UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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SPECIAL NOTICES

GOVERNOR'S EXECUTIVE ORDER: DECLARING A STATE OF EMERGENCY BECAUSE OF FIRE DANGER

Whereas, the danger from wildland fires is extremely high throughout the State of Utah; and

Whereas, numerous wildland fires are burning and continue to burn in various areas statewide and present a serious threat to public safety, property, natural resources and the environment; and

Whereas, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen if left unattended; and

Whereas, immediate action is required to suppress the fires and mitigate post-burn flash floods to protect public safety, property, natural resources and the environment; and

Whereas, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981; and

Now, Therefore, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the power vested in me by the constitution and the laws of the State of Utah;

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of August 10, 2003, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 10th day of August, 2003.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

NATURAL RESOURCES
WILDLIFE RESOURCES

PUBLIC NOTICE OF EMERGENCY CHANGES TO THE 2003 UTAH FISHING REGULATIONS ESTABLISHED BY THE WILDLIFE BOARD FOR TAKING FISH AND CRAYFISH

I, Kevin Conway, by authority granted in Section 23-14-8 of the Wildlife Resources Code of Utah, declare an emergency amendment to the 2003 Utah Fishing Regulations. The following has been amended:

NEWTON RESERVOIR (Cache County):

Effective August 2,2003, the daily bag and possession limits for all game fish are doubled (for example: tiger musky 2, largemouth bass 12, and channel catfish 16). Size restrictions on tiger musky and largemouth bass are removed.

Previous bag and possession limits and size restrictions for Newton Reservoir will become effective again on January 1, 2004.

Except for other emergency changes made since January 1, 2003, all other rules established in the 2003 Utah Fishing Regulations remain in effect.

UTAH DIVISION OF WILDLIFE RESOURCES
By: Kevin Conway, Director
Subscribed and sworn to before me this 30th day of July 2003.

End of the Special Notices Section

NOTICES OF
PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between August 2, 2003, 12:00 a.m., and August 15, 2003, 11:59 p.m. are included in this, the September 1, 2003, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (· · · · · ·) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least October 1, 2003. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through December 30, 2003, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on PROPOSED RULES. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Commerce, Occupational and Professional Licensing

R156-1

General Rules of the Division of Occupational and Professional Licensing

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26549
FILED: 08/14/2003, 13:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule filing is to: 1) implement statutory changes governing diversion; 2) revise existing rules governing diversion; 3) implement statutory changes governing dissemination of address lists; 4) codify policies and procedures addressing the consideration of good moral character, unlawful conduct, unprofessional conduct, or other mental or physical conditions into rule; 5) specify additional license classifications not eligible for inactive licensure; 6) specify the renewal date for Controlled Substance Handler and the renewal term for Certified Social Worker Intern licenses; 7) allow waivers of continuing education under certain circumstances; 8) adds an additional definition of unprofessional conduct; and 9) make other technical changes (see S.B. 83 and S.B. 96 regarding statutory changes made during the 2003 legislative session). (DAR NOTE: S.B. 83 is found at UT L 2003 Ch 43, and was effective May 5, 2003. S.B. 96 is found at UT L 2003 Ch 54, and was effective May 5, 2003.)

SUMMARY OF THE RULE OR CHANGE: In Section R156-1-106, allows certain types of requesters to obtain lists of licenses containing multiple licensees per request and the home telephone numbers and home addresses of the licensees. Requesters may only use lists for
the purposes for which the requestor is properly organized and may not sell or otherwise redistribute the lists. Also, specifies the required content of a request, and clarifies that requests may be denied and specifies the criteria for denial. In Sections R156-1-102 and R156-1-302, factors previously set forth in policies and procedures are codified into rule. Aggravating circumstances and mitigating circumstances defined. In Section R156-1-305, Controlled Substance Handlers are specified as ineligible for inactive licensure. Employee Leasing Companies is removed from the listing and Professional Employer Organizations is added. In Section R156-1-308a, May 31 of odd year renewal date for Controlled Substance Handler license classification is established. Extendable three-year renewal term established for Certified Social Worker Interns is also added. Section R156-1-308d is added which states licensees are permitted to request waivers of continuing education or an extension to complete continuing education on the basis that the licensee was unable to complete the requirement due to a medical or related condition, humanitarian or ecclesiastical service, extended absence from geographical area where continuing education is available, etc. The time frame for submitting requests, and documentation requirements of requests is specified. The Division may require that a specified number of continuing education hours, courses, or both, be obtained prior to reentering the practice of a profession or within a specified period of time after reentering the practice of a profession, as recommended by the appropriate board, to assure competent practice. Licensees are still subject to Subsection 58-1-501(2)(i). The following sections are renumbered. In Section R156-1-404a, the composition of committees are to be comprised of at least rather than exactly three members. Members are to be appointed to serve at the pleasure of the director rather than for specified terms. Multidisciplinary committees are allowed for and addressed. Subsections addressing designation of chairman, specifying convening and location of meetings, and compliance with the Utah Administrative Procedures Act are deleted. Subsections addressing legal consequences of diversion and reporting and release of information are deleted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-1-106(1)(a)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The Division will incur minimal costs, approximately $150, to reprint this rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
❖ LOCAL GOVERNMENTS: The proposed amendments do not apply to local governments, therefore there are costs or savings to local governments.
❖ OTHER PERSONS: The Division anticipates a savings to licensees who obtain a waiver of continuing education requirements. The magnitude of these savings cannot be estimated since it is unknown how many licensees will qualify for a waiver of continuing education requirements. The Division anticipates an increase in costs, or a decrease in profits, or both, to requesters who are no longer able to obtain address lists from the Division. The magnitude of these costs cannot be estimated due to the unknown nature of how many persons or companies will be affected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates an increase in costs, or a decrease in profits, or both, to requesters who are no longer able to obtain address lists from the Division. The magnitude of these costs cannot be estimated due to the unknown nature of how many persons or companies will be affected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these amendments is to implement certain statutory changes; to codify existing policies and procedures; to provide for a waiver of continuing education in certain circumstances; and to make various technical revisions. There may be a cost savings to licensees who obtain waivers from continuing education requirements. Otherwise, these rules do not appear to create any negative fiscal impact to businesses. Klarice A. Bachman, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Laura Poe at the above address, by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at lpoe@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-1. General Rules of the Division of Occupational and Professional Licensing.
R156-1-102. Definitions.

In addition to the definitions in Title 58, as used in Title 58 or these rules:

(1) "Active and in good standing" means a licensure status which allows the licensee full privileges to engage in the practice of the occupation or profession subject to the scope of the licensee's license classification.

(2) "Aggravating circumstances" means any consideration or factors that may justify an increase in the severity of an action to be imposed upon an applicant or licensee.

([~~2~~]3) "Cancel" or "cancellation" means nondisciplinary action by the division to rescind, repeal, annul, or void a license issued in error. Such action includes rescinding a license issued to an applicant whose payment of the required application fee is dishonored when presented for payment.

([~~3~~]4) "Charges" means the acts or omissions alleged to constitute either unprofessional or unlawful conduct or both by a licensee, which serve as the basis to consider a licensee for inclusion in the diversion program authorized in Section 58-1-404.

([~~4~~]5) "Denial of licensure" means action by the division refusing to issue a license to an applicant for initial licensure, renewal of licensure, reinstatement of licensure or relicensure.

([~~5~~]6) "Disciplinary action" means adverse licensure action by the division under the authority of Subsections 58-1-401(2)(a) through (2)(b).

([~~6~~]7) "Diversion agreement" means a formal written agreement between a licensee, the division, and a diversion committee, outlining the terms and conditions with which a licensee must comply as a condition of entering in and remaining under the diversion program authorized in Section 58-1-404.

([~~7~~]8) "Diversion committees" mean diversion advisory committees authorized by Subsection 58-1-404(2)(a) and created under Subsection R156-1-404a.

([~~8~~]9) "Duplicate license" means a license reissued to replace a license which has been lost, stolen, or mutilated.

([~~9~~]10) "Emergency review committees" mean emergency adjudicative proceedings review committees created by the division under the authority of Subsection 58-1-108(2).

(1[~~0~~]1) "Expire" or "expiration" means the automatic termination of a license which occurs:

(a) at the expiration date shown upon a license if the licensee fails to renew the license before the expiration date; or

(b) prior to the expiration date shown on the license:

(i) upon the death of a licensee who is a natural person;

(ii) upon the dissolution of a licensee who is a partnership, corporation, or other business entity; or

(iii) upon the issuance of a new license which supersedes an old license, including a license which:

(A) replaces a temporary license;

(B) replaces a student or other interim license which is limited to one or more renewals or other renewal limitation; or

(C) is issued to a licensee in an upgraded classification permitting the licensee to engage in a broader scope of practice in the licensed occupation or profession.

(1[~~1~~]2) "Inactive" or "inactivation" means action by the division to place a license on inactive status in accordance with Sections 58-1-305 and R156-1-305.

(1[~~2~~]3) "Investigative subpoena authority" means, except as otherwise specified in writing by the director, the division enforcement counsel, or if the division enforcement counsel is unable to so serve for any reason, the assistant director, or if both the division enforcement counsel and the assistant director are unable to so serve for any reason, the department enforcement counsel.

(1[~~3~~]4) "License" means a right or privilege to engage in the practice of a regulated occupation or profession as a licensee.

(1[~~4~~]5) "Limit" or "limitation" means nondisciplinary action placing either terms and conditions or restrictions or both upon a license:

(a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

(16) "Mitigating circumstances" means any consideration or factors that may justify a reduction in the severity of an action to be imposed upon an applicant or licensee.

(1[~~5~~]7) "Nondisciplinary action" means adverse licensure by the division under the authority of Subsections 58-1-401(1) or 58-1-401(2)(c) through (2)(d).

(1[~~6~~]8) "Peer committees" mean advisory peer committees to boards created by the legislature in Title 58 or by the division under the authority of Subsection 58-1-203(6).

(1[~~7~~]9) "Private reprimand" means disciplinary action to formally reprove or censure a licensee for unprofessional or unlawful conduct, with the documentation of the action being classified as a private record.

([~~18~~]20) "Probation" means disciplinary action placing terms and conditions upon a license[~~:~~]:

(a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

([~~19~~]21) "Public reprimand" means disciplinary action to formally reprove or censure a licensee for unprofessional or

unlawful conduct, with the documentation of the action being classified as a public record.

(2[~~0~~]2) "Regulatory authority" as used in Subsection 58-1-501(2)(d) means any governmental entity who licenses, certifies, registers, or otherwise regulates persons subject to its jurisdiction, or who grants the right to practice before or otherwise do business with the governmental entity.

(2[~~1~~]3) "Reinstate" or "reinstatement" means to activate an expired license or to restore a license which is restricted, as defined in Subsection (19)(b), or is suspended, or placed on probation, to a lesser restrictive license or an active in good standing license.

(2[~~2~~]4) "Relicense" or "relicensure" means to license an applicant who has previously been revoked or has previously surrendered a license.

(2[~~3~~]5) "Remove or modify restrictions" means to remove or modify restrictions, as defined in Subsection (19)(a), placed on a license issued to an applicant for licensure.

(2[~~4~~]6) "Restrict" or "restriction" means disciplinary action qualifying or limiting the scope of a license:

(a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure in accordance with Section 58-1-304; or

(b) issued to a licensee in place of the licensee's current license or disciplinary status.

(2[~~5~~]7) "Revoke" or "revocation" means disciplinary action by the division extinguishing a license.

(2[~~6~~]8) "Suspend" or "suspension" means disciplinary action by the division removing the right to use a license for a period of time or indefinitely as indicated in the disciplinary order, with the possibility of subsequent reinstatement of the right to use the license.

(2[~~7~~]9) "Surrender" means voluntary action by a licensee giving back or returning to the division in accordance with Section 58-1-306, all rights and privileges associated with a license issued to the licensee.

([~~28~~]30) "Temporary license" or "temporary licensure" means a license issued by the division on a temporary basis to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure in accordance with Section 58-1-303.

([~~29~~]31) "Unprofessional conduct" as defined in Title 58 is further defined, in accordance with Subsection 58-1-203(5), in Section R156-1-502.

(3[~~0~~]2) "Warning or final disposition letters which do not constitute disciplinary action" as used in Subsection 58-1-108(3) mean letters which do not contain findings of fact or conclusions of law and do not constitute a reprimand, but which may address any or all of the following:

(a) division concerns;

(b) allegations upon which those concerns are based;

(c) potential for administrative or judicial action; and

(d) disposition of division concerns.

R156-1-106. Division - Duties, Functions, and Responsibilities.

(1) In accordance with Subsection 58-1-106(2), the following responses to requests for lists of licensees may include multiple licensees per request and may include home telephone numbers and home addresses, subject to the restriction that the addresses and telephone numbers shall only be used by a requester for purposes for which the requester is properly organization and shall not be sold or otherwise redisclosed by the requester:

(a) responses to requests from another governmental entity, government-managed corporation, a political subdivision, the federal government, another state, or a not-for-profit regulatory association to which the division is a member;

(b) responses to requests from an occupational or professional association, private continuing education organizations, trade union, university, or school, for purposes of education programs for licensees;

(c) responses to a party to a prelitigation proceeding convened by the division under Title 78, Chapter 14; and

(d) responses to universities, schools, or research facilities for the purposes of research.

(2) In accordance with Subsection 58-1-106(1)(3)(a), the division may deny a request for an address or telephone number of a licensee to an individual who provides proper identification and the reason for the request, in writing, to the division, if the reason for the request is deemed by the division to constitute an unwarranted invasion of privacy or a threat to the public health, safety, and welfare.

(3) In accordance with Subsection 58-1-106(3)(c), proper identification of an individual who requests the address or telephone number of a licensee and the reason for the request, in writing, shall consist of the individual's name, mailing address, and daytime number, if available.

R156-1-109. Presiding Officers.

In accordance with Subsection 63-46b-2(1)(h), Sections 58-1-104, 58-1-106, 58-1-109, 58-1-202, 58-1-203, 58-55-103, and 58-55-201, except as otherwise specified in writing by the director, or for Title 58, Chapter 55, the Construction Services Commission, the designation of presiding officers is clarified or established as follows:

(1) The division regulatory and compliance officer is designated as the presiding officer for issuance of notices of agency action and for issuance of notices of hearing issued concurrently with a notice of agency action or issued in response to a request for agency action, provided that if the division regulatory and compliance officer is unable to so serve for any reason, the assistant director is designated as the alternate presiding officer.

(2) Subsections 58-1-109(2) and 58-1-109(4) are clarified with regard to defaults as follows. Unless otherwise specified in writing by the director, or with regard to Title 58, Chapter 55, by the Construction Services Commission, the department administrative law judge is designated as the presiding officer for entering an order of default against a party, for conducting any further proceedings necessary to complete the adjudicative proceeding, and for issuing a recommended order to the director or commission, respectively, determining the discipline to be imposed, licensure action to be taken, relief to be granted, etc.

(3) Except as provided in Subsection (4) or otherwise specified in writing by the director, the presiding officer for adjudicative proceedings before the division are as follows:

(a) Director. The director shall be the presiding officer for:

(i) formal adjudicative proceedings described in Subsections R156-46b-201(1)(f) through (g), and R156-46b-201(2)(a) through (b), however resolved, including stipulated settlements and hearings; and

(ii) informal adjudicative proceedings described in Subsections R156-46b-202(1)(g), (j),(l),(p), (q), (s), and (t), and R156-46b-202(2)(a) through (d), however resolved, including memorandums of understanding and stipulated settlements.

(b) Bureau managers or program coordinators. Except for Title 58, Chapter 55, the bureau manager or program coordinator

over the occupation or profession or program involved shall be the presiding officer for:

(i) formal adjudicative proceedings described in Subsections R156-46b-201(1)(a) through (c), provided that any evidentiary hearing requested shall be conducted by the appropriate board who shall be designated as the presiding officer to act as the fact finder at any evidentiary hearing and shall issue a recommended order to the division based upon the record developed at the hearing determining all issues pending before the division to the director for a final order, and R156-46b-201(1)(e). The authority of the presiding officer in formal adjudicative proceedings described in R156-46b-201(1)(e) shall be limited to approval of claims, conditional denial of claims, and final denial of claims based upon jurisdictional defects; and

(ii) informal adjudicative proceedings described in Subsections R156-46b-202(1)(a) through (f), (h), (i), (k), (m), [~~(p),~~]and (r).

(iii) At the direction of a bureau manager or program coordinator, a licensing technician or program technician may sign an informal order in the name of the licensing technician or program technician provided the wording of the order has been approved in advance by the bureau manager or program coordinator and provided the caption "FOR THE BUREAU MANAGER" or "FOR THE PROGRAM COORDINATOR" immediately precedes the licensing technician's or program technician's signature.

(c) Contested Citation Hearing Officer. The regulatory and compliance officer or other contested citation hearing officer designated in writing by the director shall be the presiding officer for the adjudicative proceeding described in Subsection R156-46b-202(1)(n).

(d) Uniform Building Code Commission. The Uniform Building Code Commission shall be the presiding officer for the adjudicative proceeding described in Subsection R156-46b-202(1)(o).

(e) Residence Lien Recovery Fund Advisory Board. The Residence Lien Recovery Fund Advisory Board shall be the presiding officer for adjudicative proceedings described in Subsection R156-46b-201(1)(e) and R156-46b-202(1)(i) that exceed the authority of the program coordinator, as delegated by the board, or are otherwise referred by the program coordinator to the board for action.

(4) Unless otherwise specified in writing by the Construction Services Commission, the presiding officers and process for adjudicative proceedings under Title 58, Chapter 55, are established or clarified as follows:

(a) Commission.

(i) The commission shall be the presiding officer for all adjudicative proceedings under Title 58, Chapter 55, except as otherwise delegated by the commission in writing or as otherwise provided in these rules; provided, however, that all orders adopted by the commission as a presiding officer shall require the concurrence of the director.

(ii) Unless otherwise specified in writing by the commission, the commission is designated as the presiding officer:

(A) for formal adjudicative proceedings described in Subsections R156-46b-201(1)(g) and R156-46b-201(2)(a) through (b), however resolved, including stipulated settlements and hearings;

(B) informal adjudicative proceedings described in Subsections R156-46b-202(1)(g), (p), (q), (s), and (t), and R156-46b-202(2)(a) and (c), however resolved, including memorandums of understanding and stipulated settlements;

(C) to serve as fact finder and adopt orders in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed under Title 58, Chapter 55; and

(D) to review recommended orders of a board, an administrative law judge, or other designated presiding officer who acted as the fact finder in an evidentiary hearing involving a person licensed or required to be licensed under Title 58, Chapter 55, and to adopt an order of its own. In adopting its order, the commission may accept, modify or reject the recommended order.

(iii) If the commission is unable for any reason to act as the presiding officer as specified, it shall designate another presiding officer in writing to so act.

(iv) Orders of the commission shall address all issues before the commission and shall be based upon the record developed in an adjudicative proceeding conducted by the commission. In cases in which the commission has designated another presiding officer to conduct an adjudicative proceeding and submit a recommended order, the record to be reviewed by the commission shall consist of the findings of fact, conclusions of law, and recommended order submitted to the commission by the presiding officer based upon the evidence presented in the adjudicative proceeding before the presiding officer.

(v) The commission or its designee shall submit adopted orders to the director for the director's concurrence or rejection within 30 days after it receives a recommended order or adopts an order, whichever is earlier. An adopted order shall be deemed issued and constitute a final order upon the concurrence of the director.

(vi) If the director or his designee refuses to concur in an adopted order of the commission or its designee, the director or his designee shall return the order to the commission or its designee with the reasons set forth in writing for the nonconcurrence therein. The commission or its designee shall reconsider and resubmit an adopted order, whether or not modified, within 30 days of the date of the initial or subsequent return, provided that unless the director or his designee and the commission or its designee agree to an extension, any final order must be issued within 90 days of the date of the initial recommended order, or the adjudicative proceeding shall be dismissed. Provided the time frames in this subsection are followed, this subsection shall not preclude an informal resolution such as an executive session of the commission or its designee and the director or his designee to resolve the reasons for the director's refusal to concur in an adopted order.

(vii) The record of the adjudicative proceeding shall include recommended orders, adopted orders, refusals to concur in adopted orders, and final orders.

(viii) The final order issued by the commission and concurred in by the director may be appealed by filing a request for agency review with the executive director or his designee within the department.

(ix) The content of all orders shall comply with the requirements of Subsection 63-46b-5(1)(i) and Sections 63-46b-10 and 63-46b-11.

(b) Director. Unless otherwise specified in writing by the commission, the director is designated as the presiding officer for conducting informal adjudicative proceedings specified in R156-46b-202(2)(b).

(c) Administrative Law Judge. Unless otherwise specified in writing by the commission, the department administrative law judge is designated as the presiding officer to conduct formal adjudicative proceedings before the commission and its advisory boards, as specified in Subsection 58-1-109(2).

(d) Bureau Manager. Unless otherwise specified in writing by the commission, the responsible bureau manager is designated as the presiding officer for conducting:

(i) formal adjudicative proceedings specified in Subsections R156-46b-201(1)(a) through (c), provided that any evidentiary hearing requested shall be conducted by the appropriate board or commission who shall be designated as the presiding officer to act as the fact finder at any evidentiary hearing and to adopt orders as set forth in these rules; and

(ii) informal adjudicative proceedings specified in Subsections R156-46b-202(1)(a) through (f), (h), (k), and (r).

(iii) At the direction of a bureau manager, a licensing technician may sign an informal order in the name of the licensing technician provided the wording of the order has been approved in advance by the bureau manager and provided the caption "FOR THE BUREAU MANAGER" immediately precedes the licensing technician's signature.

(e) Plumbers Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Plumbers Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as plumbers.

(f) Electricians Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Electricians Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as electricians.

(g) Alarm System Security and Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Alarm System Security and Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as alarm companies or agents.

R156-1-302. Consideration of Good Moral Character, Unlawful Conduct, Unprofessional Conduct, or Other Mental or Physical Condition.

Pursuant to the provisions of Subsection 58-1-401(1) and (2), if an applicant or licensee has failed to demonstrate good moral character, has been involved in unlawful conduct, has been involved in unprofessional conduct, or has any other mental or physical condition which conduct or condition, when considered with the duties and responsibilities of the license held or to be held, demonstrates a threat or potential threat to the public health, safety or welfare, including the Division may consider various relevant factors in determining what action to take regarding licensure include the following:

(1) aggravating circumstances, as defined in Subsection R156-1-102(2);

(2) mitigating circumstances, as defined in Subsection R156-1-102(16);

(3) the degree of risk to the public health, safety or welfare;

(4) the degree of risk that a conduct will be repeated;

(5) the degree of risk that a condition will continue;

(6) the magnitude of the conduct or condition as it relates to the harm or potential harm;

(7) the length of time since the last conduct or condition has occurred;

(8) the current criminal probationary or parole status of the applicant or licensee;

(9) the current administrative status of the applicant or licensee;

(10) results of previously submitted applications, for any regulated profession or occupation;

(11) results from any action, taken by any professional licensing agency, criminal or administrative agency, employer, practice monitoring group, entity or association;

(12) evidence presented indicating that restricting or monitoring an individual's practice, conditions or conduct can protect the public health, safety or welfare;

(13) psychological evaluations; or

(14) any other information the Division or the board reasonably believes may assist in evaluating the degree of threat or potential threat to the public health, safety or welfare.

R156-1-305. Inactive Licensure.

(1) In accordance with Section 58-1-305, except as provided in Subsection (2), a licensee who holds an active in good standing license under Title 58 may apply for inactive licensure status.

(2) The following licenses issued under Title 58 may not be placed on inactive licensure status:

(a) Agency performing animal euthanasia;

(b) Analytical laboratory;

(c) Branch pharmacy;

(d) Certified professional accountant firm;

(e) Controlled substance;

(f) Controlled substance handler;

([~~f~~]g) Controlled substance precursor distributors and purchasers;

([~~g~~]h) Cosmetologist/barber school;[

~~(h) Employee leasing company;~~]

(i) Funeral service establishment;

(j) Hospital, institutional, nuclear, out-of-state mail service and retail pharmacy;

(k) Licensed substance abuse counselor;

(l) Pharmaceutical manufacturer, researcher, teaching organization, wholesaler or distributor;

(m) Preneed funeral arrangement provider;[~~and~~]

(n) Professional employer organization; and

([~~n~~]o) Veterinary pharmaceutical outlet.

(3) Applicants for inactive licensure shall apply to the division in writing upon forms available from the division. Each completed application shall contain documentation of requirements for inactive licensure, shall be verified by the applicant, and shall be accompanied by the appropriate fee.

(4) If all requirements are met for inactive licensure, the division shall place the license on inactive status.

(5) A license may remain on inactive status indefinitely except as otherwise provided in Title 58 or rules which implement Title 58.

(6) An inactive license may be activated by requesting activation in writing upon forms available from the division. Unless otherwise provided in Title 58 or rules which implement Title 58, each reactivation application shall contain documentation that the applicant meets current renewal requirements, shall be verified by the applicant, and shall be accompanied by the appropriate fee.

R156-1-308a. Renewal Dates.

