensure types may be counted towards fifty percent (50%) of the operating experience requirement for any of the other listed licensure types: Drinking Water Distribution, Drinking Water Treatment, Wastewater Treatment, Wastewater Collections.~~ (7-1-24)

05. ~~Board approved Backflow or Operator examination providers monitored and audited. The board or its representative may monitor and audit any board approved examination provider.~~

06. ~~Continuing Education. To renew, a licensee must complete during the prior licensing period, and annually and retain proof of completion of six (6) classroom hours (0.6 CEUs) of continuing education germane to the license type discipline, except that backflow assembly testers must complete an eight (8) hour refresher course every two (2) years. A licensee holding both drinking water and wastewater licenses must complete six (6) classroom hours for each license type. A remote or distant study course is acceptable if it is germane to the license type, except that backflow assembly testers must complete in-person and board-approved continuing education.~~ (7-1-24)

a. ~~A licensee may carry forward up to six (6) classroom hours of continuing education (0.6 CEUs) per licensure discipline for up to one (1) renewal cycle.~~

b. ~~A licensee who is an instructor for a water or wastewater continuing education course may be credited the same number of classroom hours as the students of the germane course for one (1) presentation of the training per year.~~

05.

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. ~~Operator-in-Training. Operators-in-training must practice under the direct supervision of an appropriately leveled licensed operator-operator of a license type, of a type, category, and classification higher than the operator-in-training. No operator-in-training can accept or perform the designated responsible charge duties at any system.~~ (7-1-24)

02. ~~Grandparent License. The licensee may operate in responsible charge of the specific facility identified in the original application. The license is site specific, non-transferable, and does not grant authority for the holder to practice as an operator at any other system. The license becomes invalid when the classification of the system changes to a higher classification.~~ (7-1-24)

Section 100

Page 7

Commented [GT18]: BM Comment: This needs to be removed if we remove responsible charge requirement.

This change makes the rules easier.

Commented [GT19]: BM Recommendation:

End subpart ii at government, and create new subpart iii which states "Experience in the following licensure types may be counted towards one-half (1/2) of the operating experience requirement for any of the other listed licensure types: Drinking Water Distribution, Drinking Water Treatment, Wastewater Treatment, Wastewater Collections. Half of the required operating experience must be met by relevant, onsite operating experience in the classification and type being applied for." Further, the new subpart iii would include the areas after 'government' from subpart ii.

Commented [GT20R19]: BM Comment: Better clarifies ability to substitute DW for WW experience and vice versa

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Commented [GT21]: BM Comment: The table change above helps clarify that this means 0.6 CEUs annually for all WW licenses held and 0.6 CEUs annually for all drinking water licenses held

Commented [GT22]: BM Comment:

- Require refresher courses to include:
 - Updated testing procedures
 - Changes in local/state regulations
 - Calibration training
- Require annual submission of equipment calibration ... [3]

Commented [GT23R22]: Attorney Comment: Added language could be similar to: ... [4]

Commented [GT24]: BM Comment: What about CEUs that are relevant to both license types? ... [5]

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Commented [GT25]: BM Comment: Adds ability to get CEU credit for being an instructor

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03. Operators and Backflow Assembly Testers Code of Conduct. Operators and backflow assembly testers must: (7-1-24)
- a. Perform duties with due care and diligence to protect the safety, health, and welfare of the public. (7-1-24)
 - b. Comply with all applicable local, state, and federal laws relating to their respective profession(s). (7-1-24)
 - c. Perform only those duties within their education, training, and experience and scope of licensure. (7-1-24)
 - d. Prepare reports which are accurate, objective, and include all relevant information. (7-1-24)
 - e. Use standard test procedures, operating procedures, methods, and equipment when conducting inspections, sampling, and field tests with calibrated equipment. (7-1-24)
 - f. Backflow assembly testers will observe or inspect existing installations of backflow prevention

assemblies to identify whether the assembly is properly installed the assembly is adequate for the degree of hazard.
(7-1-24)

g. When a backflow prevention assembly passes a field test, the report will be submitted to the consumer and relevant public water system within fifteen (15) business days of the field test. When a backflow prevention assembly is defective or fails to pass the field test, the report will be submitted to the consumer and relevant public water system within two (2) business days of the field test.
(7-1-24)

g.h. Testers must provide documentation of failed or non-compliant assemblies to water system owner, and assembly owner.

201. -- 399. (RESERVED)

400. FEES.

TYPE	APPLICATIONAMOUNT (Not to Exceed)	ANNUAL RENEWAL
Application	\$25	N/A
Backflow	\$100	\$100
OIT	\$55	\$55
Very Small System	\$75	\$75
Class I & Restricted Class I	\$80	\$80
Class II	\$90	\$90
Class III	\$100	\$100
Class IV	\$100	\$100
Endorsement	\$100	N/A
License or Certificate	\$30 annually	
License	\$75	N/A
Reinstatement Fee	\$35	N/A

401. -- 999. (RESERVED)

BM Comment: Propose removing responsible charge requirement. This requirement often causes issues due to the nebulous definition of responsible charge.

This is different than the DEQ required Responsible Charge Operator.

Recommend removing to be more in line with other states.

Will make the rules easier.

BM Comments:

- 1) Update rule language to specify USC testing procedure version currently adopted by the Board.
- 2) Ensure training providers are approved by the Board and listed on the Board's website.

BM Comment:

- Require refresher courses to include:
 - Updated testing procedures
 - Changes in local/state regulations
 - Calibration training
- Require annual submission of equipment calibration certificates.
- Require testers to pass a hands-on lab exam every renewal cycle to verify ongoing competency.
- Require certification classes to submit all written exam results directly to the Idaho Board of Drinking Water and Wastewater Professionals.
- Require that all approved courses be reviewed and certified by the Water and Wastewater Professionals Board (WWP).
- Require that course proctors be certified and licensed with the WWP.

Attorney Comment: Added language could be similar to:

“Backflow assembly tester refresher courses must cover updated: (i) testing procedures, when applicable; (ii) changes in local or state regulations when applicable, and; (iii) calibration training. Backflow testers shall submit equipment calibration certificates annually. Backflow testers shall pass a hands-on lab exam every renewal cycle to verify ongoing competency, and proof of all exam and certification classes must be submitted to the board.”

BM Comment: What about CEUs that are relevant to both license types?

Attorney Comment: The board could add language similar to “The board may, upon petition, apply CEU credit to both license types.”