(1) The following standard two-year renewal cycle renewal dates are established by license classification in accordance with the Subsection 58-1-308(1):

TABLE
RENEWAL DATES

(1)	Acupuncturist	May 31	even years
(2)	Advanced Practice Registered Nurse	January 31	even years
(3)	Animal Euthanasia Agency	May 31	odd years
(4)	Alternate Dispute Resolution Provdr	September 30	even years
(5)	Analytical Laboratory	May 31	odd years
(6)	Architect	May 31	even years
(7)	Athlete Agent	September 30	even years
(8)	Audiologist	May 31	odd years
(9)	Branch Pharmacy	May 31	odd years
(10)	Building Inspector	July 31	odd years
(11)	Burglar Alarm Security	July 31	even years
(12)	C.P.A. Firm	September 30	even years
(13)	Certified Shorthand Reporter	May 31	even years
(14)	Certified Dietitian	September 30	even years
(15)	Certified Nurse Midwife	January 31	even years
(16)	Certified Public Accountant	September 30	even years
(17)	Certified Registered Nurse Anesthetist	January 31	even years
(18)	Certified Social Worker	September 30	even years
(19)	Chiropractic Physician	May 31	even years
(20)	Clinical Social Worker	September 30	even years
(21)	Construction Trades Instructor	July 31	odd years
(22)	Contractor	July 31	odd years
(23)	Controlled Substance Precursor Distributor	May 31	odd years
(24)	Controlled Substance Precursor Purchaser	May 31	odd years
(25)	Controlled Substance Handler	May 31	odd years
(2[~~5~~]6)	Cosmetologist/Barber	September 30	odd years
(2[~~6~~]7)	Cosmetology/Barber School	September 30	odd years
(2[~~7~~]8)	Deception Detection	July 31	even years
(2[~~8~~]9)	Dental Hygienist	May 31	even years
([~~29~~]30)	Dentist	May 31	even years
(3[~~0~~]1)	Electrician Apprentice, Journeyman, Master, Residential Journeyman, Residential Master	July 31	even years
(3[~~1~~]2)	Electrologist	September 30	odd years
(3[~~2~~]3)	Electrology School	September 30	odd years
(3[~~3~~]4)	Environmental Health Scientist	May 31	odd years
(3[~~4~~]5)	Esthetician	September 30	odd years
(3[~~5~~]6)	Esthetics School	September 30	odd years
(3[~~6~~]7)	Factory Built Housing Dealer	September 30	even years
(3[~~7~~]8)	Funeral Service Director	May 31	even years
(3[~~8~~]9)	Funeral Service Establishment	May 31	even years
([~~39~~]40)	Genetic Counselor	September 30	even years
(4[~~0~~]1)	Health Care Assistant	November 30	even years
(4[~~1~~]2)	Health Facility Administrator	May 31	odd years
(4[~~2~~]3)	Hearing Instrument Specialist	September 30	even years
(4[~~3~~]4)	Hospital Pharmacy	May 31	odd years
(4[~~4~~]5)	Institutional Pharmacy	May 31	odd years
(4[~~5~~]6)	Landscape Architect	May 31	even years
(4[~~6~~]7)	Licensed Practical Nurse	January 31	even years
(4[~~7~~]8)	Licensed Substance Abuse Counselor	May 31	odd years
(4[~~8~~]9)	Marriage and Family Therapist	September 30	even years
([~~49~~]50)	Massage Apprentice, Therapist	May 31	odd years
(5[~~0~~]1)	Master Esthetician	September 30	odd years
(5[~~1~~]2)	Nail Technologist	September 30	odd years
(5[~~2~~]3)	Nail Technology School	September 30	odd years
(5[~~3~~]4)	Naturopath/Naturopathic Physician	May 31	even years
(5[~~4~~]5)	Nuclear Pharmacy	May 31	odd years
(5[~~5~~]6)	Occupational Therapist	May 31	odd years
(5[~~6~~]7)	Occupational Therapy Assistant	May 31	odd years
(5[~~7~~]8)	Optometrist	September 30	even years
(5[~~8~~]9)	Osteopathic Physician and Surgeon	May 31	even years
([~~59~~]60)	Out of State Mail Order Pharmacy	May 31	odd years
(6[~~0~~]1)	Pharmaceutical Administration Facility	May 31	odd years
(6[~~1~~]2)	Pharmaceutical Dog Trainer	May 31	odd years
(6[~~2~~]3)	Pharmaceutical Manufacturer	May 31	odd years
(6[~~3~~]4)	Pharmaceutical Researcher	May 31	odd years
(6[~~4~~]5)	Pharmaceutical Teaching Organization	May 31	odd years
(6[~~5~~]6)	Pharmaceutical Wholesaler/Distributor	May 31	odd years
(6[~~6~~]7)	Pharmacist	May 31	odd years
(6[~~7~~]8)	Pharmacy Technician	May 31	odd years
(6[~~8~~]9)	Physical Therapist	May 31	odd years
([~~69~~]70)	Physician Assistant	May 31	even years
(7[~~0~~]1)	Physician and Surgeon	January 31	even years
(7[~~1~~]2)	Plumber Apprentice, Journeyman, Residential Apprentice, Residential Journeyman	July 31	even years
(7[~~2~~]3)	Podiatric Physician	September 30	even years
(7[~~3~~]4)	Pre Need Funeral Arrangement Provider	May 31	even years
(7[~~4~~]5)	Pre Need Funeral Arrangement Sales Agent	May 31	even years
(7[~~5~~]6)	Private Probation Provider	May 31	odd years
(7[~~6~~]7)	Professional Counselor	September 30	even years
(7[~~7~~]8)	Professional Engineer	December 31	even years
(7[~~8~~]9)	Professional Geologist	December 31	even years
([~~79~~]80)	Professional Land Surveyor	December 31	even years
(8[~~0~~]1)	Professional Structural Engineer	December 31	even years
(8[~~1~~]2)	Psychologist	September 30	even years
(8[~~2~~]3)	Radiology Practical Technician	May 31	odd years
(8[~~3~~]4)	Radiology Technologist	May 31	odd years
(8[~~4~~]5)	Recreational Therapy Technician, Specialist, Master Specialist	May 31	odd years
(8[~~5~~]6)	Registered Nurse	January 31	odd years
(8[~~6~~]7)	Respiratory Care Practitioner	September 30	even years
(8[~~7~~]8)	Retail Pharmacy	May 31	odd years
(8[~~8~~]9)	Security Personnel	July 31	even years
([~~89~~]90)	Social Service Worker	September 30	even years
(9[~~0~~]1)	Speech-Language Pathologist	May 31	odd years
(9[~~1~~]2)	Veterinarian	September 30	even years
(9[~~2~~]3)	Veterinary Pharmaceutical Outlet	May 31	odd years

(2) The following non-standard renewal terms and renewal or extension cycles are established by license classification in accordance with Subsection 58-1-308(1) and in accordance with specific requirements of the license:

(a) Certified Marriage and Family Intern licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

(b) Certified Professional Counselor Intern licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead

to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

(c) Certified Social Worker Intern licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

([~~c~~]d) Funeral Service Apprentice licenses shall be issued for a two year term and may be extended for an additional two year term if the licensee presents satisfactory evidence to the division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.

(d) Professional Employer Organization [~~licenses~~]registrations expire every year on September 30.

(e) Psychology Resident licenses shall be issued for a two year term and may be extended if the licensee presents satisfactory evidence to the division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

R156-1-308d. Waiver of Continuing Education Requirements - Renewal Requirements.

(1)(a) In accordance with Subsection 58-1-203(1)(g), a licensee may request a waiver of any continuing education requirement established under this title or an extension of time to complete any requirement on the basis that the licensee was unable to complete the requirement due to a medical or related condition, humanitarian or ecclesiastical services, extended presence in a geographical area where continuing education is not available, etc.

(b) A request must be submitted no later than the deadline for completing any continuing education requirement.

(c) A licensee submitting a request has the burden of proof and must document the reason for the request to the satisfaction of the Division.

(d) A request shall include the beginning and ending dates during which the licensee was unable to complete the continuing education requirement and a detailed explanation of the reason why. The explanation shall include the extent and duration of the impediment, extent to which the licensee continued to be engaged in practice of his profession, the nature of the medical condition, the location and nature of the humanitarian services, the geographical area where continuing education is not available, etc.

(e) The Division may require that a specified number of continuing education hours, courses, or both, be obtained prior to reentering the practice of the profession or within a specified period of time after reentering the practice of the profession, as recommended by the appropriate board, in order to assure competent practice.

(f) While a licensee may receive a waiver from meeting the minimum continuing education requirements, the licensee shall not be exempted from the requirements of Subsection 58-1-501(2)(i), which requires that the licensee provide services within the competency, abilities and education of the licensee. If a licensee cannot competently provide services, the waiver of meeting the continuing education requirements may be conditioned upon the licensee restricting practice to areas in which the licensee has the required competency, abilities and education.

R156-1-308[~~d~~]e. Automatic Expiration of Licensure Upon Dissolution of Licensee.

(1) A license that automatically expires prior to the expiration date shown on the license due to the dissolution of the licensee's registration with the Division of Corporations, with the registration thereafter being retroactively reinstated pursuant to Section 16-10a-1422, shall:

(a) upon written application for reinstatement of licensure submitted prior to the expiration date shown on the license, be retroactively reinstated to the date of expiration of licensure; and

(b) upon written application for reinstatement submitted after the expiration date shown on the current license, be reinstated on the effective date of the approval of the application for reinstatement, rather than relating back retroactively to the date of expiration of licensure.

R156-1-308[e]f. Denial of Renewal of Licensure - Classification of Proceedings - Conditional Renewal or Reinstatement During Pendency of Adjudicative Proceedings, Audit or Investigation.

(1) Denial of renewal of licensure shall be classified as a formal adjudicative proceeding under Rule R156-46b.

(2) When a renewal application is denied and the applicant concerned requests a hearing to challenge the division's action as permitted by Subsection 63-46b-3(3)(d)(ii), unless the requested hearing is convened and a final order is issued prior to the expiration date shown on the applicant's current license, the division shall conditionally renew the applicant's license during the pendency of the adjudicative proceeding as permitted by Subsection 58-1-106(8).

(3)(a) When a renewal applicant or a reinstatement applicant under Subsections 58-1-308(5) or (6)(b) is selected for audit or is under investigation, the division may conditionally renew or reinstate the applicant pending the completion of the audit or investigation.

(b) The undetermined completion of a referenced audit or investigation rather than the established expiration date shall be indicated as the expiration date of a conditionally renewed or reinstated license.

(c) A conditional renewal or reinstatement shall not constitute an adverse licensure action.

(d) Upon completion of the audit or investigation, the division shall notify the renewal or reinstatement applicant whether the applicant's license is unconditionally renewed, reinstated, denied, or partially denied or reinstated.

(e) A notice of unconditional denial or partial denial of licensure to a licensee who the division determines may be conditionally renewed or reinstated shall include the following:

(i) that the licensee's unconditional renewal or reinstatement of licensure is denied or partially denied and the basis for such action;

(ii) the division's file or other reference number of the audit or investigation;

(iii) that the denial or partial denial of unconditional renewal or reinstatement of licensure is subject to review and a description of how and when such review may be requested;

(iv) that the licensee's license automatically will or did expire on the expiration date shown on the license, and that the license will

not be renewed or reinstated unless or until the applicant timely requests review; and

(v) that if the licensee timely requests review, the licensee's conditionally renewed or reinstated license does not expire until an order is issued unconditionally renewing, reinstating, denying, or partially denying the renewal or reinstatement of the licensee's license.

R156-1-308[~~f~~]g. Reinstatement of Licensure which was Active and in Good Standing at the Time of Expiration of Licensure - Requirements.

The following requirements shall apply to reinstatement of licensure which was active and in good standing at the time of expiration of licensure:

(1) In accordance with Subsection 58-1-308(5), if an application for reinstatement is received by the division between the date of the expiration of the license and 31 days after the date of the expiration of the license, the applicant shall:

(a) submit a completed renewal form as furnished by the division demonstrating compliance with requirements and/or conditions of license renewal; and

(b) pay the established license renewal fee and a late fee.

(2) In accordance with Subsection 58-1-308(5), if an application for reinstatement is received by the division between 31 days after the expiration of the license and two years after the date of the expiration of the license, the applicant shall:

(a) submit a completed renewal form as furnished by the division demonstrating compliance with requirements and/or conditions of license renewal; and

(b) pay the established license renewal fee and reinstatement fee.

(3) In accordance with Subsection 58-1-308(6)(a), if an application for reinstatement is received by the division more than two years after the date the license expired and the applicant has not been active in the licensed occupation or profession while in the full-time employ of the United States government or under license to practice that occupation or profession in any other state or territory of the United States during the time the license was expired, the applicant shall:

(a) submit an application for licensure complete with all supporting documents as is required of an individual making an initial application for license demonstrating the applicant meets all current qualifications for licensure and compliance with requirements and/or conditions of license reinstatement;

(b) provide information requested by the division and board to clearly demonstrate the applicant is currently competent to engage in the occupation or profession for which reinstatement of licensure is requested;

(c) if the applicant has not been engaged in unauthorized practice of the applicant's occupation or profession following the expiration of the applicant's license, pay the established license fee for a new applicant for licensure and the reinstatement fee; and

(d) if the applicant has been engaged in unauthorized practice of the applicant's occupation or profession following the expiration of the applicant's license, pay the current license renewal fee multiplied by the number of renewal periods for which the license renewal fee has not been paid since the time of expiration of license, plus a reinstatement fee.

(4) In accordance with Subsection 58-1-308(6)(b), if an application for reinstatement is received by the division more than two years after the date the license expired but the applicant has been active in the licensed occupation or profession while in the full-time employ of the United States government or under license to practice that occupation or profession in any other state or territory of the United States shall:

(a) submit documentation of prior licensure in the State of Utah;

(b) submit documentation that the applicant has been active in the licensed occupation or profession while in the full-time employ of the United States government or under license to practice that occupation or profession in any other state or territory of the United States;

(c) provide documentation that the applicant has completed or is in compliance with any renewal qualifications.

(d) provide information requested by the division and board to clearly demonstrate the applicant is currently competent to engage in the occupation or profession for which reinstatement of licensure is requested[~~:~~]**;**

(e) pass a law and rules examination if such an examination has been adopted for the occupation or profession to which the application pertains; and

(f) pay the established license renewal fee and the reinstatement fee.

R156-1-308[~~g~~]h. Reinstatement of Restricted, Suspended, or Probationary Licensure During Term of Restriction, Suspension, or Probation - Requirements.

(1) Reinstatement of restricted, suspended, or probationary licensure during the term of limitation, suspension, or probation shall be in accordance with the disciplinary order which imposed the discipline.

(2) Unless otherwise specified in a disciplinary order imposing restriction, suspension, or probation of licensure, the disciplined licensee may, at reasonable intervals during the term of the disciplinary order, petition for reinstatement of licensure.

(3) Petitions for reinstatement of licensure during the term of a disciplinary order imposing restriction, suspension, or probation, shall be treated as a request to modify the terms of the disciplinary order, not as an application for licensure.

R156-1-308[~~h~~]i. Reinstatement of Restricted, Suspended, or Probationary Licensure After the Specified Term of Suspension of the License or After the Expiration of Licensure in a Restricted or Probationary Status - Requirements.

Unless otherwise provided by a disciplinary order, an applicant who applies for reinstatement of a license after the specified term of suspension of the license or after the expiration of the license in a restricted or probationary status shall:

(1) submit an application for licensure complete with all supporting documents as is required of an individual making an initial application for license demonstrating the applicant meets all current qualifications for licensure and compliance with requirements and conditions of license reinstatement;

(2) pay the established license renewal fee and the reinstatement fee; and

(3) provide information requested by the division and board to clearly demonstrate the applicant is currently competent to be reinstated to engage in the occupation or profession for which the applicant was suspended, restricted, or placed on probation.

R156-1-308[~~i~~]j. Relicensure Following Revocation of Licensure - Requirements.

An applicant for relicensure following revocation of licensure shall:

(1) submit an application for licensure complete with all supporting documents as is required of an individual making an initial application for license demonstrating the applicant meets all current qualifications for licensure and compliance with requirements and/or conditions of license reinstatement;

(2) pay the established license fee for a new applicant for licensure; and

(3) provide information requested by the division and board to clearly demonstrate the applicant is currently competent to be relicensed to engage in the occupation or profession for which the applicant was revoked.

R156-1-308[~~j~~]k. Relicensure Following Surrender of Licensure - Requirements.

The following requirements shall apply to relicensure applications following the surrender of licensure:

(1) An applicant who surrendered a license that was active and in good standing at the time it was surrendered shall meet the requirements for licensure listed in Section R156-1-308.

(2) An applicant who surrendered a license while the license was active but not in good standing as evidenced by the written agreement supporting the surrender of license shall:

(a) submit an application for licensure complete with all supporting documents as is required of an individual making an initial application for license demonstrating the applicant meets all current qualifications for licensure and compliance with requirements and/or conditions of license reinstatement;

(b) pay the established license fee for a new applicant for licensure; and

(c) provide information requested by the division and board to clearly demonstrate the applicant is currently competent to be relicensed to engage in the occupation or profession for which the applicant was surrendered.

R156-1-404a. Diversion Advisory Committees Created[~~— Impaneling of Committees - Appointment of Members - Terms of Office - Vacancies in Office - Removal of Members - Quorum Requirement - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses~~].

(1) There [~~is~~]are created diversion advisory committees of at least three members for [~~each of~~]the [~~occupations or~~]professions regulated under Title 58. The diversion committees are not required to be impaneled by the director until the need for the diversion committee arises. Diversion committees may be appointed with representatives from like professions providing a multi-disciplinary committee.

(2) [~~The term of office of each diversion committee member shall be for a period of three years; except that initial appointments to each diversion committee after adoption of these rules shall be staggered in that one appointment shall be one year, one appointment shall be for two years and one shall be for three years. Diversion committee members shall not be appointed to serve for more than two consecutive terms.~~]Committee members are appointed by and serve at the pleasure of the director.

(3) [~~No diversion committee member may serve more than two full terms, and no member who ceases to serve may again serve on the diversion committee until after the expiration of two years from the date of cessation of service.~~

~~(4) If a vacancy on a diversion committee occurs, the director shall appoint a replacement to fill the unexpired term in accordance with Section 58-1-404. After filling the unexpired term, the replacement may be appointed for only one additional full term.~~

~~(5) The director may remove a member for reasonable cause with the concurrence of the executive director. Reasonable cause includes failing or refusing to fulfill the responsibilities and duties of an advisory committee member, including the attendance at diversion committee meetings. After filling the unexpired term, the replacement may be appointed for only one additional full term.~~

~~(6) A chairman of each diversion committee shall be designated by the director from among the three members appointed to the diversion committee. That person shall be responsible for managing the work of the diversion committee in consultation with the director.~~

~~(7) Committees meetings shall only be convened following the referral of a licensee to the diversion committee.~~

~~(8) Unless otherwise approved by the division, diversion committee meetings shall be held in the building occupied by the division.~~

~~(9)~~]A majority of the diversion committee members shall constitute a quorum and may act [~~in~~]on behalf of the diversion committee.[

~~(10) Diversion committees shall comply with the procedures and requirements of Title 63, Chapter 46b, Administrative Procedures Act, in their adjudicative proceedings, if any.~~]

([~~11~~]4) Diversion committee members shall perform their duties and responsibilities as public service and shall not receive a per diem allowance, or traveling or accommodations expenses incurred in diversion committees business[~~, except as otherwise provided in Title 58 or Title R156~~].

R156-1-404b. Diversion Committees Duties.

The duties of diversion committees shall include:

(1) reviewing the details of the [~~charges against~~]information regarding licensees referred to the diversion committee for possible diversion, interviewing the licensees, and recommending to the director whether the licensees meet the qualifications for diversion and if so whether the licensees should be considered for diversion;

(2) recommending to the director terms and conditions to be included in diversion agreements;

(3) supervising compliance with all terms and conditions of diversion agreements;

(4) advising the director at the conclusion of a licensee's diversion program whether the licensee has completed the terms of the licensee's diversion agreement; and

(5) establishing and maintaining continuing quality review of the programs of professional associations and/or private organizations to which licensees approved for diversion may enroll for the purpose of education, rehabilitation or any other purpose agreed to in the terms of a diversion agreement.

R156-1-404d. Diversion - Procedures.

(1) Diversion committees shall complete the duties described in Subsections R156-1-404b(1) and (2) no later than 60 days following the referral of a licensee to the diversion committee for possible diversion.

(2) The director shall accept or reject the diversion committee's recommendation no later than 30 days following receipt of the recommendation.

(3) If the director finds that a licensee meets the qualifications for diversion and should be diverted, the division shall prepare and serve upon the licensee a proposed diversion agreement. The licensee shall have a period of time determined by the diversion committee not to exceed 30 days from the service of the proposed diversion agreement to negotiate a final diversion agreement with the director. The final diversion agreement shall comply with Subsections 58-1-404[~~(6) through (7)~~].

(4) If a final diversion agreement is not reached with the director within 30 days from service of the proposed diversion agreement, the division shall pursue appropriate disciplinary action against the licensee in accordance with Section 58-1-108.

(5) [~~The legal consequences of diversion are as described in Subsections 58-1-404(8) through (10).~~

~~(6) Reporting or release of information shall be in compliance with Subsection 58-1-404(9).~~

~~(7)~~]In accordance with Subsection 58-1-404(5), a licensee may be represented, at the licensee's discretion and expense, by legal counsel during negotiations for diversion, at the time of execution of the diversion agreement and at any hearing before the director relating to a diversion program.

R156-1-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) surrendering licensure to any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same occupation or profession while an investigation or inquiry into allegations of unprofessional or unlawful conduct is in progress or after a charging document has been filed against the applicant or licensee alleging unprofessional or unlawful conduct;

(2) practicing a regulated occupation or profession in, through, or with a limited liability company which has omitted the words "limited company," "limited liability company," or the abbreviation "L.C." or "L.L.C." in the commercial use of the name of the limited liability company;

(3) practicing a regulated occupation or profession in, through, or with a limited partnership which has omitted the words "limited partnership," "limited," or the abbreviation "L.P." or "Ltd." in the commercial use of the name of the limited partnership;

(4) practicing a regulated occupation or profession in, through, or with a professional corporation which has omitted the words "professional corporation" or the abbreviation "P.C." in the commercial use of the name of the professional corporation;[~~or~~]

(5) using a DBA (doing business as name) which has not been properly registered with the Division of Corporations and with the Division of Occupational and Professional Licensing; or

(6) failing to conform to the Privacy Rules of the federal Health Insurance Portability and Accountability Act (HIPAA) as a licensed health care provider.

KEY: diversion programs, licensing, occupational licensing
[~~October 22, 2002~~]2003
Notice of Continuation May 2, 2002
58-1-106(1)(a)
58-1-308

▼ ▼

Environmental Quality, Solid and Hazardous Waste

R315-301

Solid Waste Authority, Definitions, and General Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26552
FILED: 08/15/2003, 08:53

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed in response to a request from the regulated community to allow Class VI Landfills (commercial construction/demolition landfills) to accept dead animals for disposal. Language changes and additions are made to some definitions for clarification. Also, after an owner or operator of a solid waste facility has obtained a permit, the fact that prior to accepting waste, the owner or operator must receive approval from the Executive Secretary is clarified.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to clearly state which classes of landfills may receive for disposal waste from a conditionally exempt small quantity generator of hazardous waste; allow dead animals to be disposed at a commercial construction/demolition landfill (Class VI Landfill) under certain specified conditions; clarify what constitutes treated wood and clearly state that treated wood may not be accepted for disposal at construction/demolition landfills (Class IV and VI Landfills); include the thermal destruction of solid waste for energy recovery as part of the definition of the term "incineration"; remove the dates from the definitions of the terms "existing facility" and "new facility"; add language to the definitions of the terms "expansion of a solid waste disposal facility" and "lateral expansion of a solid waste disposal facility" for increased clarity; and after an owner or operator has received a permit for a solid waste disposal facility, the fact that approval to accept waste must be received from the Executive Secretary is clarified.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105, 19-6-108, and 19-6-109

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Requirements of the rule that effect State agencies are not changed and the oversight and enforcement of the rule will not change. Therefore, there is no anticipated cost or savings impact to the State budget.

❖ LOCAL GOVERNMENTS: Requirements of the rule that effect local government entities are not changed and the oversight and enforcement of the rule will not change. Therefore, there is no anticipated cost or savings impact to local governments.

❖ OTHER PERSONS: Persons who own or operate a commercial construction/demolition landfill (Class VI Landfill) may experience a slight increase in revenues due to the possible addition of dead animals as a new acceptable waste stream. The aggregate increase in revenues cannot be estimated

since the number of Class VI Landfills that may request to accept dead animals is not known and the number of dead animals that may be brought to these landfills cannot be predicted. The other changes in the rule were made for clarification and do not effect the actual requirements of the rule. Therefore, there is no anticipated cost or savings impact to other persons as a result of these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: With the exception of allowing dead animals to be disposed in Class VI Landfills, the requirements of the rule are not changed. The addition of a new waste stream that may be accepted at a landfill will have little or no affect on compliance costs. Therefore, it is anticipated that the rule changes will cause no additional cost impact for compliance to affected persons beyond that required by current rule or statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses that own or operate a commercial construction/demolition landfill (Class VI Landfill) may experience a slight increase in revenues due to the possible addition of dead animals as a new acceptable waste stream. It is anticipated that the other changes in the rule will result in no fiscal impact to businesses beyond that required by current rule or statute. Dianne R. Neilson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-301. Solid Waste Authority, Definitions, and General Requirements.
R315-301-2. Definitions.

Terms used in Rules R315-301 through R315-320 are defined in Sections 19-1-103 and 19-6-102. In addition, for the purpose of Rules R315-301 through 320, the following definitions apply.

(1) "Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being conducted.

(2) "Airport" means a public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(3) "Aquifer" means a geological formation, group of formations, or portion of a formation that contains sufficiently saturated permeable material to yield useable quantities of ground water to wells or springs.

(4) "Areas susceptible to mass movement" means those areas of influence, characterized as having an active or substantial possibility of mass movement, where the movement of earth material at, beneath, or adjacent to the landfill unit, because of natural or human-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include landslides, avalanches, debris slides and flows, soil fluction, block sliding, and rock falls.

(5) "Asbestos Waste" means friable asbestos, which is any material containing more than 1% asbestos as determined using the method specified in Appendix A, 40 CFR Part 763.1, 2001 ed., which is adopted and incorporated by reference, that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

(6) "Background concentration" means the concentration of a contaminant in ground water upgradient or a lateral hydraulically equivalent point from a facility, practice, or activity, and which has not been affected by that facility, practice, or activity.

(7) "Class I [~~l~~]Landfill" means a non-commercial landfill or a landfill solely under contract with a local government taking municipal solid waste generated within the boundaries of the local government that is permitted by the Executive Secretary to receive for disposal:

(a) municipal solid waste[~~ and~~];

(b) any other nonhazardous solid waste, not otherwise limited by rule or solid waste permit[~~, for disposal~~]; and

(c) in conjunction with municipal solid waste or other nonhazardous solid waste, waste from a conditionally exempt small quantity generator of hazardous waste, as defined by Section R315-2-5.[~~ receives, on a yearly average, over 20 tons of solid waste per day.~~]

(8) "Class II [~~l~~]Landfill" means a non-commercial landfill or a landfill solely under contract with a local government taking municipal solid waste generated within the boundaries of the local government that is permitted by the Executive Secretary to receive for disposal:

(a) municipal solid waste[~~ and~~];

(b) any other nonhazardous solid waste, not otherwise limited by rule or solid waste permit[~~, for disposal~~]; and

(c) in conjunction with municipal solid waste or other nonhazardous solid waste, waste from a conditionally exempt small quantity generator of hazardous waste, as defined by Section R315-2-5.

(d) A Class II Landfill receives, on a yearly average, 20 tons, or less, of solid waste per day.

(9) "Class III [~~l~~]Landfill" means a non-commercial landfill that is permitted by the Executive Secretary to receive for disposal only [~~nonhazardous~~]industrial solid waste[~~ for disposal~~].

(10) "Class IV [~~l~~]Landfill" means a non-commercial landfill that is permitted by the Executive Secretary to receive for disposal only:

(a) [~~nonhazardous~~] construction/demolition waste[~~,~~];

(b) yard waste[~~,~~];

(c) inert waste[~~,~~];

(d) dead animals, as approved by the Executive Secretary and upon meeting the requirements of Section R315-315-6;

(e) [~~or~~] waste tires and materials derived from waste tires, upon meeting the requirements of Section 19-6-804 and Section R315-320-3[~~, waste tires and materials derived from waste tires for disposal~~]; and

(f) petroleum contaminated soils, upon meeting the requirements of Subsection R315-315-8(3).

(11) "Class V [~~l~~]Landfill" means a commercial nonhazardous solid waste disposal facility, as defined by Subsection 19-6-102(3)[~~(a)~~], that is permitted by the Executive Secretary to receive for disposal:

(a) municipal solid waste[~~ and~~];

(b) any other nonhazardous solid waste, not otherwise limited by rule or solid waste permit[~~, for disposal~~]; and

(c) in conjunction with municipal solid waste or other nonhazardous solid waste, waste from a conditionally exempt small quantity generator of hazardous waste, as defined by Section R315-2-5.[~~ Class V Landfill does not include a landfill that is solely under contract with a local government within the state to dispose of nonhazardous solid waste generated within the boundaries of the local government.~~]

(12) "Class VI Landfill" means a commercial nonhazardous solid waste landfill that is permitted by the Executive Secretary to receive for disposal only:

(a) [~~inert waste;~~] construction/demolition waste, excluding waste from a conditionally exempt small quantity generator of hazardous waste, as defined by Section R315-2-5;

(b) yard waste;

(c) inert waste;

(d) dead animals, as approved by the Executive Secretary and upon meeting the requirements of Section R315-315-6;

(e) [~~or~~] waste tires and materials derived from waste tires, upon meeting the requirements of Section 19-6-804 and Subsection R315-320-3(1) or (2)[~~, waste tires and materials derived from waste tires for disposal~~]; and

(f) petroleum contaminated soils, upon meeting the requirements of Subsection R315-315-8(3).

[~~(a)~~](g) A Class VI Landfill may not receive for disposal:

(i) hazardous waste[~~ as defined by Subsection R315-301-2(30)~~];

(ii) construction/demolition waste containing PCBs except as allowed by Section R315-315-7;[

~~(iii) conditionally exempt small quantity generator hazardous waste as defined by Subsection R315-2-5;~~]

[~~(iv)~~](iii) garbage;[~~ as defined by Subsection R315-301-2(27);~~

~~(v) dead animals;~~]

[~~(vi)~~](iv) municipal solid waste[~~ as defined by Subsection R315-301-2(47)~~]; or

[~~(vii)~~](v) industrial solid waste[~~ as defined by Subsection R315-301-2(35)~~].

[~~(b)~~](h) The wastes received at a Class VI Landfill may be further limited by a solid waste permit.

[~~(c)~~](i) A Class VI Landfill may not change to a Class V Landfill except by meeting all requirements for a Class V Landfill including obtaining a new Class V Landfill permit and completing the requirements specified in Subsection R315-310-3(2).

(13) "Closed facility" means any facility that no longer receives solid waste and has completed an approved closure plan, and any landfill on which an approved final cover has been installed.

(14) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding household waste and industrial wastes.

(15) "Composite liner" means a liner system consisting of two components: the upper component consisting of a synthetic flexible membrane liner, and the lower component consisting of a layer of compacted soil. The composite liner must have the synthetic flexible membrane liner installed in direct and uniform contact with the compacted soil component and be constructed of specified materials and compaction to meet specified permeabilities.

(16) "Composting" means a method of solid waste management whereby the organic component of the waste stream is biologically decomposed under controlled conditions to a state in which the end product or compost can be safely handled, stored, or applied to the land without adversely affecting human health or the environment.

(17) "Construction/demolition waste" means solid waste from building materials, packaging, and rubble resulting from construction, remodeling, repair, abatement, rehabilitation, renovation, and demolition operations on pavements, houses, commercial buildings, and other structures, including waste from a conditionally exempt small quantity generator of hazardous waste, as defined by Section R315-2-5, that may be generated by these operations.

(a) Such waste may include:

(i) [~~bricks,~~]concrete, bricks, and other masonry materials[~~,~~];

(ii) soil[~~,~~] and[~~ asphalt,~~] rock[~~,~~];

(iii) waste asphalt;

(iv) [~~untreated lumber,~~] rebar[~~,~~] contained in concrete; and

(v) untreated wood, and tree stumps.

(b) [~~It~~]Construction/demolition waste does not include:

(i) asbestos[~~,~~];

(ii) wood treated with creosote or related compounds, Arsenic, Chromium, Copper, or other chemicals or materials to minimize attack or degradation by insects or microorganisms; and

(iii) contaminated soils or tanks resulting from remediation or clean-up at any release or spill[~~, waste paints, solvents, sealers, adhesives, or similar hazardous or potentially hazardous materials~~].

(18) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water or soil which is a result of human activity.

(19) "Displaced" or "displacement" means the relative movement of any two sides of a fault measured in any direction.

(20) "Drop box facility" means a facility used for the placement of a large detachable container or drop box for the collection of solid waste for transport to a solid waste disposal facility. The facility includes the area adjacent to the containers for necessary entrance, exit, unloading, and turn-around areas. Drop box facilities normally serve the general public with uncompacted loads and receive waste from off-site. Drop box facilities do not include residential or commercial waste containers on the site of waste generation.

(21) "Energy recovery" means the recovery of energy in a useable form from incineration, burning, or any other means of using the heat of combustion of solid waste that involves high temperature (above 1200 degrees Fahrenheit) processing.

(22) "Existing facility" means any facility that has:[~~ was receiving solid waste on or before July 15, 1993~~]

(a) a current valid solid waste permit or other valid approval issued under Rules R315-301 through 320 by the Executive Secretary; and

(b) received final approval to accept waste as required by Subsection R315-301-5(1).

(23) "Expansion of a solid waste disposal facility" means any lateral[~~ or vertical~~] expansion beyond[~~ or above~~] the property boundaries outlined in the[~~ initial~~] permit application for the current permit under which the facility is operating.[~~ Where no boundaries were designated in the disposal facility permit, expansion shall apply to all new land purchased or acquired after the effective date of these rules.~~]

(24) "Facility" means all contiguous land, structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal operational units, e.g., one or more incinerators, landfills, container storage areas, or combinations of these.

(25) "Floodplain" means the land which has been or may be hereafter covered by flood water which has a 1% chance of occurring any given year. The flood is also referred to as the base flood or 100-year flood.

(26) "Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure or as determined by EPA test method 9095 (Paint Filter Liquids Test) as provided in EPA Report SW-846 "Test Methods for Evaluating Solid Waste" as revised December (1996) which is adopted and incorporated by reference.

(27) "Garbage" means discarded animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, and of such a character and proportion as to be capable of attracting or providing food for vectors. Garbage does not include sewage and sewage sludge.

(28) "Ground water" means subsurface water which is in the zone of saturation including perched ground water.

(29) "Ground water quality standard" means a standard for maximum allowable contamination in ground water as set by Section R315-308-4.

(30) "Hazardous waste" means hazardous waste as defined by Subsection 19-6-102(9) and Section R315-2-3.

(31) "Holocene fault" means a fracture or zone of fractures along which rocks on one side of the fracture have been displaced with respect to those on the other side, which has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene, approximately 11,000 years ago, to the present.

(32) "Household size" means a container for a material or product that is normally and reasonably associated with households or household activities. The containers are of a size and design to hold materials or products generally for immediate use and not for storage, five gallons or less in size.

(33) "Household waste" means any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households including single and multiple residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

(34) "Incineration" means a controlled thermal process by which solid wastes are physically or chemically altered to gas, liquid, or solid residues which are also regulated solid wastes and includes the thermal destruction of solid waste for energy recovery. Incineration does not include smelting operations where metals are reprocessed or the refining, processing, or the burning of used oil for energy recovery as described in Rule R315-15.

(35) "Industrial solid waste" means any solid waste generated at a manufacturing or other industrial facility that is not a hazardous waste or that is a hazardous waste from a conditionally exempt small quantity generator of hazardous waste, as defined by Section R315-2-5, generated by an industrial facility. Industrial solid waste includes waste resulting from the following manufacturing processes and associated activities: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste; oil and gas waste; or other waste excluded by Subsection 19-6-102(17)(b).

(36) "Industrial solid waste facility" means a facility which receives only industrial solid waste from on-site or off-site sources for disposal.

(37) "Inert waste" means noncombustible, nonhazardous solid wastes that retain their physical and chemical structure under expected conditions of disposal, including resistance to biological or chemical attack.

(38) "Landfill" means a disposal facility where solid waste is placed in or on the land and which is not a landtreatment facility or surface impoundment.

(39) "Landtreatment, landfarming, or landspreading facility" means a facility or part of a facility where solid waste is applied onto or incorporated into the soil surface for the purpose of biodegradation.

(40) "Lateral expansion of [~~a~~]the solid waste disposal area[~~facility~~]" means:

(a) any horizontal expansion of the waste boundaries of an existing landfill cell, module, or unit;

(b) the construction of a new cell, module, or unit within the boundaries outlined in the permit application of the current permit under which the facility is operating; or

(c) any horizontal expansion[~~s~~] not consistent with past normal operating practices.

(41) "Lateral hydraulically equivalent point" means a point located hydraulically equal to a facility and in the same ground water with similar geochemistry such that the ground water, at that point, has not been affected by the facility.

(42) "Leachate" means a liquid that has passed through or emerged from solid waste and may contain soluble, suspended, miscible, or immiscible materials removed from such waste.

(43) "Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include human-made materials, such as fill, concrete and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

(44) "Lower explosive limit" means the lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at 25 degrees Celsius (77 degrees Fahrenheit) and atmospheric pressure.

(45) "Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration

depicted on a seismic hazard map, with a 90% or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on site specific seismic risk assessment.

(46) "Municipal solid waste landfill" means a permitted nonhazardous solid waste landfill that may receive municipal solid waste for disposal.

(47) "Municipal solid waste" means household waste, nonhazardous commercial solid waste, and non-hazardous sludge.

(48) "New facility" means any facility[~~ that begins receiving solid waste after July 15, 1993~~] that:

(a) has applied for a permit under Rules R315-301 through 320;

(b) did not have a permit under Rules R315-301 through 320 at the time of the application; and

(c) has not received final approval to accept waste as required by Subsection R315-301-5(1).

(49) "Off-site" means any site which is not on-site.

(50) "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing, as opposed to going along the right-of-way. Property separated by a private right-of-way, which the site owner or operator controls, and to which the public does not have access, is also considered on-site property.

(51) "Operator" means the person, as defined by Subsection 19-1-103(4), responsible for the overall operation of a facility.

(52) "Owner" means the person, as defined by Subsection 19-1-103(4), who owns a facility or part of a facility.

(53) "PCB" or "PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of materials which contain such substances.

(54) "Permeability" means the ease with which a porous material allows water and the solutes contained therein to flow through it. This is usually expressed in units of centimeters per second (cm/sec) and termed hydraulic conductivity. Soils and synthetic liners with a permeability for water of 1×10^{-7} cm/sec or less may be considered impermeable.

(55) "Permit" means the plan approval as required by Subsection 19-6-108(3)(a), or equivalent control document issued by the Executive Secretary to implement the requirements of the Utah Solid and Hazardous Waste Act.

(56) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

(57) "Poor foundation conditions" means those areas where features exist which indicate that a natural or human-induced event may result in inadequate foundation support for the structural components of a landfill unit.

(58) "Putrescible" means organic material subject to decomposition by microorganisms.

(59) "Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certification, or completion of accredited university programs that enable that individual to make sound professional judgements regarding ground water monitoring, contaminant fate and transport, and corrective action.

(60) "Recycling" means extracting valuable materials from the waste stream and transforming or remanufacturing them into usable materials that have a demonstrated or potential market.

(a) Recycling does not include processes that generate such volumes of material that no market exists for the material.

(b) Any part of the waste stream entering a recycling facility and subsequently returned to a waste stream or disposed has the same regulatory designation as the original waste.

(c) Recycling includes the substitution of nonhazardous solid waste fuels for conventional fuels (such as coal, natural gas, and petroleum products) for the purpose of generating the heat necessary to manufacture a product.

(61) "Recyclable materials" means those solid wastes that can be recovered from or otherwise diverted from the waste stream for the purpose of recycling, such as metals, paper, glass, and plastics.

(62) "Run-off" means any rainwater, leachate, or other liquid that has contacted solid waste and drains over land from any part of a facility.

(63) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto the active area of a facility.

(64) "Scavenging" means the [~~uncontrolled~~]unauthorized removal of solid waste from a facility.

(65) "Seismic impact zone" means an area with a 10% or greater probability that the maximum [~~horizonal~~]horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in 250 years.

(66) "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from septic tank systems.

(67) "Sharps" means any discarded or contaminated article or instrument from a health facility that may cause puncture or cuts. Such waste may include needles, syringes, blades, needles with attached tubing, pipettes, pasteurs, broken glass, and blood vials.

(68) "Sludge" means any solid, semisolid, or liquid waste, including grit and screenings generated from a:

(a) municipal, commercial, or industrial waste water treatment plant;

(b) water supply treatment plant;

(c) car wash facility;

(d) air pollution control facility; or

(e) any other such waste having similar characteristics.

(69) "Solid waste disposal facility" means a facility or part of a facility at which solid waste is received from on-site or off-site sources and intentionally placed into or on land and at which waste, if allowed by permit, may remain after closure. Solid waste disposal facilities include landfills, incinerators, and land treatment areas.

(70) "Solid waste incinerator facility" means a facility at which solid waste is received from on-site or off-site sources and is subjected to the incineration process. An incinerator facility that incinerates solid waste for any reason, including energy recovery, volume reduction, or to render it non-infectious, is a solid waste incinerator facility and is subject to Rules R315-301 through 320.

(71) "Special waste" means discarded solid waste that may require special handling or other solid waste that may pose a threat to public safety, human health, or the environment. Special waste may include:

(a) ash;

(b) automobile bodies;

(c) furniture and appliances;

(d) infectious waste;

(e) waste tires;
(f) dead animals;
(g) asbestos;
(h) waste exempt from the hazardous waste regulations under Section R315-2-4;
(i) conditionally exempt small quantity generator hazardous waste as defined by Section R315-2-5;
(j) waste containing PCBs;
(k) petroleum contaminated soils;
(l) waste asphalt; and
(m) sludge.

(72) "State" means the State of Utah.

(73) "Structural components" means liners, leachate collection systems, final covers, run-on or run-off systems, and any other component used in the construction and operation of a landfill that is necessary for the protection of human health and the environment.

(74) "Surface impoundment or impoundment" means a facility or part of a facility which is a natural topographic depression, human-made excavation, or diked area formed primarily of earthen materials, although it may be lined with synthetic materials, which is designed to hold an accumulation of liquid waste or waste containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

(75) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility that is staffed by a minimum of one employee of the owner or operator during hours of operation and is used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling or disposal facility.

(76) "Transport vehicle" means a vehicle capable of hauling large amounts of solid waste such as a truck, packer, or trailer that may be used by refuse haulers to transport solid waste from the point of generation to a transfer station or a disposal facility.

(77) "Twenty-five year storm" means a 24-hour storm of such intensity that it has a 4% probability of being equaled or exceeded any given year. The storm could result in what is referred to as a 25-year flood.

(78) "Unit boundary" means a vertical surface located at the hydraulically downgradient limit of a landfill unit or other solid waste disposal facility unit which is required to monitor ground water. This vertical surface extends down into the ground water.

(79) "Unstable area" means a location that is susceptible to natural or human induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a facility. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.

(80) "Vadose zone" means the zone of aeration including soil and capillary water. The zone is bound above by the land surface and below by the water table.

(81) "Vector" means a living animal including insect or other arthropod which is capable of transmitting an infectious disease from one organism to another.

(82) "Washout" means the carrying away of solid waste by waters of a base or 100-year flood.

(83) "Waste tire storage facility" or "waste tire pile" means any site where more than 1,000 waste tires or 1,000 passenger tire equivalents are stored on the ground.

(a) A waste tire storage facility includes:
(i) whole waste tires used as a fence;
(ii) whole waste tires used as a windbreak; and
(iii) waste tire generators where more than 1,000 waste tires are held.

(b) A waste tire storage facility does not include:
(i) a site where waste tires are stored exclusively in buildings or in trailers;
(ii) if whole waste tires are stored for five or fewer days, the site of a registered tire recycler or a processor for a registered tire recycler;
(iii) a permitted solid waste disposal facility that stores whole tires in piles for not longer than one year;
(iv) a staging area where tires are temporarily placed on the ground, not stored, to accommodate activities such as sorting, assembling, or loading or unloading of trucks; or
(v) a site where waste tires or material derived from waste tires are stored for five or fewer days and are used for ballast to maintain covers on agricultural materials or to maintain covers at a construction site or are to be recycled or applied to a beneficial use.

(c) Tires attached to a vehicle are not considered waste tires until they are removed from the vehicle.

(84) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(85) "Yard waste" means vegetative matter resulting from landscaping, land maintenance, and land clearing operations including grass clippings, prunings, and other discarded material generated from yards, gardens, parks, and similar types of facilities. Yard waste does not include garbage, paper, plastic, processed wood, sludge, septage, or manure.

R315-301-5. Permit Required.

(1) No solid waste disposal facility shall be [~~maintained,~~]established, operated, maintained, or expanded until the owner or operator of such facility has obtained a permit from the Executive Secretary and has received a letter of approval to accept waste from the Executive Secretary.

(2) The owner or operator of a solid waste disposal facility shall operate the facility in accordance with the conditions of the permit and otherwise follow the permit.

(3) In areas where no public or duly licensed disposal service is available, the on-site disposal of on-site generated nonhazardous solid waste from a single family farm or a single family ranch does not require a permit.

KEY: solid waste management, waste disposal
[~~June 15,2002~~]2003
Notice of Continuation March 14, 2003
19-6-105
19-6-108
19-6-109
40 CFR 258

Environmental Quality, Solid and Hazardous Waste
R315-302-2
General Facility Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26553
FILED: 08/15/2003, 08:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The collection of scattered litter at a landfill is required by Subsection R315-303-4(2)(c). The rule is changed to clarify that a plan to control scattered litter must be submitted to the Executive Secretary as part of the Plan of Operation. In the 2003 General Session of the Utah State Legislature a fee was levied on all solid waste disposal facilities based on the tons of solid waste a facility receives. The rule is changed to require that the annual amount of solid waste received by each solid waste disposal facility be reported to the Executive Secretary in tons. Also, since the Utah Solid and Hazardous Waste Control Board has no authority to enforce local requirements, a reference to local zoning requirements is removed from the rule.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to clarify that each solid waste facility must submit a plan to control scattered litter to the Executive Secretary as part of the Plan of Operation; the annual amount of solid waste received at a facility must be reported in tons and standard conversion factors are specified for accepted solid waste that is not weighted by scales; and references to local zoning requirements are removed from the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, 19-6-108, and 19-6-109

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The rule change will not affect State agencies and the oversight and enforcement of the rule will not change. Therefore, it is anticipated that there will be no cost or savings impact to the State budget.
❖ LOCAL GOVERNMENTS: The rule is clarified and the actual requirements are not changed, therefore, it is anticipated that the rule change will cause no cost or savings impact to local governments beyond that required by current rule or statute.
❖ OTHER PERSONS: The rule is clarified and the actual requirements are not changed, therefore, it is anticipated that the rule change will cause no cost or savings impact to other persons beyond that required by current rule or statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is anticipated that affected persons will experience no compliance costs beyond that required by current rule or statute as a result of this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is anticipated that businesses will experience no fiscal impact beyond that required by current rule or statute as a result of this rule change. Dianne R. Neilson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-302. Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements.
R315-302-2. General Facility Requirements.

(1) Applicability.

(a) Each new [~~landfill, expansion of an existing landfill, energy recovery or incinerator facility, landtreatment disposal site, waste tire storage facility, transfer station,~~]and existing solid waste facility [~~applying for a permit or permit renewal~~]for which a permit is required by Section R315-310-1, shall meet the requirements of Section R315-302-2.

(b) Any facility which stores waste in piles that is subject to the requirements of Rule R315-314 shall meet the applicable requirements of Section R315-302-2.

(c) Any recycling facility or composting facility subject to the standards of Rule R315-312 shall submit a plan of operation, to the Executive Secretary, that demonstrates compliance with the applicable standards of Section R315-302-2 and Rule R315-312.

(i) The submitted plan of operation shall be reviewed to determine compliance with the applicable standards of Section R315-302-2 and Rule R315-312.

(ii) Prior to the acceptance of waste or recyclable material or beginning operations at the facility, the owner or operator of a recycling or composting facility must receive notice from the Executive Secretary that the plan of operation meets the applicable standards of Section R315-302-2 and Rule R315-312.

(d) The requirements of Section R315-302-2 apply to industrial solid waste facilities as specified in Rule R315-304.

(2) Plan of Operation. Each owner or operator shall develop, keep on file, and abide by a plan of operation approved by the Executive Secretary. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the Executive Secretary or his

authorized representative. The facility must be operated in accordance with the plan or the plan must be so modified with the approval of the Executive Secretary, to allow the facility to operate in accordance with an approved plan. Each plan of operation shall include:

(a) an intended schedule of construction. Facility plan approvals will be reviewed by the Executive Secretary no later than 18 months after the permit is issued and periodically thereafter, to determine if the schedule of construction is reasonably being followed. Failure to comply with the schedule of construction may result in revocation of the plan approval;

(b) a description of on-site solid waste handling procedures during the active life of the facility;

(c) a schedule for conducting inspections and monitoring for the facility;

(d) contingency plans in the event of a fire or explosion;

(e) corrective action programs to be initiated if ground water is contaminated;

(f) contingency plans for other releases, e.g. release of explosive gases or failure of run-off containment system;

(g) a plan to control fugitive dust generated from roads, construction, general operations, and covering the waste;

(h) a plan to control wind-blown litter that includes equipment and methods to contain litter, including a schedule and methods to collect scattered litter in a timely manner;

[~~(h)~~](i) a description of maintenance of installed equipment including leachate and gas collection systems, and ground water monitoring systems;

[~~(i)~~](j) procedures for excluding the receipt of prohibited hazardous waste or prohibited waste containing PCBs;

[~~(j)~~](k) procedures for controlling disease vectors;

[~~(k)~~](l) a plan for an alternative waste handling or disposal system during periods when the solid waste facility is not able to dispose of solid waste, including procedures to be followed in case of equipment breakdown;

[~~(l)~~](m) closure and post-closure care plans;

[~~(m)~~](n) cost estimates and financial assurance as required by Subsection R315-309-2(3);

[~~(n)~~](o) a[~~ general~~]landfill operations training[~~ and safety~~] plan for site operators; and

[~~(o)~~](p) other information pertaining to the plan of operation as required by the Executive Secretary.

(3) Recordkeeping. Each owner or operator shall maintain and keep, on-site or at a location approved by the Executive Secretary, the following permanent records:

(a) a daily operating record, to be completed at the end of each day of operation, that shall contain:

(i) the weights, in tons, or volumes, in cubic yards, of solid waste received each day[~~ or volumes~~], number of vehicles entering, and if available, the type[~~s~~] of wastes received each day;

(ii) deviations from the approved plan of operation;

(iii) training and notification procedures;

(iv) results of ground water and gas monitoring that may be required; and

(v) an inspection log or summary; and

(b) other records to include:

(i) documentation of any demonstration made with respect to any location standard or exemption;

(ii) any design documentation for the placement or recirculation of leachate or gas condensate into the landfill as allowed by Subsection R315-303-3(2)(b);

(iii) closure and post-closure care plans as required by Subsections R315-302-3(4) and (7);

(iv) cost estimates and financial assurance documentation as required by Subsection R315-309-2(3);

(v) any information demonstrating compliance with Class II Landfill requirements if applicable; and

(vi) other information pertaining to operation, maintenance, monitoring, or inspections as may be required by the Executive Secretary.

(4) Reporting.

(a) Each owner or operator of any facility, including a facility performing post-closure care, shall prepare an annual report and place the report in the facility's operating record. The owner or operator of the facility shall submit a copy of the annual report to the Executive Secretary by March 1 of each year for the most recent calendar year or fiscal year of facility operation.

(b) The annual report shall cover facility activities during the previous year and must include, at a minimum, the following information:

[~~(a)~~](i) name and address of the facility;

[~~(b)~~](ii) calendar year covered by the report;

[~~(c)~~](iii) annual quantity, in tons[~~ or volume, in cubic yards~~], of solid waste received;

(iv) [~~and~~] estimated in-place density in pounds per cubic yard of solid waste handled for each type of treatment, storage, or disposal facility, including applicable recycling facilities;

[~~(d)~~](v) the annual update of the required financial assurances mechanism pursuant to Subsection R315-309-2(2);

[~~(e)~~](vi) results of ground water monitoring and gas monitoring; and

[~~(f)~~](vii) training programs or procedures completed.

(c) Since the amount of waste received must be reported in tons, the following conversion factors shall be used for waste received that is not weighted on scales.

(i) Municipal solid waste:

(A) Uncompacted - 0.15 tons per cubic yard; and

(B) Compacted (delivered in a compaction vehicle) - 0.30 tons per cubic yard.

(ii) Construction/demolition waste - 0.50 tons per cubic yard.

(iii) Municipal incinerator ash - 0.75 tons per cubic yard.

(iv) Other ash - 1.10 tons per cubic yard.

(v) Waste delivered by a resident in a pickup truck or a single axle trailer - 0.25 tons per vehicle.

(vi) Industrial waste - a reasonable conversion factor, based on site specific data, developed by the owner or operator of the facility.

(d) If an owner or operator of a municipal landfill or a construction/demolition landfill has documented conversion factors that are based on facility specific data, these conversion factors may be used to report the amounts of waste when approved by the Executive Secretary.

(5) Inspections.

(a) The owner or operator shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of wastes to the environment or to a threat to human health. The owner or operator must conduct these inspections with sufficient frequency, no less than quarterly, to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall keep an inspection log or summary including at least the date and time of inspection, the printed name and handwritten signature of the inspector, a notation of observations made, and the date and nature

of any repairs or corrective action. The log or summary must be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least three years from the date of inspection. Inspection records shall be available to the Executive Secretary or his authorized representative upon request.

(b) The Executive Secretary or any duly authorized officer, employee, or representative of the Board may, at any reasonable time and upon presentation of appropriate credentials, enter any solid waste facility and inspect the property, records, monitoring systems, activities and practices, or solid waste being handled for the purpose of ascertaining compliance with Rules R315-301 through 320 and the approved plan of operation for the facility.

(i) The inspector may conduct monitoring or testing, or collect samples for testing, to verify the accuracy of information submitted by the owner or operator or to ensure that the owner or operator is in compliance. The owner or operator may request split samples and analysis parameters on any samples collected by the inspector.

(ii) The inspector may use photographic equipment, video camera, electronic recording device, or any other reasonable means to record information during any inspection.

(iii) The results of any inspection shall be furnished promptly to the owner or operator of the facility.

(6) Recording with the County Recorder.

[~~(a)~~]Not later than 60 days after certification of closure, the owner or operator of a solid waste disposal facility shall:

[~~(i)~~](a) submit plats and a statement of fact concerning the location of any disposal site to the county recorder to be recorded as part of the record of title; and

[~~(ii)~~](b) submit proof of record of title filing to the Executive Secretary.[

~~(b) Records and plans specifying solid waste amounts, location, and periods of operation may be required by the local zoning authority with jurisdiction over land use and be made available for public inspection.~~]

KEY: solid waste management, waste disposal
[~~June 15, 2002~~]2003
Notice of Continuation March 14, 2003
19-6-104
19-6-105
19-6-108
19-6-109
40 CFR 258

▼ ▼

Environmental Quality, Solid and Hazardous Waste

R315-303

Landfilling Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26554
FILED: 08/15/2003, 09:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to allow increased flexibility for an owner or operator that proposes an alternative liner design for a landfill that accepts municipal waste; remove certain requirements from Section R315-303-3 for a landfill that accepts no municipal waste that are specified in Rules R315-304 and R315-305; and to allow more stringent closure requirements, on a site specific basis, for landfills that are constructed with an alternative landfill design.

SUMMARY OF THE RULE OR CHANGE: Increased flexibility is allowed to the owner or operator of a landfill in proposing an alternative landfill liner design by removing a specified design from the "Alternative Design" subsection of the rule. The owner or operator of a landfill may now propose any liner design that meets the performance standard as an alternative rather than the specified alternative design. Since the required design of landfills that accept no municipal waste is specified in the specific rules that regulate these landfills (Rules R315-304 and R315-305) these design requirements are removed from the rule. Also, to protect human health or the environment, the rule is changed to allow more stringent closure requirements, on a site specific basis, for landfills that are constructed with an alternative landfill design.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, and 19-6-108; and 40 CFR 258

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The requirements of the rule that affect State agencies are not changed and the oversight and enforcement of the requirements of the rule will not change. Therefore, there is no anticipated cost or savings impact to the State budget.

❖ LOCAL GOVERNMENTS: A local government that owns or operates a landfill with an approved alternative liner design may experience a decrease in construction costs but may experience increased costs at closure. Since the sizes and numbers of landfills owned or operated by local governments that may be approved for an alternative liner design which may also require a more stringent closure design cannot be predicted, it is impossible to estimate the anticipated cost or savings impact to local governments.

❖ OTHER PERSONS: Other persons who own or operate a landfill with an approved alternative liner design may experience a decrease in construction costs but may experience increased costs at closure. Since the sizes and numbers of landfills that may be approved for an alternative liner design which may also require a more stringent closure design cannot be predicted, it is impossible to estimate the anticipated cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected persons may experience a decrease in construction and start-up costs for a landfill with an approved alternative liner system but may experience increased closure cost to meet the more stringent requirements. The decrease in costs would depend on the alternative liner approved and the sized of the landfill. The increase in costs at closure would depend on whether or not more stringent closure design is required at the site as well as the size of the landfill. Therefore, the compliance costs or savings cannot be estimated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses that own or operate a landfill that has an approved alternative liner system may experience a decrease in construction and start-up costs. However, at closure, increased costs may be experienced due to more stringent closure requirements. The increase or decrease in costs cannot be estimated but will depend on the size of the landfill and the design approved or required. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-303. Landfilling Standards.
R315-303-1. Applicability.

[~~(1)~~]These standards apply to:

[~~(a)~~](1) Class I, II, and V Landfills;

[~~(b)~~](2) Class III Landfills as specified in Rule R315-304; and

[~~(c)~~](3) Class IV, and VI Landfills as specified in Rule R315-305.[

~~(2) An owner or operator of an existing landfill unit shall not be required to install liners or leachate collection systems in that unit.~~]

R315-303-3. Standards for Design.

(1) Minimizing Liquids. An owner or operator of a landfill shall minimize liquids admitted to active areas by:

(a) covering according to Subsection R315-303-4(4);

(b) prohibiting the disposal of containerized liquids larger than household size, noncontainerized liquids, sludge containing free liquids, or any waste containing free liquids in containers larger than household size;

(c) designing the landfill to prevent run-on of all surface waters resulting from a maximum flow of a 25-year storm into the active area of the landfill; and

(d) designing the landfill to collect and treat the run-off of surface waters and other liquids resulting from a 25-year storm from the active area of the landfill.

(e) If the owner or operator of a landfill has received a storm water permit as issued by the Utah Division of Water Quality and is meeting the requirements of the permit, the landfill may be exempt, upon approval of the Executive Secretary, from the run-on and run-off control requirements of Subsections R315-303-3(1)(c) and (d).

(2) Leachate Collection Systems.

(a) An owner or operator of a landfill required to install liners shall:

(i) install a leachate collection system sized according to water balance calculations or using other accepted engineering methods either of which shall be approved by the Executive Secretary;

(ii) install a leachate collection system so as to prevent no more than one foot depth of leachate developing at any point in the bottom of the landfill unit; and

(iii) install a leachate treatment system or a pretreatment system, if necessary, in the case of discharge to a municipal water treatment plant.

(b) The returning of leachate to the landfill or the recirculation of leachate in the landfill may be done only in landfills that have a composite liner system or an approved equivalent liner system.

(3) Liner Designs. An owner or operator of a[~~ new landfill or a~~] landfill [~~seeking lateral expansion~~]shall use liners of one of the following designs:

(a) Standard Design. The design shall have a composite liner system consisting of two liners and the associated liner protection layers and a drainage system for leachate collection:

(i) an upper liner made of synthetic material with a thickness of a least 60 mils; and

(ii) a lower liner of at least two feet thickness of recompacted clay or other soil material with a permeability of no more than 1 x 10^{-7} cm/sec having the bottom liner sloped no less than 2% and the side liners sloped no more than 33%, except where construction and operational integrity can be demonstrated at steeper slopes, with the synthetic liner installed in direct and uniform contact with the compacted soil component; or

(b) Alternative Design.

(i) The Executive Secretary may approve an alternative liner design, on a site specific basis, if it can be documented that, under the conditions of location and hydrogeology, the performance standard of Subsection R315-303-2(1) can be met.

(ii) When approving an alternative liner design, the Executive Secretary shall consider the following factors:

(A) the hydrogeologic characteristics of the facility and surrounding land;

(B) the climatic factors of the area; and

(C) the volume and physical and chemical characteristics of the leachate;[~~.~~

~~(ii) The liner shall be constructed of at least a three feet thick layer of recompacted clay or other material with a permeability of no greater than 1 x 10^{-7} cm/sec having the bottom liner sloped no less than 2% and the side liners sloped no more than 33%, except where construction and operational integrity can be demonstrated at steeper slopes;~~] or

(c) Equivalent Design.

(i) The owner or operator may use, as approved by the Executive Secretary, alternative design, operating practices, and location characteristics which will minimize the migration of solid waste constituents or leachate into the ground or surface water which are at least as effective as the liners of Subsections R315-303-3(3)(a) or (b).

(ii) The owner or operator must demonstrate that the standard of Subsection R315-303-2(1) can be met. The demonstration must be approved by the Executive Secretary, and must be based upon:

(A) the hydrogeologic characteristics of the facility and the surrounding land;

(B) the climatic factors of the area;

(C) the volume and physical and chemical characteristics of the leachate;

(D) predictions of contaminate fate and transport in the subsurface that maximize contaminant migration and consider impacts on human health and the environment; or

(d) Stringent Design. When conditions of location, hydrogeology, or waste stream justify, the Executive Secretary may require that the liner of a landfill be constructed to meet standards more stringent than the liner designs of Subsection R315-303-3(3)(a).

(e) Small Landfill Design.

(i) The small landfill design applies only to a Class II Landfill.

(ii) Subject to the location standards of Section R315-302-1 and the performance standards of Section R315-303-2, a Class II Landfill may be exempt from the liner, leachate collection system, and ground water monitoring requirements of Rule R315-303.

[~~(i)~~](iii) A Class II Landfill will be approved only if:

(A) there is no evidence of existing ground water contamination; and

(B) the landfill serves a community that has no practicable waste management alternative as determined by the Executive Secretary; and

(C) the landfill is located in an area which receives less than 25 inches of annual precipitation.

[~~(ii)~~](iv) A Class II Landfill may lose the exemptions of the small landfill design if at anytime the landfill receives more than 20 tons of solid waste per day, based on an annual average, or has caused ground water contamination.[

~~(f) Design of a Landfill that Accepts No Municipal Waste. Subject to the performance standards of Section R315-303-2:~~

~~(i) a landfill that accepts no municipal waste, no conditionally exempt small quantity generator hazardous waste as defined by Section R315-2-5, or no other hazardous waste that is exempt from Section R315-2-4, may be exempt from the liner, leachate collection system, ground water monitoring, and closure requirements of Rule R315-303; or~~

~~(ii) a landfill that accepts no municipal waste but accepts conditionally exempt small quantity generator hazardous waste or other exempt hazardous waste, may be exempt from the liner and the leachate collection system requirements of Rule R315-303.~~]

(4) Closure. [~~An owner or operator shall design the landfill so, that at closure, the final cover shall be:~~]At closure, an owner or operator of a Class I, II, IIIa, IVa, and V Landfill shall use one of the following designs for the final cover.

(a) Standard Design. The standard design of the final cover shall consist of two layers:

(i) a layer to minimize infiltration, consisting of at least 18 inches of compacted soil, or equivalent, with a permeability of 1 x 10^{-5} cm/sec or less, or equivalent, shall be placed upon the final lifts;[~~:~~

~~(i) synthetic liners may cover the compacted soil layer, provided that a minimum of either 20 mils reinforced or 40 mils non-reinforced thickness is used;~~]

[~~(ii)~~](A) in no case shall the cover of the final lifts be more permeable than the bottom liner system or natural subsoils present in the unit; and

[~~(iii)~~](B) the grade of surface slopes shall not be less than 2%, nor the grade of side slopes more than 33%, except where construction integrity and the integrity of erosion control can be demonstrated at steeper slopes; and

[~~(b)~~](ii) a layer to minimize erosion, consisting of:

[~~(i)~~](A) at least 6 inches of soil capable of sustaining vegetative growth placed over the compacted soil cover[~~ or the artificial liner~~] and seeded with grass, other shallow rooted vegetation or other native vegetation; or

[~~(ii)~~](B) other suitable material, approved by the Executive Secretary.

[~~(c)~~](b) Alternative Design. The Executive Secretary may approve an alternative final cover design, on a site specific basis, if it can be documented that:

(i) the alternative final cover achieves an equivalent reduction in infiltration as specified as the standard design in Subsection R315-303-3(4)(a)(i);[~~:~~] and

(ii) the alternative final cover provides equivalent protection from wind and water erosion as specified as the standard design in Subsection R315-303-3(4)(b)(ii).

(c) If a landfill has been constructed using an approved alternative landfill design, including a wavier, or exemption, from the liner or ground water monitoring requirements, the Executive Secretary may require, on a site specific basis, the landfill closure to be a more stringent design than the standard design specified in Subsection R315-303-3(4)(a) to protect human health or the environment.

(d) In no case shall any modification be made to the final cover, as placed and approved at closure by the Executive Secretary, unless that modification:

(i) is a necessary repair of the approved final cover;

(ii) maintains or improves the effectiveness of the final cover; and

(iii) [~~and~~]is approved by the Executive Secretary[~~ or is a necessary repair of the approved final cover~~].

(5) Gas Control.

(a) An owner or operator shall design each landfill so that explosive gases are monitored quarterly.

(b) If the concentration of these gases ever exceed the standard set in Subsection R315-303-2(2)(a), the owner or operator must:

(i) immediately take all necessary steps to ensure protection of human health and, within 24 hours or the next business day, notify the Executive Secretary;

(ii) within seven days of detection, place in the operating record the explosive gas levels detected and a description of the steps taken to protect human health; and

(iii) within 60 days of detection, implement a remediation plan, that has been approved by the Executive Secretary, for the explosive gas release, place a copy of the plan in the operating record, and notify the Executive Secretary that the plan has been implemented.

(c) Collection and handling of explosive gases shall not be required if it can be shown that the explosive gases will not support combustion.

(d) The Executive Secretary may, on a site specific basis, waive the requirement of monitoring explosive gases at a Class II Landfill. The wavier may be granted after:

(i) considering the characteristics of the landfill and the waste stream accepted;

(ii) taking into account climatic and hydrogeologic conditions of the site; and

(iii) completing a public comment period as specified by Section R315-311-3.

(iv) The Executive Secretary may revoke any waiver from the requirement of monitoring explosive gases if the lack of monitoring explosive gases at the landfill presents a threat to human health or the environment.

(v) The requirement to monitor explosive gases inside buildings at a landfill may not be waived.

(e) A landfill that accepts no municipal waste is exempt from the gas monitoring requirement of Subsection R315-303-3(5)(a).

(6) Design Drawings.

(a) Design drawings and as built drawings of any engineered structure, including landfill liners, leachate collection systems, run-on/run-off control systems, final covers, ground water monitoring systems, and gas collection systems, shall be signed and sealed by a professional engineer registered in the State of Utah.

(b) As built drawings shall be submitted to the Executive Secretary on or before 90 days following the completion of the engineered structure at the landfill.

(7) Other Requirements. An owner or operator shall design each landfill to provide for:

(a) fencing at the property or unit boundary or the use of other artificial or natural barriers to impede entry by the public and large animals. A lockable gate shall be required at the entry to the landfill;

(b) monitoring ground water according to Rule R315-308 using a design approved by the Executive Secretary. The Executive Secretary may also require monitoring of:

(i) surface waters, including run-off;

(ii) leachate; and

(iii) subsurface landfill gas movement and ambient air;

(c) weighing or estimating the tonnage of all incoming waste and recording the tonnage in the facility's operation record;

(d) erecting a sign at the facility entrance that identifies at least the name of the facility, the hours during which the facility is open for public use, unacceptable materials, and an emergency telephone number. Other pertinent information may also be included;

(e) adequate fire protection to control any fires that may occur at the facility. This may be accomplished by on-site equipment or by arrangement made with the nearest fire department;

(f) preventing potential harborage in buildings, facilities, and active areas of rat and other vectors, such as insects, birds, and burrowing animals;

(g) minimizing the size of the unloading area and working face as much as possible, consistent with good traffic patterns and safe operation;

(h) approach and exit roads of all-weather construction, with traffic separation and traffic control on-site and at the site entrance; and

(i) communication, such as telephone or radio, between employees working at the landfill and management offices on-site and off-site to handle emergencies.

KEY: solid waste management, waste disposal
[~~June 15, 2002~~]2003
Notice of Continuation March 14, 2003
19-6-104
19-6-105
19-6-108
40 CFR 258

▼ ▼

Environmental Quality, Solid and Hazardous Waste
R315-305
Class IV and VI Landfill Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26555
FILED: 08/15/2003, 09:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In response to a request from the regulated community, the rule is changed to allow dead animals to be accepted for disposal in a commercial construction/demolition landfill (Class VI Landfill) under certain conditions. Also, the rule is changed to eliminate effective dates that are passed and no longer needed; the acceptance of petroleum contaminated soils at Class IV and VI Landfills is clarified; and the location requirements for a Class IVa Landfill are clarified.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to allow Class VI Landfills to accept dead animals; the conditions under which Class IV and VI Landfills may accept dead animals are specified; the January 1998 effective date of the rule, which has passed and is no longer needed, is removed; the definitions of an "existing" and a "new" Class IV Landfill are removed from the rule; the conditions under which Class IV and VI landfills may accept petroleum contaminated soils for disposal are specified; and the location standards for a Class IVa Landfills are clarified.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104 and 19-6-105; and 40 CFR 257

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The requirements of the rule that affect State agencies are not changed and the oversight and enforcement of the rule will not change. Therefore, there is no aggregate anticipated cost or savings to the State budget.

❖ LOCAL GOVERNMENTS: The requirements of the rule that affect local governments are not changed and the oversight and enforcement of these changes by local entities will not change. Therefore, there is no aggregate anticipated cost or savings to local governments.

❖ OTHER PERSONS: Persons who own or operate a commercial construction/demolition landfill (Class VI Landfill) may experience a slight increase in revenues due to the possible addition of dead animals as a new acceptable waste stream. The aggregate increase in revenues cannot be estimated since the number of Class VI Landfills that may request to accept dead animals is not known and the number of dead animals that may be brought to these landfills cannot be predicted. The other changes in the rule were made for clarification and do not effect the actual requirements of the rule. Therefore, there is no anticipated cost or savings impact to other persons as a result of these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: With the exception of allowing dead animals to be disposed in Class VI Landfills, the actual requirements of the rule are not changed. The addition of a new waste stream that may be accepted at a landfill will have little or no affect on compliance costs. Therefore, it is anticipated that the rule changes will cause no additional cost impact for compliance to affected persons beyond that required by current rule or statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses that own or operate a commercial construction/demolition landfill (Class VI Landfill) may experience a slight increase in revenues due to the possible addition of dead animals as a new acceptable waste stream. It is anticipated that the other changes in the rule will result in no fiscal impact to businesses beyond that required by current rule or statute. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-305. Class IV and VI Landfill Requirements.
R315-305-1. Applicability.

(1) These standards apply to each facility that landfills only:

(a) [~~inert waste,~~]construction/demolition waste, inert waste, yard waste, dead animals;[~~ or~~]

(b) upon meeting the requirements of Section 19-6-804 and Subsections R315-320-3(1) or (2), waste tires and material derived from waste tires; or

(c) upon meeting the requirements of R315-315-8(3), petroleum contaminated soils.

(2) Inert waste used as road building material and fill material are excluded from the requirements of Rule R315-305.

R315-305-3. Definitions.

Terms used in Rule R315-305 are defined in Section R315-301-2. In addition, for the purpose of Rule R315-305, the following definitions apply.

(1) "Class IVa Landfill" means a Class IV Landfill that receives, based on an annual average, over 20 tons of waste per day and may receive, as a component of construction/demolition waste, waste from a conditionally exempt small quantity generator of hazardous waste, as defined by Section R315-2-5.

(2) "Class IVb Landfill" means a Class IV Landfill that receives, based on an annual average, 20 tons, or less, of waste per day or demonstrates that no waste from a conditionally exempt small quantity generator of hazardous waste is accepted.[

~~(3) "Existing Class IV Landfill" means a Class IV Landfill that was receiving waste on or before January 1, 1998.~~

~~(4) "New Class IV Landfill" means a Class IV Landfill that begins receiving waste after January 1, 1998.~~]

R315-305-4. General Requirements.

(1) Location Standards.

(a) A new Class IVa Landfill shall meet the location standards of Subsection R315-302-1(2).

[~~(a)~~](b) A new Class IVb or VI Landfill or [~~a lateral~~]the expansion of an existing Class IVb or VI Landfill shall be subject to the following location standards:

(i) the standards with respect to floodplains as specified in Subsection R315-302-1(2)(c)(ii);

(ii) the standards with respect to wetlands as specified in Subsection R315-302-1(2)(d);[~~ and~~]

(iii) [~~the landfill shall be located so that the lowest level of waste is at least five feet above the historical high level of ground water~~]the standards with respect to ground water as specified in Subsection R315-301-1(2)(e)(i)(B); and

(iv) if the permit application for a new Class IVa, IVb, or VI Landfill requests approval to accept dead animals for disposal, the application shall document that the landfill also meets the requirements of Subsections R315-302-1(2)(a)(i), (ii), (iv), and (v).

(v) Exemptions from the location standards of Subsection R315-305-4(1)(b)(i), (ii), and (iii) may be granted by the Executive Secretary for a new Class IVb or VI Landfill, on a site specific bases, if it is determined that the exemption will cause no adverse impact to human health or the environment.

(A) No exemption may be granted without application to the Executive Secretary.

(B) If an exemption is granted, the landfill may be required to have more stringent design, construction, monitoring program, or operational practice to protect human health or the environment.

[~~(b)~~](c) An existing Class [~~IV~~]IVa, IVb, or VI Landfill:

(i) shall not be subject to the location standards of Subsections R315-305-4(1)(a) or R315-305-4(1)(b)(i), (ii), or (iii), but

(ii) if the current permit of an existing Class IVa, IVb, or VI Landfill does not allow the acceptance of dead animals and the owner or operator requests approval to accept dead animals for disposal after October 15, 2003, the request to the Executive Secretary shall document that the landfill also meets the requirements of Subsections R315-302-1(2)(a)(i), (ii), (iv), and (v).

(2) An owner or operator of a Class IV or VI Landfill shall obtain a permit, as set forth in Rule R315-310.

(3) An owner or operator of a Class IV or VI Landfill shall design and operate the landfill to:

(a) prevent the run-on of all surface waters resulting from a maximum flow of a 25-year storm into the active area of the landfill; and

(b) collect and treat, if necessary, the run-off of surface waters and other liquids resulting from a 25-year storm from the active area of the landfill.

(4) An owner or operator of a Class IVa Landfill shall monitor the ground water beneath the landfill as specified in Rule R315-308.

(5) An owner or operator of a Class IV or VI Landfill shall erect a sign at the facility entrance as specified in Subsection R315-303-3(7)(d).

(6) An owner or operator of a Class IV or VI Landfill shall maintain the applicable records as specified in Subsection R315-302-2(3).

(7) An owner or operator of a Class IV or VI Landfill shall meet the requirements of Subsection R315-302-2(6) and make the required recording with the county recorder.

R315-305-5. Requirements for Operation.

(1) The owner or operator of a Class IV or VI Landfill shall not accept any other form of waste except [~~construction/demolition waste, yard waste, inert waste, dead animals, or upon meeting the requirements of Section 19-6-804 and Subsections R315-320-3(1) or (2), waste tires and material derived from waste tires~~]the wastes specified in Subsection R315-305-1(1).

(2) The owner or operator of a Class IV or VI Landfill shall prevent the disposal of unauthorized waste by ensuring that at least one person is on site during hours of operation and shall prevent unauthorized disposal during off-hours by controlling entry, i.e., lockable gate or barrier, when the facility is not open.

(3) The owner or operator of a Class IV or VI Landfill shall:

(a) minimize the size of the working face as required by Subsection R315-303-3(7)(g);

(b) employ measures to prevent emission of fugitive dusts, when weather conditions or climate indicate that transport of dust off-site is liable to create a nuisance;

(c) meet the requirements of Subsection R315-303-3(1)(a) and (b) to minimize liquids admitted to the landfill;

(d) collect scattered litter as necessary to avoid a fire hazard or an aesthetic nuisance; and

(e) prohibit scavenging.

(4) The owner or operator of a Class IV or VI Landfill shall cover timbers, wood, and other combustible waste with a minimum of six inches of soil, or equivalent, as needed to avoid a fire hazard.

(5) The owner or operator of a Class IV or VI Landfill shall meet the applicable general requirements of closure and post-closure care of Section R315-302-3 as determined by the Executive Secretary.

(a) The owner or operator of a Class IVa Landfill shall meet the specific closure requirements of Subsection R315-303-3(4).

(b) The owner or operator of a Class IVb or VI Landfill shall close the facility by:

(i) leveling the waste to the extent practicable;

(ii) covering the waste with a minimum of two feet of soil, including six inches of topsoil;

(iii) contouring the cover as specified in Subsection R315-303-3(4)(a)(iii); and

(iv) seeding the cover with grass, other shallow rooted vegetation, or other native vegetation or covering in another manner approved by the Executive Secretary to minimize erosion.

(v) The Executive Secretary may approve an alternative final cover design for a Class IVb or VI Landfill if it is documented that the alternative final cover provides equivalent protection from infiltration and erosion as the cover specified in Subsection R315-305-5(5)(b).

KEY: solid waste management, waste disposal
[~~June 15, 2002~~]2003
Notice of Continuation March 14, 2003
19-6-104
19-6-105
19-6-108
19-6-109
40 CFR 257

▼ ▼

Environmental Quality, Solid and Hazardous Waste
R315-306
Energy Recovery and Incinerator Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26556
FILED: 08/15/2003, 09:08

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Since the term "energy recovery" is included in the definition of the term "incineration," energy recovery is removed from the requirements for the design, construction, and operation of an incinerator. Also, certain requirements for small incinerators are clarified to become consistent with the requirements for large incinerators and consistent with the permit application requirements specified in Section R315-310-7.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to remove the term "energy recovery" from the rule since the term is now included in the definition of the term "incinerator" and certain requirements for small incinerators with respect to the plan of operation, recordkeeping, waste storage, closure, and financial assurance are clarified to become consistent with the requirements for large incinerators and consistent with the permit application requirements specified by Section R315-310-7.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, and 19-6-108

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The requirements of the rule are clarified and not changed and the oversight and enforcement of the rule will not change. Therefore, there is no cost or savings impact anticipated for the State budget.

❖ LOCAL GOVERNMENTS: The requirements of the rule are clarified and not changed. Therefore, there is no cost or savings impact anticipated for local governments.

❖ OTHER PERSONS: The requirements of the rule are clarified and not changed. Therefore, there is no cost or savings impact anticipated for other persons who own or operate incinerators.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the requirements of the rule are clarified and not actually changed, it is anticipated that the compliance costs for affected persons will not be impacted beyond that required by current rule or statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since the actual requirements of the rule are clarified and not changed, it is anticipated that businesses will experience no fiscal impact beyond that required by current rule or statute. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-306. [~~Energy Recovery and~~]Incinerator Standards.
R315-306-1. Applicability.

(1) These standards apply to any [~~energy recovery and~~]incinerator facility as specified in Subsections R315-306-2(1) and R315-306-3(1).

(2) These standards do not apply to:

(a) an incineration facility which is required to obtain a state or federal hazardous waste plan approval;

(b) a facility burning only untreated woodwaste;

(c) the flaring of gases recovered at a landfill; or

(d) a facility that incinerates or cremates exclusively human or animal remains.

R315-306-2. Requirements for [~~Energy Recovery Facilities and~~]Large Incinerators.

(1) These standards apply to any [~~energy recovery and~~]incinerator facility designed to incinerate more than ten tons of solid waste per day.

(2) An [~~energy recovery and~~]incinerator facility shall be subject to the location standards of Section R315-302-1 with the exception of the following Subsections: R315-302-1(2)(a)(iv) and (v), R315-302-1(2)(e), and R315-302-1(3).

(3) Each owner or operator of an [~~energy recovery facility or~~]incinerator facility shall comply with Section R315-302-2. The submitted plan of operation shall also address alternative storage, or disposal plans for all breakdowns that would result in overfilling the storage facility.

(4) The submitted plan of operation shall also contain a written waste identification plan which shall include identification of the specific waste streams to be handled by the facility, generator waste analysis requirements and procedures, waste verification procedures at the facility, generator certification of wastes shipped as being non-hazardous, and record keeping procedures, including a detailed operating record.

(5) Each [~~energy recovery or~~]incinerator facility shall be surrounded by a fence, trees, shrubbery, or natural features so as to control access and be screened from the view of immediately adjacent neighbors, unless the tipping floor is fully enclosed by a building. Each site shall also have an adequate buffer zone of at least 50 feet from the operating area to the nearest property line in areas zoned residential to minimize noise and dust nuisances.

(6) Solid waste shall be stored temporarily in storage compartments, containers or areas specifically designed to store wastes. Storage of wastes other than in specifically designed compartments, containers or areas is prohibited. Equipment and space shall be provided in the storage and charging areas, and elsewhere as needed, to allow periodic cleaning as may be required to maintain the plant in a sanitary and clean condition.

(7) A composite sample of the ash and residues from each [~~energy recovery or~~]incinerator facility shall be taken according to a sampling plan approved by the Executive Secretary.

(a) The sample shall be analyzed by the U.S. EPA Test Method 1311 as provided in 40 CFR Part 261, Appendix II, 2000 ed., Toxic Characteristics Leaching Procedure (TCLP) to determine if it is hazardous.

(b) If the ash and residues are found to be nonhazardous, they shall be disposed at a permitted landfill or recycled.

(c) If the ash and residues are found to be hazardous, they shall be disposed in a permitted hazardous waste disposal site.

(8) Each [~~energy recovery facility or~~]incinerator must be located, designed, constructed and operated in a manner to comply with appropriate state and local air pollution control authority emission and operating requirements.

(9) An [~~energy recovery facility or~~]incinerator must collect and treat all run-off from the active areas of the site that may result from a 25-year storm event, and divert all run-on for the maximum flow of a 25-year storm around the site.

(10) All-weather roads shall be provided from the public highways or roads, to and within the disposal site and shall be designed and maintained to prevent traffic congestion hazards, dust, and noise pollution.

(11) Access to the [~~energy recovery or~~]incinerator site shall be controlled by means of a complete perimeter fence or other features and gates which shall be locked when an attendant is not at the gate to prevent unauthorized entry of persons or livestock to the facility.

(12) The plan of operation shall include a training program for new employees and annual review training for all employees to ensure safe handling of waste and proper operation of the equipment.

(13) Each owner or operator shall post signs at the facility which indicate the name, hours of operation, necessary safety precautions, types of wastes that are prohibited, and any other pertinent information.

(14) Each owner or operator of an [~~energy recovery or~~]incinerator facility shall be required to provide recycling facilities

in a manner equivalent to those specified for landfills in Subsection R315-303-4(6).

(15) Each owner or operator of an [~~energy recovery or~~]incinerator facility shall implement a plan that will inspect loads or take other steps, as approved by the Executive Secretary, to prevent the disposal of prohibited hazardous waste or prohibited waste containing PCB's in a manner equivalent to those specified for landfills in Subsection R315-303-4(7).

(16) Each owner or operator shall close its [~~energy recovery facility or~~]incinerator by removing all ash, solid waste, and other residues to a permitted facility.

(17) Each owner or operator of an [~~energy recovery or~~]incinerator facility shall provide financial assurance to cover the costs for closure of the facility that meets the requirements of Rule R315-309.

R315-306-3. Requirements for Small Incinerators.

(1) Applicability.

(a) These requirements apply to any incinerator designed to incinerate ten tons, or less, of solid waste per day and incinerator facilities that incinerate solid waste only from on-site sources.

(b) If an incinerator processes 250 pounds, or less, of solid waste per week, the requirements of Section R315-306-3 do not apply and a permit from the Executive Secretary is not required but the facility may be regulated by other local, state, or federal requirements.

(2) Requirements.

(a) Each owner and operator of an incinerator facility shall submit a plan of operation to the Executive Secretary that meets the requirements of [~~comply with~~]Section R315-302-2.

(b) The submitted plan of operation shall also address:

(i) alternative storage, or disposal plans for all breakdowns that would result in overfilling the storage areas;

(ii) identification of the specific waste streams to be handled by the facility;

(iii) generator waste analysis requirements and procedures;

(iv) waste verification procedures at the facility;

(v) generator certification of wastes shipped as being nonhazardous;

and

(vi) recordkeeping procedures, including a detailed operating record.

[~~(b)~~](c) Solid waste shall be stored temporarily only in storage compartments, containers, or areas specifically designed to store wastes.

(i) Storage of wastes other than in specifically designed compartments, containers or areas is prohibited.

(ii) Equipment and space shall be provided in the storage and charging areas, and elsewhere as needed, to allow periodic cleaning as necessary to maintain the plant in a sanitary and clean condition.

[~~(c)~~](d) Incinerator ash and residues from any incinerator shall be sampled, analyzed, and disposed as specified in Subsection R315-306-2(7).

[~~(d)~~](e) The owner or operator of the incinerator shall prevent the disposal of prohibited hazardous waste or prohibited waste containing PCB's as specified in Subsection R315-306-2(15).

[~~(e)~~](f) The incinerator must be designed, constructed and operated in a manner to comply with appropriate state and local air pollution control authority emission and operating requirements.

[~~(f)~~](g) The plan of operation shall include a training program for new employees and annual review training for all applicable employees to ensure safe handling of waste and proper operation of the equipment.

(h) The owner or operator of the incinerator shall close the facility by removing all solid waste, ash, and other residues to a permitted solid waste disposal facility.

(i) The owner or operator of the incinerator facility shall provide financial assurance to cover the costs for closure of the facility that meets the requirements of Rule R315-309.

KEY: solid waste management, waste disposal
[~~July 1, 2001~~]2003
Notice of Continuation March 14, 2003
19-6-104
19-6-105
19-6-108

▼ ▼

Environmental Quality, Solid and Hazardous Waste
R315-309
Financial Assurance

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26557
FILED: 08/15/2003, 09:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to make the establishment of a standby trust mandatory for any financial assurance mechanism that guarantees payment rather than performance but does not allow the Executive Secretary to approve partial payments to a third party. Definitions of financial terms affecting the corporate financial test as a financial assurance mechanism are added to the rule. Also, the arrangement and numbering of the rule is changed to become more user friendly.

SUMMARY OF THE RULE OR CHANGE: The requirement to establish a standby trust is moved from the section in the rule on bonding to a section on the general requirements for financial assurance mechanisms and is now effective on all financial assurance mechanisms that guarantee payment rather than performance if the mechanism does not allow the Executive Secretary to approve partial payments to a third party. Definitions to the terms "assets," "current assets," "current liabilities," "current plugging and abandonment cost estimate," "independently audited," "liabilities", "net working capital," "net worth," and "tangible net worth" that affect the corporate financial test are added to the rule. Also, the arrangement and numbering of the rule are changed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-105, and 40 CFR 258

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The requirements that affect State agencies are not changed and the oversight and enforcement

of the rule will not change. Therefore, there is no anticipated cost or savings impact to the State budget.

❖ LOCAL GOVERNMENTS: A local government that owns or operates a solid waste disposal facility and uses a financial assurance mechanism, other than a payment bond, which requires the establishment of a standby trust may experience a slight increase in costs to provide financial assurance. Since neither the number of landfills owned by local governments that may use a financial assurance mechanism that requires the establishment of a standby trust nor the costs incurred in establishing a standby trust are known, the aggregate increase in cost anticipated for local government cannot be estimated.

❖ OTHER PERSONS: Other persons who own or operate a solid waste disposal facility and use a financial assurance mechanism, other than a payment bond, which requires the establishment of a standby trust may experience a slight increase in costs to provide financial assurance. Since neither the number of landfills owned by other persons that may use a financial assurance mechanism that requires the establishment of a standby trust nor the costs incurred in establishing a standby trust are known, the aggregate increase in cost anticipated for other persons cannot be estimated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected persons who own or operate a solid waste disposal facility that uses a financial assurance mechanism, other than a payment bond, which requires the establishment of a standby trust may experience a slight increase in costs to provide financial assurance. The increase will be a result of the fees required to establish and maintain a standby trust which are based on the amount of financial assurance required and the length of time the trust must remain active. This increase in cost cannot be estimated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: A business that owns or operates a solid waste disposal facility that uses a financial assurance mechanism, other than a payment bond, which requires the establishment of a standby trust may experience a slight increase in costs to provide financial assurance. The increase will be a result of the fees required to establish and maintain a standby trust which are based on the amount of financial assurance required an the length of time the trust must remain active. This increase in cost cannot be estimated. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-309. Financial Assurance.
R315-309-1. Applicability.

(1) The owner or operator of any solid waste disposal facility requiring a permit shall establish financial assurance sufficient to assure adequate closure, post-closure care, and corrective action, if required, of the facility by compliance with one or more financial assurance mechanisms acceptable to and approved by the Executive Secretary.

(2) Financial assurance is not required for a solid waste disposal facility that is owned or operated by the State of Utah or the Federal government.

(3) Existing [~~Disposal~~]Facilities.

(a) An existing [~~disposal~~]facility shall have the financial assurance mechanism in place and effective according to the compliance schedule as established for the facility by the Executive Secretary.

(b) In the case of corrective action, the financial assurance mechanism shall be in place and effective no later than 120 days after the corrective action remedy has been selected.

(4) A new [~~disposal~~]facility or an existing [~~disposal~~]facility seeking lateral expansion shall have the financial assurance mechanism in place and effective before the initial receipt of waste at the facility or the lateral expansion.

R315-309-2. General Requirements.

(1) A financial assurance plan, including the assurance mechanism proposed for use, shall be submitted:

(a) for new facilities, upon initial permit application; and

(b) for existing facilities, to meet the effective dates specified in Subsection R315-309-1(3).

(2) The financial assurance shall be updated each year as part of the annual report required by Subsection R315-302-2(4) to adjust for inflation or facility modification that would affect closure or post-closure care costs. The annual update of the financial assurance shall be reviewed and must be approved by the Executive Secretary prior to implementation.

(3) Financial assurance cost estimates shall be based on a third party [~~performing~~]preforming closure or post-closure care.

(a) The closure cost estimate shall be based on the most expensive cost to close the largest area of the disposal facility ever requiring a final cover at any time during the active life in accordance with the closure plan and at a minimum must contain the following elements if applicable:

(i) the cost of obtaining, moving, and placing the cover material;

(ii) the cost of final grading of the cover material;

(iii) the cost of moving and placing topsoil on the final cover;[~~and~~]

(iv) the cost of fertilizing, seeding, and mulching or other approved method; and

(v) the cost of removing any stored items or materials, buildings, equipment, or other items or materials not needed at the closed facility.

(b) The post-closure care cost estimate shall be based on the most expensive cost of completing the post-closure care reasonably expected during the post-closure care period and must contain the following elements:

(i) ground water monitoring, if required, including number of monitor wells, parameters to be monitored, frequency of sampling, and cost per sampling;

(ii) leachate monitoring and treatment if necessary;

(iii) gas monitoring and control if required; and

(iv) cover stabilization which will include an estimate of the area and cost for expected annual work to repair residual settlement, control erosion, or reseed.

(4) Any facility for which financial assurance is required for post-closure care must have a financial assurance mechanism, which will cover the costs of post-closure care, in effect and active until the Executive Secretary determines that the post-closure care is complete.

(5) Financial assurance for corrective action shall be required only in cases of known releases of contaminants from a facility and shall be a current cost estimate for corrective action based on the most expensive cost of a third party performing the corrective action that may be required.

R315-309-3. General Requirements for Financial Assurance Mechanisms.

(1) Any financial assurance mechanism in place for a solid waste [~~disposal~~]facility[~~ must~~]:

(a) must be legally valid, binding, and enforceable under Utah and Federal law;[~~ and~~]

(b) must ensure that funds will be available in a timely fashion when needed; and

(c) any financial assurance mechanism that guarantees payment rather than performance, but does not allow the Executive Secretary to approve partial payments to a third party, shall establish a standby trust at the time the financial assurance mechanism is established.

(i) In the case of a financial assurance mechanism for which the establishment of a standby trust is required, the standby trust fund shall meet the requirements of Subsections R315-309-4(1), (2), and (4).

(ii) Payments from the financial assurance mechanism shall be deposited directly into the standby trust fund and payments from the standby trust fund must be approved by the Executive Secretary and the trustee.

(2) The owner or operator of a solid waste [~~disposal~~]facility that is required to provide financial assurance:[~~ shall establish financial assurance by one of the following mechanisms.~~]

(a) [~~A solid waste disposal facility~~]shall submit the required documentation of the financial assurance mechanism to the Executive Secretary[.]; and

(b) [~~Prior~~]prior to the financial assurance mechanism becoming effective and active for a solid waste [~~disposal~~]facility, the mechanism must be approved by the Executive Secretary.

(3) The owner or operator of a solid waste facility may establish financial assurance by any mechanism that meets the requirements of Subsection R315-309-1(1) as approved by the Executive Secretary.

(4) The owner or operator of a solid waste facility may establish financial assurance by a combination of mechanisms that together meet the requirements of Subsection R315-309-1(1) as approved by the Executive Secretary. Except for the conditions specified in Subsection R315-309-8(6)(c), financial assurance mechanisms guaranteeing performance, rather than payment, may not be combined with other instruments.

R315-309-4. Trust Fund.[~~ (3) Trust Fund.~~]

[~~(a)~~](1) The owner or operator of a solid waste facility may establish a trust fund and appoint a trustee as a financial assurance mechanism. The trust fund and trustee must be with an entity [~~which~~]that has the authority to establish trust funds and act as a trustee and whose operations are regulated and examined by a Federal or state agency.

[~~(b)~~](2) The owner or operator shall submit [~~a copy~~]a signed original of the trust agreement to the Executive Secretary for approval and shall place [~~a copy~~]a signed original of the trust agreement in the operating record of the solid waste disposal facility.

[~~(c)~~](3) Payments into the trust fund must be made annually by the owner or operator according to the following schedule:

[~~(i)~~](a) for a trust fund for closure and post-closure care, annual payments that will ensure the availability of sufficient funds within five years of permit approval for the cost estimates required in Subsection R315-309-2(3). The initial payment into the trust fund must be made, for a new facility or a lateral expansion of an existing facility, before the initial receipt of waste and for an existing facility, in accordance with the effective dates specified in Subsection R315-309-1(3)(a); or

[~~(ii)~~](b) for a trust fund for corrective action, annual payments that will ensure the availability of sufficient funds within one-half of the estimated length in years of the corrective action program for the cost estimate required by Subsection R315-309-2[~~(4)~~](5). The first payment shall be at least equal to one-half of the current cost estimate for the corrective action divided by one-half the estimated length of the corrective action program. The initial payment into the trust fund shall be made in accordance with the schedule specified in Subsection R315-309-1(3)(b).

[~~(d)~~](4) The owner or operator, or other person authorized to conduct closure, post-closure, or corrective action may request reimbursement from the trustee for closure, post-closure, or corrective action costs.

[~~(i)~~](a) Prior to the release of funds by the trustee, the request for reimbursement must be approved by the Executive Secretary. The Executive Secretary shall act upon the reimbursement request within 30 days of receiving the request.

[~~(ii)~~](b) After receiving approval from the Executive Secretary, the request for reimbursement may be granted by the trustee only if sufficient funds are remaining to cover the remaining costs and if justification and documentation of the costs is placed in the operating record.

[~~(iii)~~](c) The owner or operator shall notify the Executive Secretary that documentation for the reimbursement has been placed in the operating record and that the reimbursement has been received.

R315-309-5. Surety Bond Guaranteeing Payment or Performance.[~~ (4) Surety Bond Guaranteeing Payment or Performance.~~]

[~~(a)~~](1) The owner or operator of a solid waste facility may provide a surety bond for a financial assurance mechanism. The

bond must be effective, for a new facility or a lateral expansion of an existing facility, before the initial receipt of waste or, for an existing facility, in accordance with the effective dates specified in Subsection R315-309-1(3).

[~~(b)~~](2) The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury and the owner or operator must notify the Executive Secretary that a copy of the bond has been placed in the operating record.

[~~(c)~~](3) The penal sum of the bond must be in an amount at least equal to the closure, post-closure, or corrective action cost estimates of Subsection R315-309-2(3) or Subsection R315-309-2[~~(4)~~](5), whichever is applicable.

[~~(d)~~](4) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

[~~(i)~~](a) In the case of a payment bond, the surety shall pay the costs of closure and post-closure care if the owner or operator fails to complete closure and post-closure care activities.

[~~(ii)~~](b) In the case of a performance bond, the surety shall perform closure and post-closure care on behalf of the owner or operator if the owner or operator fails to complete closure and post-closure care activities.[

~~(e) In the case of a payment bond and at the time the bond is issued, the owner or operator shall establish a standby trust fund.~~

~~(i) The standby trust fund must meet the requirements of Subsections R315-309-3(3)(a), (b), and (d).~~

~~(ii) Payment made under the terms of the bond will be deposited by the surety directly into the standby trust fund. Payments from the trust fund must be approved by the Executive Secretary and the trustee.~~]

[~~(f)~~](5) The surety bond guaranteeing payment or performance shall contain provisions preventing cancellation except under the following conditions:

[~~(i)~~](a) if the surety sends notice of cancellation by certified mail to the owner or operator and the Executive Secretary 120 days in advance of the cancellation date; or

[~~(ii)~~](b) if an alternative financial assurance mechanism has been obtained by the owner or operator.

R315-309-6. Insurance.[~~(5) Insurance.~~]

[~~(a)~~](1) The owner or operator of a solid waste facility may provide insurance as a financial assurance mechanism. The insurance must be effective, for a new facility or a lateral expansion of an existing facility, before the initial receipt of waste or, for an existing facility, in accordance with the effective dates specified in Subsection R315-309-1(3).

[~~(b)~~](2) At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and the owner or operator must notify the Executive Secretary that a copy of the insurance policy has been placed in the operating record.

[~~(c)~~](3) The insurance policy must guarantee that funds will be available to close the facility or unit and provide post-closure care or provide corrective action, if applicable. The policy must also guarantee that the insurer will be responsible for paying out funds to the owner or operator or other person authorized to conduct closure, post-closure, or corrective action, if applicable, up to an amount equal to the face amount of the policy.

[~~(d)~~](4) The insurance policy must be issued for a face amount at least equal to the closure, post-closure, or corrective action cost estimates required by Subsection R315-309-2(3) or Subsection R315-309-2[~~(4)~~](5), whichever is applicable.

[~~(e)~~](5) An owner or operator, or other authorized person may receive reimbursements for closure, post-closure, or corrective action, if applicable, if the remaining value of the policy is sufficient to cover the remaining costs of the work required and if justification and documentation of the cost is placed in the operating record. The owner or operator must notify the Executive Secretary that the documentation and justification for the reimbursement has been placed in the operating record and that the reimbursement has been received.

[~~(f)~~](6) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator.

[~~(g)~~](7) The insurance policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. If there is a failure to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the owner or operator and the Executive Secretary 120 days in advance of cancellation. If the insurer cancels the policy, the owner or operator must obtain alternate financial assurance.

R315-309-7. Letter of Credit.[~~(6) Letter of Credit.~~]

[~~(a)~~](1) The owner or operator of a solid waste facility may provide a letter of credit as a financial assurance mechanism. The letter of credit must be irrevocable and issued for a period of at least one year in the amount at least equal to the current cost estimate as required by Subsection R315-309-2(3) for closure and post-closure care or the cost estimate as required by Subsection R315-309-2[~~(4)~~](5) for corrective action, if necessary.

[~~(b)~~](2) The institution issuing the letter of credit must be an entity which has the authority to issue a letter of credit and whose operations are regulated and examined by a Federal or state agency.

[~~(c)~~](3) The letter of credit must be effective for closure and post-closure care:

[~~(i)~~](a) for a new facility or a lateral expansion of an existing facility, before the initial receipt of waste;

[~~(ii)~~](b) for an existing facility, in accordance with the effective dates specified in Subsection R315-309-1(3)(a); and

[~~(iii)~~](c) for corrective action, in accordance with the schedule specified in Subsection R315-309-1(3)(b).

[~~(d)~~](4) The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless the issuing institution has elected not to extend the letter of credit by sending notice by certified mail to the owner or operator and the Executive Secretary 120 days in advance of the expiration.

[~~(e)~~](5) If the letter of credit is not extended by the issuing institution, the owner or operator shall obtain alternate financial assurance which will become effective on or before the expiration date.

R315-309-8. Local Government Financial Test.[~~(7) Local Government Financial Test.~~]

[~~(a)~~](1) The[~~ following~~] terms used in [~~Subsection R315-309-3(7)~~]Section R315-309-8 are defined as follows.

[~~(i)~~](a) "Total revenues" means the revenues from all taxes and fees but does not include the proceeds from borrowing or asset sales, excluding revenue form funds managed by local government on behalf of a specific third party.

[~~(ii)~~](b) "Total expenditures" means all expenditures excluding capital outlays and debt repayments.

[~~(iii)~~](c) "Cash plus marketable securities" means all the cash plus marketable securities held by the local government on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy past obligations such as pensions.

[~~(iv)~~](d) "Debt service" means the amount of principal and interest due on a loan in a given time period, typically the current year.

[~~(b)~~](2) A local government owner or operator of a solid waste [~~disposal~~]facility may demonstrate financial assurance up to the current cost estimate as required by Subsection R315-309-2(3) for closure and post-closure care and the cost estimate as required by Subsection R315-309-2[~~(4)~~](5) for corrective action, if required, or up to the amount specified in Subsection R315-309-[~~3(7)(f)~~]8(6), which ever is less, by meeting the following requirements.

[~~(i)~~](a) If the local government has outstanding, rated general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or other guarantee, it must have a current rating of Aaa, Aa, A, or Baa, as issued by Moody's or AAA, AA, A, or BBB, as issued by Standard and Poor's on such general obligation bonds.

[~~(ii)~~](b) If the local government has no outstanding general obligation bonds, the local government shall satisfy each of the following financial ratios based on the local government's most recent audited annual financial statement:

[~~(A)~~](i) a ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05; and

[~~(B)~~](ii) a ratio of annual debt service to total expenditures less than or equal to 0.20.

[~~(iii)~~](c) The local government must prepare its financial statements in conformity with Generally Accepted Accounting Principles for governments and have its financial statements audited by an independent certified public accountant.

[~~(iv)~~](d) The local government must place a reference to the closure and post-closure care costs assured through the financial test into the next comprehensive annual financial report and in every subsequent comprehensive annual financial report during the time in which closure and post-closure care costs are assured through the financial test. A reference to corrective action costs must be placed in the comprehensive annual financial report not later than 120 days after the corrective action remedy has been selected. The reference to the closure and post-closure care costs shall contain:

[~~(A)~~](i) the nature and source of the closure and post-closure care requirements;

[~~(B)~~](ii) the reported liability at the balance sheet date;

[~~(C)~~](iii) the estimated total closure and post-closure care costs remaining to be recognized;

[~~(D)~~](iv) the percentage of landfill capacity used to date; and

[~~(E)~~](v) the estimated landfill life in years.

[~~(c)~~](3) A local government is not eligible to assure closure, post-closure care, or corrective action costs at its solid waste disposal facility through the financial test if it:

[~~(i)~~](a) is currently in default on any outstanding general obligation bonds, or

[~~(ii)~~](b) has any outstanding general obligation bonds rated lower than Baa as issued by Moody's or BBB as issued by Standard and Poor's; or

[~~(iii)~~](c) has operated at a deficit equal to 5%, or more, of the total annual revenue in each of the past two fiscal years; or

[~~(iv)~~](d) receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant, or appropriate state agency auditing its financial statement. The Executive Secretary may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Executive Secretary deems the qualification insufficient to warrant disallowance of use of the test.

[~~(d)~~](4) The local government owner or operator must submit the following items to the Executive Secretary for approval and place a copy of these items in the operating record of the facility:

[~~(i)~~](a) a letter signed by the local government's chief financial officer that:

[~~(A)~~](i) lists all current cost estimates covered by a financial test; and

[~~(B)~~](ii) provides evidence and certifies that the local government meets the requirements of Subsections R315-309-[~~3(7)(b)~~]8(2) and R315-309-[~~3(7)(f)~~]8(6);

[~~(ii)~~](b) the local government's independently audited year-end financial statements for the latest fiscal year including the unqualified opinion of the auditor, who must be an independent certified public accountant;

[~~(iii)~~](c) a report to the local government from the local government's independent certified public accountant stating the procedures performed and the findings relative to:

[~~(A)~~](i) the requirements of Subsections R315-309-[~~3(7)(b)(iii)~~]8(2)(c) and R315-309-[~~3(7)(c)(iii) and (iv)~~]8(3)(c) and (d); and

[~~(B)~~](ii) the financial ratios required by Subsection R315-309-[~~3(7)(b)(ii)~~]8(2)(b), if applicable; and

[~~(iv)~~](d) a copy of the comprehensive annual financial report used to comply with Subsection R315-309-[~~3(7)(b)(iv)~~]8(2)(d).

[~~(v)~~](e) The items required by Subsection R315-309-[~~3(7)(d)~~]8(4) are to be submitted to the Executive Secretary and copies placed in the facility's operating record as follows:

[~~(A)~~](i) in the case of closure and post-closure care, for a new facility or a lateral expansion of an existing facility, before the initial receipt of waste;

[~~(B)~~](ii) in the case of closure and post-closure care, for an existing facility, in accordance with the effective dates specified in Subsection R315-309-1(3)(a); and

[~~(C)~~](iii) in the case of corrective action, in accordance with the schedule specified in Subsection R315-309-1(3)(b).

[~~(e)~~](5) A local government must satisfy the requirements of the financial test at the close of each fiscal year.

[~~(i)~~](a) The items required in Subsection R315-309-[~~3(7)(d)~~]8(4) shall be submitted as part of the facility's annual report required by Subsection R315-302-2(4).

[~~(ii)~~](b) If the local government no longer meets the requirements of the local government financial test it shall, within 210 days following the close of the local government's fiscal year:

[~~(A)~~](i) obtain alternative financial assurance that meets the requirements of R315-309-1(1); and

[~~(B)~~](ii) submit documentation of the alternative financial assurance to the Executive Secretary and place copies of the documentation in the facility's operating record.

[~~(iii)~~](c) The Executive Secretary, based on a reasonable belief that the local government may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the local government at any time. If the Executive Secretary finds that the local government no longer meets the requirements of the local government financial test, the local government shall be required to provide alternative financial assurance on a schedule established by the Executive Secretary.

[~~(f)~~](6) The portion of the closure, post-closure, and corrective action costs for which a local government owner or operator may

assume under the local government financial test is determined as follows:

[~~(i)~~](a) If the local government does not assure other environmental obligations through a financial test, it may assure closure, post-closure, and corrective action costs that equal up to 43% of the local government's total annual revenue.

[~~(ii)~~](b) If the local government assures any other environmental obligation through a financial test, it must add those costs to the closure, post-closure, and corrective action costs it seeks to assure by local government financial test. The total that may be assured must not exceed 43% of the local government's total annual revenue.

[~~(iii)~~](c) The local government shall obtain an alternate financial assurance mechanism for those costs that exceed 43% of the local government's total annual revenue.

[~~(8)~~](7) Local Government Guarantee.

(a) An owner or operator of a solid waste [~~disposal~~]facility may demonstrate financial assurance for closure, post-closure, and corrective action by obtaining a written guarantee provided by a local government. The local government providing the guarantee shall meet the requirements of the local government financial test in [~~Subsection~~]Section R315-309-[~~3(7)~~]8 and shall comply with the terms of the written guarantee as specified in Subsections R315-309-[~~3(8)~~]8(7)(b) and (c).

(b) The guarantee must be effective for closure and post-closure care:

(i) for a new facility or a lateral expansion of an existing facility, before the initial receipt of waste;

(ii) for an existing facility, in accordance with the effective dates specified in Subsection R315-309-1(3)(a); and

(iii) for corrective action, in accordance with the schedule specified in Subsection R315-309-1(3)(b).

(c) The guarantee shall provide that if the owner or operator fails to perform closure, post-closure care, or corrective action of a facility covered by the guarantee, the guarantor will:

(i) perform, or pay a third party to perform, closure, post-closure, or corrective action as required; or

(ii) establish a fully funded trust fund as specified in [~~Subsection R315-309-3(3)~~]Section R315-309-4 in the name of the owner or operator.

(d) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Executive Secretary. Cancellation may not occur until 120 days after the date the notice is received by the Executive Secretary.

(e) If the guarantee is canceled, the owner or operator shall, within 90 days following the receipt of the cancellation notice:

(i) obtain alternate financial assurance that meets the requirements of Subsection R315-309-1(1);

(ii) submit documentation of the alternate financial assurance to the Executive Secretary; and

(iii) place copies of the documentation of the alternate financial assurance in the facility's operating record.

(iv) If the owner or operator fails to provide alternate financial assurance within the 90 day period, the guarantor must provide the alternate financial assurance within 120 days following the guarantor's notice of cancellation, submit documentation of the alternate financial assurance to the Executive Secretary for review and approval, and place copies of the documentation in the facility's operating record.

R315-309-9. Corporate Financial Test.[~~ (9) Corporate Financial Test.~~]

(1) The terms used specifically in Section R315-309-9 are defined as follows.

(a) "Assets" means all existing and probable future economic benefits obtained or controlled by a particular entity.

(b) "Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

(c) "Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

(d) "Current plugging and abandonment cost estimate" means the most recent of the estimates prepared in accordance with 40 CFR 144.62(a), (b), and (c) (2001) which is adopted and incorporated by reference.

(e) "Independently audited" means an audit performed by and independent certified public accountant in accordance with generally accepted auditing standards.

(f) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

(g) "Net working capital" means current assets minus current liabilities.

(h) "Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

(i) "Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

[~~(a)~~](2) A corporate owner or operator of a solid waste [~~disposal~~]facility may demonstrate financial assurance up to the current cost estimate as required by Subsection R315-309-2(3) for closure and post-closure care and the cost estimate required by Subsection R315-309-2[~~(4)~~](5) for corrective action, if required, by meeting the following requirements.

[~~(i)~~](a) The owner or operator must satisfy one of the following three conditions:

[~~(A)~~](i) a current rating for its senior unsubordinated debt of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; or

[~~(B)~~](ii) a ratio of less than 1.5 comparing total liabilities to net worth: or

[~~(C)~~](iii) a ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus $10 million, to total liabilities.

[~~(ii)~~](b) The tangible net worth of the owner or operator must be greater than:

[~~(A)~~](i) the sum of the current closure, post-closure care, and corrective action cost estimates and any other environmental obligation, including guarantees, covered by a financial test plus $10 million except as provided in Subsection R315-309-[~~3(9)(a)(ii)(B)~~]9(2)(b)(ii);

[~~(B)~~](ii) $10 million in net worth plus the amount of any guarantees that have not been recognized as liabilities on the financial statements provided all of the current closure, post-closure care, and corrective action costs and any other environmental obligations covered by a financial test are recognized as liabilities on

the owner's or operator's audited financial statements, and subject to the approval of the Executive Secretary.

[~~(iii)~~](c) The owner or operator must have assets located in the United States amounting to at least the sum of current closure, post-closure care, corrective action cost estimates and any other environmental obligations covered by a financial test.

[~~(b)~~](3) The owner or operator must place the following items into the facility's operating record and submit a copy of these items to the Executive Secretary for approval:

[~~(i)~~](a) a letter signed by the owner's or operator's chief financial officer that:

[~~(A)~~](i) lists all current cost estimates for closure, post-closure care, corrective action, and any other environmental obligations covered by a financial test; and

[~~(B)~~](ii) provides evidence demonstrating that the firm meets the conditions of Subsection R315-309-[~~3(9)(a)(i)(A)~~]9(2)(a)(i), or [~~(i)(B)~~](a)(ii), or [~~(i)(C)~~](a)(iii) and Subsections R315-309-[~~3(9)(a)(ii)~~]9(2)(b) and [~~(iii)~~](c); and

[~~(ii)~~](b) a copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year.

[~~(A)~~](i) To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant.

(ii) The Executive Secretary may evaluate qualified opinions on a case-by-case basis and allow use of the financial test where the Executive Secretary deems the matters which form the basis for the qualification are insufficient to warrant disallowance of the test.

[~~(iii)~~](c) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies Subsection R315-309-[~~3(9)(a)(i)(A)~~]9(2)(a)(i) or [~~(B)~~](ii) that are different from data in the audited financial statements or data filed with the Securities and Exchange Commission, then a special report from the owner's or operator's independent certified public accountant is required. The special report shall:

[~~(A)~~](i) be based upon an agreed upon procedures engagement in accordance with professional auditing standards;

[~~(B)~~](ii) describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements;

[~~(C)~~](iii) describe the findings of that comparison; and

[~~(D)~~](iv) explain the reasons for any differences.

[~~(iv)~~](d) If the chief financial officer's letter provides a demonstration that the firm has assured environmental obligations as provided in Subsection R315-309-[~~3(9)(a)(ii)(B)~~]9(2)(b)(ii), then the letter shall include a report from the independent certified public accountant that:

[~~(A)~~](i) verifies that all of the environmental obligations covered by a financial test have been recognized as liabilities on the audited financial statements;

[~~(B)~~](ii) explains how these obligations have been measured and reported; and

[~~(C)~~](iii) certifies that the tangible net worth of the firm is at least $10 million plus the amount of all guarantees provided.

[~~(v)~~](e) The items required by Subsection R315-309-[~~3(9)(b)~~]9(3) are to be submitted to the Executive Secretary and copies placed in the facility's operating record as follows:

[~~(A)~~](i) in the case of closure and post-closure care, for a new facility or a lateral expansion of an existing facility, before the initial receipt of waste;

[~~(B)~~](ii) in the case of closure and post-closure care, for an existing facility, in accordance with the effective dates specified in Subsection R315-309-1(3)(a); and

[~~(C)~~](iii) in the case of corrective action, in accordance with the schedule specified in Subsection R315-309-1(3)(b).

[~~(c)~~](4) A firm must satisfy the requirements of the financial test at the close of each fiscal year by submitting the items required in Subsection R315-309-[~~3(9)(b)~~]9(3) as part of the facility's annual report required by Subsection R315-302-2(4).

[~~(d)~~](5) If the firm no longer meets the requirements of the corporate financial test it shall, within 120 days following the close of the firm's fiscal year:

[~~(i)~~](a) obtain alternative financial assurance that meets the requirements of R315-309-1(1); and

[~~(ii)~~](b) submit documentation of the alternative financial assurance to the Executive Secretary and place copies of the documentation in the facility's operating record.

[~~(iii)~~](c) The Executive Secretary, based on a reasonable belief that the firm may no longer meet the requirements of the corporate financial test, may require additional reports of financial condition from the firm at any time. If the Executive Secretary finds that the firm no longer meets the requirements of the corporate financial test, firm shall be required to provide alternative financial assurance on a schedule established by the Executive Secretary.

[~~(10)~~](6) Corporate Guarantee.

(a) A corporate owner or operator of a solid waste [~~disposal~~]facility may demonstrate financial assurance for closure, post-closure care, and corrective action by obtaining a written guarantee provided by a corporation.

(i) The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a substantial business relationship with the owner or operator.

(ii) The firm shall meet the requirements of the corporate financial test in [~~Subsection R315-309-3(9)~~]Section R315-309-9 and shall comply with the terms of the written guarantee as specified in Subsections R315-309-3[~~(10)~~](6)(b) and (c).

(A) A certified copy of the guarantee along with copies of the letter from the guarantor's chief financial officer and accountant's opinions must be submitted to the Executive Secretary and placed in the facility's operating record.

(B) If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter from the guarantor's chief financial officer must describe the value received in consideration of the guarantee.

(C) If the guarantor is a firm with a substantial business relationship with the owner or operator, the letter from the chief financial officer must describe this substantial business relationship and the value received in consideration of the guarantee.

(b) The guarantee must be effective for closure and post-closure care:

(i) for a new facility or a lateral expansion of an existing facility, before the initial receipt of waste;

(ii) for an existing facility, in accordance with the effective dates specified in Subsection R315-309-1(3)(a); and

(iii) for corrective action, in accordance with the schedule specified in Subsection R315-309-1(3)(b).

(c) The guarantee shall provide that if the owner or operator fails to perform closure, post-closure care, or corrective action of a facility covered by the guarantee, the guarantor will:

(i) perform, or pay a third party to perform, closure, post-closure, or corrective action as required; or

(ii) establish a fully funded trust fund as specified in [~~Subsection R315-309-3(3)~~]Section R315-309-4 in the name of the owner or operator.

(d) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Executive Secretary. Cancellation may not occur until 120 days after the date the notice is received by the Executive Secretary.

(e) If the guarantee is canceled, the owner or operator shall, within 90 days following the receipt of the cancellation notice:

(i) obtain alternate financial assurance that meets the requirements of Subsection R315-309-1(1);

(ii) submit documentation of the alternate financial assurance to the Executive Secretary; and

(iii) place copies of the documentation of the alternate financial assurance in the facility's operating record.

(iv) If the owner or operator fails to provide alternate financial assurance within the 90 day period, the guarantor must provide the alternate financial assurance within 120 days following the guarantor's notice of cancellation, submit documentation of the alternate financial assurance to the Executive Secretary for review and approval, and place copies of the documentation in the facility's operating record.

(f) If a corporate guarantor no longer meets the requirements of the corporate financial test as specified in [~~Subsection R315-309-3(9)~~]Section R315-309-9:

(i) the owner or operator must, within 90 days, obtain alternate financial assurance; and

(ii) submit documentation of the alternate financial assurance to the Executive Secretary and place copies of this documentation in the facility's operating record.

(iii) If the owner or operator fails to provide alternate financial assurance within the 90-day period, the guarantor must provide that alternate assurance within the next 30 days.[

~~(11) The owner or operator of a solid waste disposal facility may establish financial assurance by other mechanisms that meet the requirements of Subsection R315-309-1(1) as approved by the Executive Secretary.~~

~~(12) The owner or operator of a solid waste disposal facility may establish financial assurance by a combination of mechanisms that together meet the requirements of Subsection R315-309-1(1) as approved by the Executive Secretary. Except for the conditions specified in Subsection R315-309-3(7)(f)(iii), financial assurance mechanisms guaranteeing performance, rather than payment, may not be combined with other instruments.~~]

R315-309-[4]10. Discounting.

(1) The Executive Secretary may allow discounting of closure, post-closure care, or corrective action costs up to the rate of return for essentially risk free investments, net inflation.

(2) Discounting may be allowed under the following conditions:

(a) the Executive Secretary determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a professional engineer registered in the state of Utah so stating;

(b) the Executive Secretary finds the facility in compliance with all applicable Utah Solid Waste Permitting and Management Rules and in compliance with all conditions of the facility's permit issued under the rules;

(c) the executive Secretary determines that the closure date is certain and the owner or operator certifies that there are no foreseeable factors that will change the estimate of the facility life; and

(d) discounted cost estimates must be adjusted annually to reflect inflation and years of remaining facility life.

R315-309-[5]11. Termination of Financial Assurance.

The owner or operator of a solid waste [~~disposal~~]facility may terminate or cancel an active financial assurance mechanism under the following conditions:

(1) if the owner or operator establishes alternate financial assurance as approved by the Executive Secretary; or

(2) if the owner or operator is released from the financial assurance requirements by the Executive Secretary after meeting the conditions and requirements of Subsections R315-302-3(7)(b) and (c) or Subsection R315-308-3(2)(c), whichever is applicable.

KEY: solid waste management, waste disposal
[~~July 1, 2001~~]2003
Notice of Continuation March 14, 2003
19-6-105
40 CFR 258

▼ ▼

Environmental Quality, Solid and Hazardous Waste

R315-310

Permit Requirements for Solid Waste Facilities

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26558
FILED: 08/15/2003, 09:16

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to clarify the roles of the owner and operator of a solid waste disposal facility and to clarify the post-closure inspection schedule for a Class II Landfill. Also, since the term "energy recovery" is included in the definition of the term "incinerator," the term "energy recovery is removed from the permit application requirements for incinerators.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to clarify that both the owner and the operator of a solid waste facility may be required to meet all applicable permitting and operational requirements; the rule is changed to clarify that the owner or operator of a Class II Landfill must perform inspections of the landfill on a quarterly basis during the post-closure care period; and the term "energy recovery" is removed from the permit application requirements for incinerators.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-105, and 40 CFR 258

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The requirements of the rule that affect State agencies are not changed and the oversight and enforcement of the rule will not changes. Therefore, there is no cost or savings impact anticipate for the State budget.
❖ LOCAL GOVERNMENTS: The permitting and inspection requirements for solid waste facilities owned or operated by local governments are clarified but not changed. Therefore, there is no cost or savings impact anticipated for local governments.
❖ OTHER PERSONS: The permitting and inspection requirements for solid waste facilities owned or operated by other persons are clarified but not changed. Therefore, there is no cost or savings impact anticipated for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the permitting and inspection requirements for solid waste facilities are clarified but not changed, it is anticipated that the compliance costs for affected persons will not be impacted beyond that required by current rule or statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since the actual requirements of the rule are not changed, it is anticipated that businesses will experience no fiscal impact beyond that required by current rule or statute. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-310. Permit Requirements for Solid Waste Facilities.
R315-310-1. Applicability.

(1) The following solid waste facilities require a permit:

(a) Class I, II, III, IV, V, and VI Landfills;

(b) [~~energy recovery and~~]incinerator facilities that are regulated by Rule R315-306;

(c) landtreatment disposal facilities that are regulated by Rule R315-307; and

(d) waste tire storage facilities.

(2) Permits are not required for corrective actions at solid waste facilities performed by the state or in conjunction with the United States Environmental Protection Agency or in conjunction with actions to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or corrective actions taken by others to comply with a state or federal cleanup order.

(3) The permit requirements of Rule R315-310 apply to each existing and new solid waste facility, for which a permit is required.

(a) The Executive Secretary may incorporate a compliance schedule for each existing facility to ensure that the owner or operator, or both, of each existing facility meet the requirements of Rule R315-310.

(b) The owner or operator, or both, of each[~~Each~~] new [~~disposal~~]facility or[~~ lateral~~] expansion at an existing solid waste [~~disposal~~]facility, for which a permit is required, shall:

(i) apply for a permit according to the requirements of Rule R315-310;[~~ and~~]

(ii) not begin the construction[~~ of the facility, lateral~~] or the expansion of the solid waste facility[~~, or unit~~] until a permit has been granted; and

(iii) not accept waste at the solid waste facility prior to receiving the approval required by Subsection R315-301-5(1).

(4) A landfill may not change from its current class, or subclass, to any other class, or subclass, of landfill except by meeting all requirements for the desired class, or subclass, to include obtaining a new permit from the Executive Secretary for the desired class, or subclass, of landfill.

R315-310-2. Procedures for Permits.

(1) Prospective applicants may request the Executive Secretary to schedule a pre-application conference to discuss the proposed solid waste facility and application contents before the application is filed.

(2) Any owner or operator who intends to operate a facility subject to the permit requirements must apply for a permit with the Executive Secretary. Two copies of the application, signed by the owner or operator and received by the Executive Secretary are required before permit review can begin.

(3) Applications for a permit must be completed in the format prescribed by the Executive Secretary.

(4) An application for a permit, all reports required by a permit, and other information requested by the Executive Secretary shall be signed as follows:

(a) for a corporation: by a principal executive officer of at least the level of vice-president;

(b) for a partnership or sole proprietorship: by a general partner or the proprietor;

(c) for a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official; or

(d) by a duly authorized representative of the person above, as appropriate.

(i) A person is a duly authorized representative only if the authorization is made in writing, to the Executive Secretary, by a person described in Subsections R315-310-2(4)(a), (b), or (c), as appropriate.

(ii) The authorization may specify either a named individual or a position having responsibility for the overall operation of the

regulated facility or activity, such as the position of facility manager, director, superintendent, or other position of equivalent responsibility.

(iii) If an authorization is no longer accurate and needs to be changed because a different individual or position has responsibility for the overall operation of the facility, a new authorization that meets the requirements of Subsections R315-310-2(4)(d)(i) and (ii) shall be submitted to the Executive Secretary prior to or together with any report, information, or application to be signed by the authorized representative.

(5) Filing Fee and Permit Review Fee.

(a) A filing fee, as required by the Annual Appropriations Act, shall accompany the filing of an application for a permit. The review of the application will not begin until the filing fee is received.

(b) A review fee, as established by the Annual Appropriations Act, shall be charged at an hourly rate for the review of an application. The review fee shall be billed quarterly and shall be due and payable quarterly.

(6) All contents and materials submitted as a permit application shall become part of the approved permit and shall be part of the operating record of the solid waste disposal facility.

(7) The owner or operator, or both, of a facility shall apply for renewal of the facility's permit every five years.

R315-310-4. Contents of a Permit Application for a New or Expanded Class I, II, III, IV, V, and VI Landfill Facility as Specified.

(1) Each application for a new or expanded landfill shall contain the information required by Section R315-310-3.

(2) Each application shall also contain:

(a) the following maps shall be included in a permit application for a Class I, II, III, IV, V, and VI Landfill:

(i) topographic map of the landfill unit drawn to a scale of 200 feet to the inch containing five foot contour intervals where the relief exceeds 20 feet and two foot contour intervals where the relief is less than 20 feet, showing the boundaries of the landfill unit, ground water monitoring wells, landfill gas monitoring points, and borrow and fill areas; and

(ii) the most recent full size U.S. Geological Survey topographic map, 7-1/2 minute series, if printed, or other recent topographic survey of equivalent detail of the area, showing the waste facility boundary, the property boundary, surface drainage channels, existing utilities, and structures within one-fourth mile of the facility site, and the direction of the prevailing winds.

(b) a permit application for a Class I, II, IIIa, IVa, and V Landfill shall contain a geohydrological assessment of the facility that addresses:

(i) local and regional geology and hydrology, including faults, unstable slopes and subsidence areas on site;

(ii) evaluation of bedrock and soil types and properties, including permeability rates;

(iii) depths to ground water or aquifers;

(iv) direction and flow rate of ground water;

(v) quantity, location, and construction of any private and public wells on the site and within 2,000 feet of the facility boundary;

(vi) tabulation of all water rights for ground water and surface water on the site and within 2,000 feet of the facility boundary;

(vii) identification and description of all surface waters on the site and within one mile of the facility boundary;

(viii) background ground and surface water quality assessment and identification of impacts of the existing facility upon ground and surface waters from landfill leachate discharges;

(ix) calculation of a site water balance; and

(x) conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices and where applicable, a vadose zone monitoring plan;

(c) a permit application for a Class I, II, IIIa, IVa, and V Landfill shall contain an engineering report, plans, specifications, and calculations that address:

(i) how the facility will meet the location standards pursuant to Section R315-302-1 including documentation of any demonstration made with respect to any location standard;

(ii) the basis for calculating the facility's life;

(iii) cell design to include liner design, cover design, fill methods, elevation of final cover and bottom liner, and equipment requirements and availability;

(iv) identification of borrow sources for daily and final cover, and for soil liners;

(v) interim and final leachate collection, treatment, and disposal;

(vi) ground water monitoring that meet the requirements of Rule R315-308;

(vii) landfill gas monitoring and control that meet the requirements of Subsection R315-303-3(5);

(viii) design and location of run-on and run-off control systems;

(ix) closure and post-closure design, construction, maintenance, and land use; and

(x) quality control and quality assurance for the construction of any engineered structure or feature, excluding buildings at landfills, at the solid waste disposal facility and for any applicable activity such as ground water monitoring.

(d) a permit application for a Class I, II, III, IV, V, and VI Landfill shall contain a closure plan to address:

(i) closure schedule;

(ii) capacity of site in volume and tonnage;

(iii) final inspection by regulatory agencies; and

(iv) identification of closure costs including cost calculations and the funding mechanism.

(e) a permit application for a Class I, II, III, IV, V, and VI Landfill shall contain a post-closure plan to address, as appropriate for the specific landfill:

(i) site monitoring of:

(A) landfill gas on a quarterly basis until the conditions of either Subsection R315-302-3(7)(b) or Subsection R315-302-3(7)(c) are met;

(B) ground water on a semiannual basis, or other schedule as determined by the Executive Secretary, until the conditions of either Subsection R315-302-3(7)(b) or Subsection R315-302-3(7)(c) are met; and

(C) surface water, if required, on the schedule specified by the Executive Secretary and until the Executive Secretary determines that the monitoring of surface water may be discontinued;

(ii) inspections of the landfill by the owner or operator:

(A) for landfills that are required to monitor landfill gas, and Class II Landfills, on a quarterly basis; and

(B) for other landfills that are not required to monitor landfill gas, on a semiannual basis;

(iii) maintenance activities to maintain cover and run-on and run-off systems;

(iv) identification of post-closure costs including cost calculations and the funding mechanism;

(v) changes to record of title as specified by Subsection R315-302-2(6); and

(vi) list the name, address, and telephone number of the person or office to contact about the facility during the post-closure period.

R315-310-7. Contents of a Permit Application for a New or Expanding[~~ Energy Recovery or~~] Incinerator Facility.

(1) Each application for a new or expanding[~~ energy recovery or~~] incinerator facility permit shall contain the information required in Section R315-310-3.

(2) Each application for a permit shall also contain:

(a) engineering report, plans, specifications, and calculations that address:

(i) the design of the storage and handling facilities on-site for incoming waste as well as fly ash, bottom ash, and any other wastes produced by air or water pollution controls; and

(ii) the design of the incinerator or thermal treater, including charging or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design shall also be included.

(b) an operational plan that, in addition to the requirements of Section R315-302-2, addresses:

(i) cleaning of storage areas as required by Subsection R315-306-2(5);

(ii) alternative storage plans for breakdowns as required in Subsection R315-306-2(3);

(iii) inspections to insure compliance with state and local air pollution laws and to comply with Subsection R315-302-2(5)(a). The inspection log or summary must be submitted with the application;

(iv) how and where the fly ash, bottom ash, and other solid waste will be disposed; and

(v) a program for excluding the receipt of hazardous waste equivalent to requirements specified in Subsection R315-303-4(7).

(c) documentation to show that air pollution and water pollution control systems are being reviewed or have been reviewed by the Division of Air Quality and the Division of Water Quality.

(d) a closure plan to address:

(i) closure schedule;

(ii) closure costs and a financial assurance mechanism to cover the closure costs;

(iii) methods of closure and methods of removing wastes, equipment, and location of final disposal; and

(iv) final inspection by regulator agencies.

KEY: solid waste management, waste disposal
[~~June 15, 2002~~]2003
Notice of Continuation March 14, 2003
19-6-105
19-6-108
19-6-109
40 CFR 258

▼ ▼

Environmental Quality, Solid and Hazardous Waste
R315-312-3
Composting Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26559
FILED: 08/15/2003, 09:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to clarify the requirements that must be met to protect human health and the environment by a composting operation that composts domestic sewage sludge, septage, or municipal waste, or is likely to produce a leachate that may cause a threat to human health or the environment.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to clarify that if a composting facility composts domestic sewage sludge, septage, or municipal waste, the composting must be done on a prepared surface that prevents the contamination of subsurface soils and ground water; the leachate generated from the composting operation must be collected and treated; and run-on controls must be constructed and maintained. Also, the rule is changed to clarify the fact that the Executive Secretary may impose the above requirements on other composting facilities that are likely to produce leachate that may be a threat to human health or the environment.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-108

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The requirements of the rule are clarified and not actually changed. Also, the oversight and enforcement of the rule will not change. Therefore, no cost or savings impact is anticipated to the State budget.

❖ LOCAL GOVERNMENTS: The requirements of the rule are clarified and not actually changed. Therefore, no cost or savings impact is anticipated for local governments.

❖ OTHER PERSONS: The requirements of the rule are clarified and not actually changed. Therefore, no cost or savings impact is anticipated for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The requirements of the rule are clarified and not changed. Therefore, affected persons will experience no additional compliance costs beyond that required by current rule or statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since the requirements of the rule are clarified and not changed, it is anticipated that businesses will experience no fiscal impact beyond that required by current rule or statue. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-312. Recycling and Composting Facility Standards.
R315-312-3. Composting Requirements.

(1) No new composting facility shall be located in the following areas:

(a) wetlands, watercourses, or floodplains; or

(b) within 500 feet of any permanent residence, school, hospital, institution, office building, restaurant, or church.

(2) Each owner or operator of a composting facility, in addition to the operational plan required in Subsection R315-312-2(1), shall develop, keep on file, and abide by a plan that addresses:

(a) detailed plans and specifications for the entire composting facility including manufacturer's performance data for equipment;

(b) methods of measuring, grinding or shredding, mixing, and proportioning input materials;

(c) a description and location of temperature and other types of monitoring equipment and the frequency of monitoring;

(d) a description of any additive material, including its origin, quantity, quality, and frequency of use;

(e) special precautions or procedures for operation during wind, heavy rain, snow, and freezing conditions;

(f) estimated composting time duration, which is the time period from initiation of the composting process to completion;

(g) for windrow systems, the windrow construction, including width, length, and height;

(h) the method of aeration, including turning frequency or mechanical aeration equipment and aeration capacity; and

(i) a description of the ultimate use for the finished compost, the method for removal from the site, and a plan for the disposal of the finished compost that can not be used in the expected manner due to poor quality or change in market conditions.

(3) Composting Facility Operation Requirements.

(a) Operational records must be maintained during the life of the facility and during the post-closure care period, which include, at a minimum, temperature data and quantity and types of material processed.

(b) All waste materials collected for the purpose of processing must be processed within two years or as provided in the plan of operation.

(c) All materials not destined for processing must be properly disposed.

(d) Turning frequency of the compost must be sufficient to maintain aerobic conditions and to produce a compost product in the desired time frame.

(e) During the composting process, the compost must maintain a temperature between 140 and 160 degrees Fahrenheit (60 and 71 degrees Celsius) for a period of not less than seven days.

(f) Hazardous waste or waste containing PCBs shall not be accepted for composting. Any facility utilizing municipal sewage treatment sludge, water treatment sludge, or septage shall require the generator to characterize the sludge and certify that any sludge used is nonhazardous.

(g) If the composting operation will be utilizing domestic sewage sludge,[~~ or~~] septage, or municipal solid waste[~~ or is likely to produce leachate~~]:

(i) compost piles or windrows shall be placed upon a surface such as sealed concrete, asphalt, clay, or an artificial liner underlying the pile or windrow, to prevent subsurface soil and potential ground water contamination and to allow collection of run-off and leachate. The liner shall be designed of sufficient thickness and strength to withstand stresses imposed by compost handling vehicles and the compost itself;

(ii) run-off systems shall be designed, installed and maintained to control and collect the run-off from a 25-year storm event;

(iii) the collected leachate shall be treated in a manner approved by the Executive Secretary; and

(iv) run-on prevention systems shall be designed, constructed, and maintained to divert the maximum flow from a 25-year storm event.

(h) If the Executive Secretary determines that a composting operation, which composts materials other than domestic sewage sludge, septage, or municipal solid waste, is likely to produce a leachate that in combination with the hydrologic, geologic, and climatic factors of the site will present a threat to human health or the environment, the Executive Secretary may require the owner or operator of the composting facility to meet the requirements specified in Subsection R315-312-3(3)(g).

[~~(h)~~](i) The finished compost must contain no sharp inorganic objects and must be sufficiently stable that it can be stored or applied to land without creating a nuisance, environmental threat, or a hazard to health.

(4) Composting Facility Closure and Post-closure Requirements.

(a) Within 30 days of closure, a composting facility shall:

(i) remove all piles, windrows, and any other compost material on the composting facility's property;

(ii) remove or revegetate compacted compost material that may be left on the land;

(iii) drain ponds or leachate collection system if any, back-fill, and assure removed contents are properly disposed;

(iv) cover if necessary; and

(v) record with the county recorder as part of the record of title, a plat and statement of fact that the property has been used as a composting facility.

(b) The post-closure care and monitoring shall be for five years and shall consist of:

(i) the maintenance of any monitoring equipment and sampling and testing schedules as required by the Executive Secretary; and

(ii) inspection and maintenance of any cover material.

KEY: solid waste management, waste disposal
[~~July 1, 2001~~]2003
Notice of Continuation March 14, 2003
19-6-105
19-6-108

▼ ▼

Environmental Quality, Solid and Hazardous Waste

R315-315

Special Waste Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26561
FILED: 08/15/2003, 09:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to clarify the requirements for the disposal of dead animals for the protection of human health and the environment. Also, the rule is changed to remove the terms "existing facility" and "new facility" from the section that regulates the management of certain wastes containing Polychlorinated Biphenyls (PCBs). In this case, it is more appropriate to refer to a facility as being in operation either prior to the effective date of the Solid Waste Rules (July 15, 1993) or being in operation after the effective date.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to clarify that dead animals must be disposed in a manner to protect human health and the environment and that the carcasses shall be disposed at the active working face of a permitted landfill or in separate trench or pit that is specifically prepared to receive dead animals. Also, the section of the rule is rearranged and renumbered to become more user friendly. In addition, the rule is changed to remove the terms "existing facility" and "new facility" from the section that regulates the management of PCB-containing waste and refer to these facilities as being in operation prior to, or after, the effective date of the rules.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-105

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The requirements of the rule are clarified and not actually changed. Therefore, there is no anticipated cost or savings impact to the State budget beyond that required by current rule or statute.

❖ LOCAL GOVERNMENTS: The requirements of the rule are clarified and not actually changed. Therefore, there is no anticipated cost or savings impact to local governments beyond that required by current rule or statute.

❖ OTHER PERSONS: The requirements of the rule are clarified and not actually changed. Therefore, there is no anticipated cost or savings impact to other persons beyond that required by current rule or statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the requirements of the rule are clarified and not change, compliance costs for affected persons will not be impacted beyond that required by current rule or statue.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since the requirements of the rule are clarified and not change, costs for businesses will not be impacted beyond that required by current rule or statue. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-315. Special Waste Requirements.
R315-315-6. Dead Animals.

[~~Dead animals received at the facility shall be deposited onto the working face at or near the bottom of the cell with other solid waste, or into a separate disposal trench provided they are covered daily with a minimum of six inches of earth to minimize odors and the propagation and harborage of rodents or insects.~~](1) Dead animals shall be managed and disposed in a manner that minimizes odors and the attraction, harborage, or propagation of insects, rodents, birds, or other animals.

(2) Dead animals may be disposed at the active working face of a permitted landfill or in a separate trench specifically prepared to receive dead animals.

(a) If dead animals are disposed at the active working face of a permitted landfill, the carcasses shall be placed at or near the bottom of the cell and immediately covered with a minimum of two feet of other waste.

(b) If dead animals are disposed in a separate trench, the carcasses shall be completely covered with a minimum of six inches of earth at the end of the working day the carcasses are received.

R315-315-7. PCB Containing Waste.

(1) Any facility that disposes of nonhazardous waste, hazardous waste, or radioactive waste containing PCBs is regulated by Rules R315-301 through 320.

(2) The following waste containing PCBs may be disposed in a permitted Class I, II, III, IV, V, or VI Landfill; permitted incinerator; energy recovery facility; or a facility permitted by rule under Rule R315-318:

(a) waste containing PCBs at concentrations less than 50 ppm as found in situ at the original remediation site as specified by 40 CFR 761.61 (2001);

(b) PCB household waste as defined by 40 CFR 761.3 (2001); and

(c) small quantities, 10 or fewer, of intact, non-leaking small PCB capacitors from fluorescent lights.

(3) Waste containing PCBs at concentrations of 50 ppm, or higher, are prohibited from disposal in a landfill, incinerator, or energy recovery facility that is regulated by Rules R315-301 through 320 except:

(a) the following facilities may receive waste containing PCBs at concentrations of 50 ppm or higher for treatment or disposal:

(i) [~~an existing facility, as defined by Subsection R315-301-2(21)~~]a facility that began receiving waste prior to July 15, 1993, that is permitted under 40 CFR 761.70, .75 or .77 (2001) to accept waste containing PCBs; or

(ii) [~~a new facility, as defined by Subsection R315-301-2(47)~~]a facility that began receiving waste after July 15, 1993, that is permitted under 40 CFR 761.70, .71, .72, .75, or .77 (2001) to accept waste containing PCBs, which facility must also receive approval under Rules R315-301 through 320; or

(b) when approved by the Executive Secretary, the following wastes may be disposed at an approved unit of a permitted landfill or may be disposed at an incinerator that meets the requirements of Subsection R315-315-7(3)(a)(i) or (ii):

(i) PCB bulk products regulated by 40 CFR 761.62(b) (2001);

(ii) drained PCB contaminated equipment as defined by 40 CFR 761.3 (2001);

(iii) drained PCB articles, including drained PCB transformers, as defined by 40 CFR 761.3 (2001);

(iv) non-liquid cleaning materials remediation wastes containing PCB's regulated by 40 CFR 761.61(a)(5)(v)(A) (2001);

(v) PCB containing manufactured products regulated by 40 CFR 761.62(b)(1)(i) and (ii) (2001); or

(vi) non-liquid PCB containing waste, initially generated as a non-liquid waste, generated as a result of research and development regulated by 40 CFR 761.64(b)(2) (2001).

(c) If a unit of a permitted landfill is approved to receive PCB containing wastes under Subsection R315-315-7(3)(b), the owner or operator of the landfill:

(i) shall modify the approved Ground Water Monitoring Plan to include the testing of the ground water samples for PCB containing constituents at appropriate detection levels; and

(ii) may be required to test the leachate generated at the unit of the landfill under 40 CFR 761.62(b)(2).

KEY: solid waste management, waste disposal
[~~June 15, 2002~~]2003

Notice of Continuation March 14, 2003
19-6-105

▼ ▼

Environmental Quality, Solid and Hazardous Waste
R315-316
Infectious Waste Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26560
FILED: 08/15/2003, 09:23

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to clarify the specific facilities and activities that must meet the requirements of the rule and to establish a procedure to verify and approve alternative methods that may be proposed to render wastes noninfectious.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to clearly state that the requirements of the rule are applicable to health facilities that generate more than 200 pounds of infectious waste per month; transporters that collect and transport more than 200 pounds of infectious waste in any one load; and to facilities that store, treat, or dispose of infectious waste. Also, the rule is changed to specify a procedure to verify and approve alternative methods that may be proposed to render wastes noninfectious.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-105

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: Portions of the rule are clarified and no requirements are changed. Therefore, no cost or savings impact to the State budget is expected.
❖ LOCAL GOVERNMENTS: Portions of the rule are clarified and no requirements are changed. Therefore, no cost or savings impact to local governments is expected.
❖ OTHER PERSONS: Portions of the rule are clarified and no requirements are changed. Therefore, no cost or savings impact to other persons is expected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since portions of the rule are clarified and no requirements are changed, compliance costs for affected persons are expected to remain the same as those required by current statute or rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since portions of the rule are clarified and no requirements are actually changed, no fiscal impact beyond that required by current statute or rule is expected for businesses. Dianne R. Neilson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-316. Infectious Waste Requirements.
R315-316-1. Applicability.

(1) The standards of [~~this rule~~]Rule R315-316 apply to:

(a) any health facility as defined by Subsection 19-6-102(10) that generates more than 200 pounds, per month, of infectious waste as defined by Subsection 19-6-102(12);[~~ and~~]

(b) any[~~ infectious waste~~] transporter that collects and transports more than 200 pounds of infectious waste in any one load; and

(c) [~~or~~]a storage, treatment, or disposal facility.

(2) The standards of [~~this rule~~]Rule R315-316 do not apply to a health facility that generates 200 pounds, or less, of infectious waste per month.

(3) All material that has been rendered non-infectious may be handled as non-infectious waste, provided it is not an otherwise regulated hazardous or radioactive waste and is not subject to the requirements of Rule R315-316.

(a) Except for incineration and steam sterilization, no treatment method may be used to render materials non-infectious without receiving approval from the Executive Secretary.

(b) Prior to its use, the Executive Secretary shall make a determination, on a site specific basis, that the proposed treatment method renders materials non-infectious.

(c) The determination shall be based on the results of laboratory tests, submitted by the person proposing the use of the treatment method, meeting the following requirements:

(i) the laboratory tests shall be conducted:

(A) by qualified laboratory personnel;

(B) using recognized microbial techniques;

(C) on samples that have been inoculated with the test organisms, then subjected to the proposed treatment method and processed the same way as will be used in the treatment process if approved; and

(ii) the results of the tests must document that the proposed treatment method inactivates:

(A) vegetative bacteria - Staphylococcus aureus (ATCC 6538) or Pseudomonas aeruginosa (ATCC 15442) at a 6 Log_{10} reduction or greater (a 99.9999% reduction or greater of the organism population);

(B) fungi - Candida albicans (ATCC 18804), Penicillium chrysogenum (ATCC 24791), or Aspergillus niger at a 6 Log_{10} reduction or greater;

(C) viruses - Polio 2, Polio 3, or MS-2 Bacteriophage (ATCC15597-B1) at a 6 Log_{10} reduction or greater;

(D) parasites - Cryptosporidium spp. oocysts or Giardia spp. cysts at a 6 Log_{10} reduction or greater;

(E) mycobacteria - Mycobacterium terrae, Mycobacterium phlei, or Mycobacterium bovis (BCG) (ATCC 35743) at a 6 Log_{10} reduction or greater; and

(B) Bacterial spores - Bacillus stearothermophilus spores (ATCC 7953) or Bacillus subtilis spores (ATCC 19659) at a 4 Log_{10} reduction or greater (a 99.99% reduction or greater of the organism population).

(iii) The Executive Secretary shall review the submitted materials and reply in writing within 30 days of the receipt of the submittal.

R315-316-5. Infectious Waste Treatment and Disposal Requirements.

(1) Infectious waste shall be treated or disposed as soon as possible but not to exceed 30 days after generation, and shall be treated or disposed at a facility with a permit or other form of approval allowing the facility to treat or dispose infectious waste.

(2) Infectious waste may be incinerated in an incinerator.

(a) The incinerator shall comply with the requirements of Rule R315-306 and provide complete combustion of the waste to carbonized or mineralized ash.

(b) A composite sample of the ash and residues from the incinerator shall be taken at least once each year. The sample shall be analyzed by the U.S. EPA Test Method 1311 as provided in 40 CFR Part 261, Appendix II, 1991 ed., Toxic Characteristics Leaching Procedure (TCLP) on parameters determined by the Executive Secretary to determine if it is a hazardous waste. If hazardous, it shall be managed by applicable state regulations.

(3) Infectious waste may be sterilized by heating in a steam sterilizer to render the waste non-infectious.

(a) The operator shall have available and shall certify in writing that he understands written operating procedures for each steam sterilizer, including time, temperature, pressure, type of waste, type of container, closure on container, pattern of loading, water content, and maximum load quantity.

(b) Infectious waste shall be subjected to sufficient temperature, pressure and time to [~~kill Bacillus stearothermophilus~~]inactivate Bacillus stearothermophilus spores in the center of the waste load[~~ being decontaminated~~] at a 6 Log_{10} reduction or greater.

(c) Unless a steam sterilizer is equipped to continuously monitor and record temperature and pressure during the entire length of each sterilization cycle, each package of infectious waste to be sterilized shall have a temperature sensitive tape or equivalent test material, such as chemical indicators, attached that will indicate if the sterilization temperature and pressure have been reached. Waste shall not be considered sterilized if the tape or equivalent indicator fails to indicate that a temperature of at least 250 degrees Fahrenheit (121 degrees Celsius) was reached during the process.

(d) Each sterilization unit shall be evaluated for effectiveness with spores of [~~B. stearothermophilus~~]B. stearothermophilus at least once each 40 hours of operation or each week, whichever is less.

(e) A written log for each load shall be maintained for each sterilization unit which shall contain at a minimum:

(i) the time of day, date, and operator's name;

(ii) the amount and type of infectious waste placed in the sterilizer; and

(iii) the temperature and duration of treatment.

(4) Infectious waste may be discharged to a sewage treatment system that provides secondary treatment of waste but only if the waste is liquid or semi-solid and if approved by the operator of the sewage treatment system.

(5) Infectious waste may be disposed in a permitted Class I, II, or V Landfill. Upon entering the landfill, the transporter of infectious waste shall notify the landfill operator that the load contains infectious waste. The landfill operator shall abide by the following procedures in the disposition and covering of infectious waste:

(a) place the infectious waste containers at the bottom of the working face with sufficient care to avoid breaking them;

(b) completely cover the infectious waste immediately with a minimum of 12 inches of earth or waste material containing no infectious waste; and

(c) not compact the infectious waste until completely covered with 12 inches of earth or waste material containing no infectious waste.[

~~(6) Other treatment or disposal methods may be used for infectious waste upon approval by the Executive Secretary.~~]

KEY: solid waste management, waste disposal
[~~July 1, 2001~~]2003
Notice of Continuation March 14, 2003
19-6-105

▼ ▼

Environmental Quality, Solid and Hazardous Waste
R315-318
Permit by Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26562
FILED: 08/15/2003, 09:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: All references to dates have been removed from the definitions of the terms "existing facility" and "new facility." However, with respect to granting a permit by rule, it is appropriate to use the date when Rules R315-301 through R315-320 became effective. Therefore, the rule is changed to remove the terms "existing facility" and "new facility" and refer to facilities as being in operation prior to, or after, the effective date of the rules (July 15, 1993). Also, since U.S. Environmental Protection Agency (EPA) regulations and Utah Division of Environmental Response and Remediation rules allow certain underground storage tanks to be closed in place, the rule is changed to allow these underground storage tanks, if closed according to the requirements, to be permitted by rule.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to remove the terms "existing facility" and "new facility" and replace them with a facility that was in operation prior to July 15, 1993, and a facility that began operation after July 15, 1993. Also, the rule is changed to allow certain underground storage tanks that are closed in place to be permitted by rule upon meeting specified conditions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, and 19-6-108

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: A State agency that has an underground storage tank that can meet the requirements for in place closure may experience a decrease in closure cost. The aggregate anticipated savings to the State budget cannot be estimated. The other changes in the rule will cause no cost or savings impact to the State budget.

❖ LOCAL GOVERNMENTS: A local government that has an underground storage tank that can meet the requirements for in place closure may experience a decrease in closure cost. The aggregate anticipated savings to local governments cannot be estimated. The other changes in the rule will cause no cost or savings impact to local governments.

❖ OTHER PERSONS: Other persons that have underground storage tanks that can meet the requirements for in place closure may experience a decrease in closure cost. The aggregate anticipated savings to other persons cannot be estimated. The other changes in the rule will cause no cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for affected persons who own certain underground storage tanks that can be closed in place may decrease. The decrease in costs will result from the closure of certain underground storage tanks being permitted by rule rather than being required to complete the permitting process for a solid waste disposal facility. The amount of cost savings to the owner of these underground storage tanks cannot be estimated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses that own underground storage tanks that can be closed in place should experience a reduction in closure costs as a result of being allowed to be permitted by rule. Dianne R. Neilson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-318. Permit by Rule.
R315-318-1. General Requirements.

(1) Any facility that disposes of solid waste, including incinerators, may be permitted by rule upon application to the Executive Secretary if the Executive Secretary determines the facility is regulated by Federal or state agencies which have regulations or rules as stringent as, or more stringent than, Rules R315-301 through R315-320.

(2) No permit by rule may be granted to a [~~new facility, as defined by Subsection R315-301-2(47) or R315-304-3(4), as appropriate,~~]facility that began receiving waste after July 15, 1993 without application to the Executive Secretary.

(3) Any facility permitted by rule is not required to obtain a permit or comply with any other provisions of Rules R315-301 through R315-320 except where operation of the facility may endanger human health or the environment or otherwise violate the provisions of the Solid and Hazardous Waste Act.

R315-318-2. Facilities Permitted by Rule.

(1) The following [~~existing facilities, as defined by Subsection R315-301-2(21) or R315-304-3(3), as appropriate,~~]facilities that began receiving waste prior to July 15, 1993 are permitted by rule:

[~~(1)~~](a) solid waste disposal and incineration facilities which are required to operate under the conditions of a state or Federal hazardous waste permit or plan approval;

[~~(2)~~](b) disposal operations or activities which are required to operate under the conditions of a Utah Division of Oil, Gas, and Mining permit or plan approval;

[~~(3)~~](c) non-commercial underground injection facilities regulated by the Utah Division of Water Quality; and

[~~(4)~~](d) disposal operations or activities which accept only radioactive waste and are required to operate under the conditions of a Utah Division of Radiation Control permit or plan approval.

(2) An underground storage tank, as defined by 40 CFR 280.12 and Subsection R311-200-1(43), that by meeting the requirements specified in 40 CFR 280.71(b) and Section R311-204-3, is closed in place, may be permitted by rule after meeting the following conditions:

(a) the owner of the underground storage tank shall notify the Executive Secretary of the in place closure; and

(b) the owner of the underground storage tank shall provide documentation to the Executive Secretary that the requirements of Subsection R315-302-2(6) have been met.

KEY: solid waste management, waste disposal
[~~May 5, 1999~~]2003
Notice of Continuation March 14, 2003
19-6-104
19-6-105
19-6-108

▼ ▼

Environmental Quality, Solid and Hazardous Waste
R315-320
Waste Tire Transporter and Recycler Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26563
FILED: 08/15/2003, 09:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to clarify the definition of one term and to remove the definitions of three terms from the rule. The definitions of these three terms are contained in Section 19-6-803 of the Waste Tire Recycling Act and are not needed in the rule. Also, the requirements for the disposal of waste tires and materials derived from waste tires in a landfill are clarified.

SUMMARY OF THE RULE OR CHANGE: The definition of the term "demonstrated market" or "market" is clarified. Since the definitions to the terms "crumb rubber," "shredded tires," and "waste tire recycler" are contained in the Waste Tire Recycling Act, these definitions are removed from the rule. Also, the requirements for disposing of waste tires and materials derived from waste tires at a landfill are clarified.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-819

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The requirements of the rule are clarified and not changed and the oversight and enforcement of the rule will not change. Therefore, there is no anticipated cost or savings impact to the State budget.
❖ LOCAL GOVERNMENTS: The requirements of the rule are clarified and not changed. Therefore, there is no cost or savings impact anticipated for local governments.
❖ OTHER PERSONS: The requirements of the rule are clarified and not changed. Therefore, there is no cost or savings impact anticipated for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the requirements of the rule are clarified and not actually changed, it is anticipated that affected persons will experience no additional compliance costs beyond that required by current rule or statue.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since the requirements of the rule are clarified and not actually changed, it is anticipated that businesses will experience no additional fiscal impact beyond that required by current rule or statue. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl Wadsworth at the above address, by phone at 801-538-6769, by FAX at 801-538-6715, or by Internet E-mail at cwadsworth@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/15/2003

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-320. Waste Tire Transporter and Recycler Requirements.
R315-320-2. Definitions.

Terms used in Rule R315-320 are defined in Sections R315-301-2 and 19-6-803. In addition, for the purpose of Rule R315-320, the following definitions apply:[

~~(1) "Crumb rubber" means waste tires that have been ground, shredded or otherwise reduced in size such that the particles are less than or equal to 3/8 inch in diameter and are 98% wire free by weight.~~]

[~~(2)~~](1) "Demonstrated market" or "market" means the legal transfer of ownership of material derived from waste tires between a willing seller and a willing buyer meeting the following conditions:

(a) total control of the material derived from waste tires is transferred from the seller to the buyer;

(b) the transfer of ownership and control is an "arms length transaction" between a seller and a buyer who have no other business relationship or responsibility to each other;

(c) the transaction is done under contract which is documented and verified by orders, invoices, and payments; and

(d) the transaction is at a price dictated by current economic conditions.

(e) the possibility or potential of sale does not constitute a demonstrated market.[~~exists when an "arms length transaction" has been completed and documented which meets the following conditions:~~

~~(a) the transaction must be between a willing seller and a willing buyer who have no other business relationship or responsibility to each other; and~~

~~(b) the transaction is for reasonable quantity of material derived from waste tires at a price dictated by current economic conditions.~~

~~(c) The potential for sale or the possibility of sale does not constitute the demonstration of a market.~~

~~(3) "Shredded Tires" means waste tires that have been reduced in size so that the greatest dimension of a minimum of 60 percent, by weight, of the pieces is no more than six inches and the greatest dimension of any piece is no more than 12 inches.~~]

[~~(4)~~](2) "Vehicle identification number" means the identifying number assigned by the manufacturer or by the Utah Motor Vehicle Division of the Utah Tax Commission for the purpose of identifying the vehicle.

[~~(5)~~](3) "Waste tire generator" means a person, an individual, or an entity that may cause waste tires to enter the waste stream. A waste tire generator may include:

(a) a tire dealer, a car dealer, a trucking company, an owner or operator of an auto salvage yard, or other person, individual, or entity that removes or replaces tires on a vehicle[~~ other than their personal vehicle~~]; or

(b) a tire dealer, a car dealer, a trucking company, an owner or operator of an auto salvage yard, a waste tire transporter, a waste tire recycler, a waste tire processor, a waste tire storage facility, or a disposal facility that receives waste tires from a person, an individual, or an entity.[

~~(6) "Waste tire recycling" or "recycling" means:~~

~~(a) the burning of waste tires or material derived from waste tires as a fuel for energy recovery; or~~

~~(b) the manufacture or creation of an ultimate product that has a demonstrated market where material derived from waste tires is used as a raw material in the manufacture or creation of the ultimate product.~~

~~(c) Waste tire recycling does not include ultimate products that:~~

~~(i) are used in a beneficial use; or~~

~~(ii) do not have a demonstrated market.~~]

R315-320-3. Landfilling of Waste Tires and Material Derived from Waste Tires.

(1) Disposal of waste tires or material derived from waste tires is prohibited except as allowed by Subsection R315-320-3(2) or (3).

[~~(1)~~](2) Landfilling of Whole Tires. [~~Except for tires from devices moved exclusively by human power and tires with a rim diameter greater than 24.5 inches, an individual, including a waste tire transporter, may not dispose of more than four whole tires at one time in a landfill.~~]A landfill may not receive whole waste tires for disposal except as follows:

(a) waste tires delivered to a landfill no more than four whole tires at one time by an individual, including a waste tire transporter; or

(b) waste tires from devices moved exclusively by human power; or

(c) waste tires with a rim diameter greater than 24.5 inches.

[~~(2)~~](3) Landfilling of Material Derived from Waste Tires.

(a) [~~An individual, including a waste tire transporter, may dispose of material derived from waste tires in a~~]A landfill, which has a permit issued by the Executive Secretary, may receive material derived from waste tires for disposal.

(b) Except for the beneficial use of material derived from waste tires at a landfill, material derived from waste tires shall be disposed in a separate landfill cell that is designed and constructed, as approved by the Executive Secretary, to keep the material in a clean and accessible condition so that it can reasonably be retrieved from the cell for future recycling.

[~~(3)~~](4) Reimbursement for Landfilling Shredded Tires.

(a) The owner or operator of a permitted landfill may apply for reimbursement for landfilling shredded tires as specified in Subsection R315-320-6(1).

(b) To receive the reimbursement, the owner or operator of the landfill must meet the following conditions:

(i) the waste tires shall be shredded;

(ii) the shredded tires shall be stored in a segregated cell or other landfill facility that ensures the shredded tires are in a clean and accessible condition so that they can be reasonably retrieved and recycled at a future time; and

(iii) the design and operation of the landfill cell or other landfill facility has been reviewed and approved by the Executive Secretary prior to the acceptance of shredded tires.

[~~(4)~~](5) Violation of Subsection R315-320-3(1), (2), or (3) is subject to enforcement proceedings and a civil penalty as specified in Subsection 19-6-804(4).

R315-320-4. Waste Tire Transporter Requirements.

(1) Each waste tire transporter who transports waste tires within the state of Utah must apply for, receive and maintain a current waste tire transporter registration certificate from the Executive Secretary.

(2) Each applicant for registration as a waste tire transporter shall complete a waste tire transporter application form provided by the Executive Secretary and provide the following information:

(a) business name;

(b) address to include:

(i) mailing address; and

(ii) site address if different from mailing address;

(c) telephone number;

(d) list of vehicles used including the following:

(i) description of vehicle;

(ii) license number of vehicle;

(iii) vehicle identification number; and

(iv) name of registered owner;

(e) name of business owner;

(f) name of business operator;

(g) list of sites to which waste tires are to be transported;

(h) liability insurance information as follows:

(i) name of company issuing policy;

(ii) amount of liability insurance coverage; and

(iii) term of policy.

(3) A waste tire transporter shall demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising form transporting waste tires. The waste tire transporter shall have and maintain liability coverage for sudden or nonsudden accidental occurrences in the amount of $300,000.

(4) A waste tire transporter shall notify the Executive Secretary of:

(a) any change in liability insurance coverage within 5 working days of the change; and

(b) any other change in the information provided in Subsection R315-320-4(2) within 20 days of the change.

(5) A registration certificate will be issued to an applicant following the:

(a) completion of the application required by Subsection R315-320-4(2);

(b) presentation of proof of liability coverage as required by Subsection R315-320-4(3); and

(c) payment of the fee as [~~required~~]established by the Annual Appropriations Act.

(6) A waste tire transporter registration certificate is not transferable and shall be issued for the term of one year.

(7) If a waste tire transporter is required to be registered by a local government or a local health department:

(a) the waste tire transporter [~~shall pay~~]may be assessed an annual registration fee [~~to~~]by the local government or the local health department not to exceed to the following schedule:

(i) for one through five trucks, $50; and

(ii) $10 for each additional truck;

(b) the Executive Secretary shall issue a non-transferable registration certificate upon the applicant meeting the requirements of Subsections R315-320-4(2) and (3) and shall not require the payment of the fee specified in Subsection R315-320-4(5)(c), if the fee allowed in Subsection R315-320-4(7)(a) is assessed; and

(c) the registration certificate shall be valid for one year.

(8) Waste tire transporters storing tires in piles must meet the requirements of Rule R315-314.

(9) Reporting Requirements.

(a) Each waste tire transporter shall submit a quarterly activity report to the Executive Secretary. The activity report shall be submitted on or before the 30th of the month following the end of each quarter.

(b) The activity report shall contain the following information:

(i) the number of waste tires collected at each waste tire generator, including the name, address, and telephone number of the waste tire generator;

(ii) the number of tires shall be listed by the type of tire based on the following:

(A) passenger/light truck tires or tires with a rim diameter of 19.5 inches or less;

(B) truck tires or tires ranging in size from 7.50x20 to 12R24.5; and

(C) other tires such as farm tractor, earth mover, motorcycle, golf cart, ATV, etc.

(iii) the number or tons of waste tires shipped to each waste tire recycler or processor for a waste tire recycler, including the name, address, and telephone number of each recycler or processor;

(iv) the number of tires shipped as used tires to be resold;

(v) the number of waste tires placed in a permitted waste tire storage facility; and

(vi) the number of tires disposed in a permitted landfill, or put to other legal use.

(c) The activity report may be submitted in electronic format.

(10) Revocation of Registration.

(a) The registration of a waste tire transporter may be revoked upon the Executive Secretary finding that:

(i) the activities of the waste tire transporter that are regulated under Section R315-320-4 have been or are being conducted in a way that endangers human health or the environment;

(ii) the waste tire transporter has made a material misstatement of fact in applying for or obtaining a registration as a waste tire transporter or in the quarterly activity report required by Subsection R315-320-4(9);

(iii) the waste tire transporter has provided a recycler with a material misstatement of fact which the recycler subsequently used as documentation in a request for partial reimbursement under Section 19-6-813;

(iv) the waste tire transporter has violated any provision of the Waste Tire Recycling Act, Title 19 Chapter 6, or any order, approval, or rule issued or adopter under the Act;

(v) the waste tire transporter failed to meet or no longer meets the requirements of Section R315-320-4;

(vi) the waste tire transporter has been convicted under Subsection 19-6-822; or

(vii) the waste tire transporter has had the registration from a local government or a local health department revoked.

(b) Registration will not be revoked for submittal of incomplete information required for registration or a reimbursement request if the error was not a material misstatement.

(c) For purposes of Subsection R315-320-4(10)(a), the statements, actions, or failure to act of a waste tire transporter shall include the statements, actions, or failure to act of any officer, director, agent or employee of the waste tire transporter.

(d) The administrative procedures set forth in Rule R315-12 shall govern revocation of registration.

R315-320-5. Waste Tire Recycler Requirements.

(1) Each waste tire recycler requesting the reimbursement allowed by Subsection 19-6-809(1), must apply for, receive, and maintain a current waste tire recycler registration certificate from the Executive Secretary.

(2) Each applicant for registration as a waste tire recycler shall complete a waste tire recycler application form provided by the Executive Secretary and provide the following information:

(a) business name;

(b) address to include:

(i) mailing address; and

(ii) site address if different from mailing address;

(c) telephone number;

(d) owner name;

(e) operator name;

(f) description of the recycling process;

(g) proof that the recycling process described in Subsection R315-320-5(2)(f) is being conducted at the site or that the recycler has the ability to conduct the process at the site;

(h) estimated number of tires to be recycled each year; and

(i) liability insurance information as follows:

(i) name of company issuing policy;

(ii) proof of the amount of liability insurance coverage; and

(iii) term of policy.

(3) A waste tire recycler shall demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising from storing and recycling waste tires. The waste tire recycler shall have and maintain liability coverage for sudden or nonsudden accidental occurrences in the amount of $300,000.

(4) A waste tire recycler shall notify the Executive Secretary of:

(a) any change in liability insurance coverage within 5 working days of the change; and

(b) any other change in the information provided in Subsection R315-320-5(2) within 20 days of the change.

(5) A registration certificate will be issued to an applicant following the:

(a) completion of the application required by Subsection R315-320-5(2);

(b) presentation of proof of liability coverage as required by Subsection R315-320-5(3); and

(c) payment of the fee as [~~required~~]established by the Annual Appropriations Act.

(6) A waste tire recycler registration certificate is not transferable and shall be issued for a term of one year.

(7) If a waste tire recycler is required to be registered by a local government or a local health department:

(a) the waste tire recycler [~~shall pay~~]may be assessed an annual registration fee [~~to~~]by the local government or local health department according to the following schedule:

(i) if up to 200 tons of waste tires are recycled per day, the fee shall not exceed $300;

(ii) if 201 to 700 tons of waste tires are recycled per day, the fee shall not exceed $400; or

(iii) if over 700 tons of waste tires are recycled per day, the fee shall not exceed $500.

(b) The Executive Secretary shall issue a non-transferable registration certificate upon the applicant meeting the requirements of Subsections R315-320-5(2) and (3) and shall not require the payment of the fee specified in Subsection R315-320-5(5)(c), if the fee allowed by Subsection R315-320-5(7)(a) is assessed.

(c) The registration certificate shall be valid for one year.

(8) Waste tire recyclers must meet the requirements of Rule R315-314 for waste tires stored in piles.

(9) Revocation of Registration.

(a) The registration of a waste tire recycler may be revoked upon the Executive Secretary finding that:

(i) the activities of the waste tire recycler that are regulated under Section R315-320-5 have been or are being conducted in a way that endangers human health or the environment;

(ii) the waste tire recycler has made a material misstatement of fact in applying for or obtaining a registration as a waste tire recycler;

(iii) the waste tire recycler has made a material misstatement of fact in applying for partial reimbursement under Section 19-6-813;

(iv) the waste tire recycler has violated any provision of the Waste Tire Recycling Act, Title 19 Chapter 6, or any order, approval, or rule issued or adopted under the Act;

(v) the waste tire recycler has failed to meet or no longer meets the requirements of Subsection R315-320-5(1);

(vi) the waste tire recycler has been convicted under Subsection 19-6-822; or

(vii) the waste tire recycler has had the registration from a local government or a local health department revoked.

(b) Registration will not be revoked for submittal of incomplete information required for registration or a reimbursement request if the error was not a material misstatement.

(c) For purposes of Subsection R315-320-5(9)(a), the statements, action, or failure to act of a waste tire recycler shall include the statements, actions, or failure to act of any officer, director, agent, or employee of the waste tire recycler.

(d) The administrative procedures set forth in Rule R315-12 shall govern revocation of registration.

R315-320-6. Reimbursement for Recycling Waste Tires.

(1) No partial reimbursement request submitted by a waste tire recycler for the first time, or the first time a specific recycling process or a beneficial use activity is used, shall be approved by a local health department under Section 19-6-813 until the local health department has received from the Executive Secretary a written certification that the Executive Secretary has determined the processing of the waste tires [~~to be~~]is recycling or a beneficial use. If the reimbursement request contains sufficient information, the Executive Secretary shall make the recycling or beneficial use determination and notify the local health department in writing within 15 days of receiving the request for determination.

(2) No partial reimbursement may be requested or paid for waste tires that were generated in Utah and recycled at an out-of-state location except as allowed by Subsection 19-6-809(1)(a)(ii)(C) or (D).

(3) In addition to any other penalty imposed by law, any person who knowingly or intentionally provides false information required by Section R315-320-5 or Section R315-320-6 shall be ineligible to receive any reimbursement and shall return to the Division of Finance any reimbursement previously received that was obtained through the use of false information.

R315-320-7. Reimbursement for the Removal of an Abandoned Tire Pile or a Tire Pile at a Landfill Owned by a Governmental Entity.

(1) A county or municipality applying for payment for removal of an abandoned tire pile or a tire pile at a county or municipal owned landfill shall meet the requirements of Section 19-6-811.

(2) Determination of Reasonability of a Bid.

(a) The following items shall be submitted to the Executive Secretary when requesting a determination of reasonability of a bid as specified in Subsections 19-6-811(3) and (4):

(i) a copy of the bid;

(ii) a letter from the local health department stating that the tire pile is abandoned or that the tire pile is at a landfill owned or operated by a governmental entity; and

(iii) a written statement from the county or municipality that the bidding was conducted according to the legal requirements for competitive bidding.

(b) The Executive Secretary will review the submitted documentation in accordance with Subsection 19-6-811(4) and will inform the county or municipality if the bid is reasonable.

(c) A determination of reasonability of the bid will be made and the county or municipality notified within[~~s~~] 30 days of receipt of the request by the Executive Secretary.

(d) A bid determined to be unreasonable shall not be deemed eligible for reimbursement.

(3) If the Executive Secretary determines that the bid to remove waste tires from an abandoned waste tire pile or from a waste tire pile at a landfill owned or operated by a governmental entity is reasonable and that there are sufficient monies in the trust fund to pay the expected reimbursements for the transportation, recycling, or beneficial use under Section 19-6-809 during the next quarter, the Executive Secretary may authorize a maximum reimbursement of:

(a) 100% of a waste tire transporter's or recycler's costs allowed under Subsection 19-6-811(2) to remove the waste tires from the waste tire pile and deliver the waste tires to a recycler if no waste tires have been added to the waste tire pile after June 30, 2001; or

(b) 60% of a waste tire transporter's or recycler's costs allowed under Subsection 19-6-811(2) to remove the waste tires from the waste tire pile and deliver the waste tires to a recycler if waste tires have been added to the waste tire pile after June 30, 2001.

KEY: solid waste management, waste disposal
[~~July 1, 2001~~]2003
Notice of Continuation March 12, 1999
19-6-105
19-6-819

▼ ▼

Financial Institutions, Administration
R331-25
Rule Governing Debt Cancellation and Debt Suspension Agreements Issued by Depository Institutions, Who Are Under the Jurisdiction of the Department of Financial Institutions

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 26536
FILED: 08/06/2003, 15:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: With the passage of S.B. 177, during the 2003 General Session of the Utah Legislature, in order for state-chartered depository institutions to be authorized to offer debt cancellation and debt suspension agreements, the Department of Financial Institutions must adopt a rule substantially similar to federal regulation. (DAR NOTE: S.B. 177 is found at UT L 2003 Ch 75, and was effective May 5, 2003.)

SUMMARY OF THE RULE OR CHANGE: The new rule authorizes state chartered depository institutions under the jurisdiction of the Department of Financial Institutions to offer debt cancellation and debt suspension agreements. The rule requires depository institutions to make disclosures to their customers and obtain written acknowledgments that they have received the disclosures and written elections. The rule limits certain practices by depository institutions in connection with debt cancellation and debt suspension agreements. The rule requires depository institutions to manage the risks associated with debt cancellation and debt suspension agreements in accordance with safe and sound practices.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 7-1-324(2)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No impact on the State budget as compliance to the rule affects the financial institutions not the department.

❖ LOCAL GOVERNMENTS: The rule does not affect local government, therefore there are no costs or savings to local governemnts.

❖ OTHER PERSONS: In order for state-chartered depository institutions to be authorized to offer debt cancellation and debt suspension agreements, they must comply with the rule. Not all state-chartered depository institutions will want to offer these products. Those institutions that choose to offer debt cancellation and debt suspension agreements will be required by the rule to appropriately provision for any losses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: In order for state-chartered depository institutions to be authorized to offer debt cancellation and debt suspension agreements, they must comply with the rule. Not all state-chartered depository institutions will want to offer these products. Those institutions that choose to offer debt cancellation and debt suspension agreements will be required by the rule to appropriately provision for any losses.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In order for state-chartered depository institutions to be authorized to offer debt cancellation and debt suspension agreements they must comply with the rule. Not all state-chartered depository institutions will want to offer these products. Those institutions that choose to offer debt cancellation and debt suspension agreements will be required by the rule to appropriately provision for any losses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

FINANCIAL INSTITUTIONS
ADMINISTRATION
Room 201
324 S STATE ST
SALT LAKE CITY UT 84111-2393, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Paul Allred at the above address, by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at PALLRED@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Edward Leary, Commissioner

R331. Financial Institutions, Administration.

R331-25. Rule Governing Debt Cancellation and Debt Suspension Agreements Issued by Depository Institutions, Who Are Under the Jurisdiction of the Department of Financial Institutions.

R331-25-1. Authority, Scope and Purpose.

(1) This rule is issued pursuant to Section 7-1-324(2).

(2) This rule governs the issuance of a debt cancellation agreement or debt suspension agreement by a depository institution under the jurisdiction of the Department of Financial Institutions.

(3) This rule establishes uniform rules for debt cancellation and debt suspension agreements by depository institutions subject to the jurisdiction of the department and minimum standards of disclosure to protect the public interest.

R331-25-2. Definitions.

(1) "Actuarial method" means the method of allocating payments made on a debt between the amount financed and the finance charge pursuant to which a payment is applied first to the accumulated finance charge and any remainder is subtracted from, or any deficiency is added to, the unpaid balance of the amount financed.

R331-25-3. Refunds of Fees in the Event of Termination or Prepayment of the Covered Loan.

(1) Refunds. If a debt cancellation agreement or debt suspension agreement is terminated (including, for example, when the customer prepays the covered loan), the depository institution shall refund to the customer any unearned fees paid for the agreement unless the agreement provides otherwise. A depository institution may offer a customer an agreement that does not provide for a refund only if the depository institution also offers that customer a bona fide option to purchase a comparable agreement that provides a refund.

(2) Method of calculating refund. The depository institution shall calculate the amount of a refund using a method at least as favorable to the customer as the actuarial method.

(3) Method of payment of fees. Except as provided in R331-25-6(3)(b), a depository institution may offer a customer the option of paying the fee for an agreement in a single payment, provided the depository institution also offers the customer a bona fide option of paying the fee for that agreement in monthly or other periodic payments. If the depository institution offers the customer the option to finance the single payment by adding it to the amount the customer is borrowing, the depository institution must also disclose to the customer, in accordance with R331-25-4, whether and, if so, the time period during which, the customer may cancel the agreement and receive a refund.

R331-25-4. Disclosures.

(1) Content of short form of disclosures. The short form of disclosures required by this rule must include:

(a) a statement that the purchase of the agreement is optional and whether or not the consumer purchases the agreement will have no effect on their application for credit or the terms of any existing credit agreement;

(b) a statement that the consumer may choose to pay the fee in a single lump sum or in monthly/quarterly payments and a disclosure that adding a lump sum of the fee to the amount borrowed will increase the cost of the agreement;

(c) a statement that the consumer may choose an agreement with or without a refund provision and that the prices are likely to differ;

(d) a statement that the depository institution will provide additional information before the consumer is required to pay for the agreement.

(2) Content of long form of disclosures. The long form of disclosures required by this rule must include:

(a) a statement that the purchase of the agreement is optional and whether or not the consumer purchases the agreement will have no effect on their application for credit or the terms of any existing credit agreement;

(b) an explanation that a debt suspension agreement means that the duty to pay the loan principal and interest to the depository institution or industrial loan company is only suspended and does not cancel the obligation if the agreement is activated;

(c) a statement describing the total fee for the agreement and that the consumer may choose to pay the fee in a single lump sum or in monthly/quarterly payments and a disclosure that adding a lump sum of the fee to the amount borrowed will increase the cost of the agreement plus the formula used to compute any monthly or quarterly fee payment;

(d) a statement that the consumer may choose an agreement with or without a refund provision and that the prices are likely to differ;

(e) a statement explaining the circumstances under which the consumer or the depository institution can terminate the agreement if termination is permitted during the life of the loan.

(3) Disclosure requirements; timing and method of disclosures.

(a) Short form disclosures: The depository institution shall make the short form disclosures orally at the time the depository institution first solicits the purchase of an agreement.

(b) Long form disclosures: The depository institution shall make the long form disclosures in writing before the customer completes the purchase of the agreement. If the initial solicitation occurs in person, then the depository institution shall provide the long form disclosures in writing at that time.

(c) Transactions by telephone: If the agreement is solicited by telephone, the depository institution shall provide the short form disclosures orally and shall mail the long form disclosures, and, if appropriate, a copy of the agreement to the customer within 3 business days, beginning on the first business day after the telephone solicitation.

(d) Solicitations using written mail inserts or "take one" applications: If the agreement is solicited through written materials such as mail inserts or "take one" applications, the depository institution may provide only the short form disclosures in the written materials if the depository institution mails the long form disclosures to the customer within 3 business days, beginning on the first business day after the customer contacts the depository institution to respond to the solicitation, subject to the requirements of R331-25-5(3).

(e) Electronic transactions: The disclosures described in this section may be provided through electronic media in a manner consistent with the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq.

(4) Form of disclosures.

(a) Readily Understandable: The disclosures required by this section must be conspicuous, simple, direct, readily understandable, and designed to call attention to the nature and significance of the information provided.

(b) Meaningful: The disclosures required by this section must be in a meaningful form. Examples of methods that could call attention to the nature and significance of the information provided include:

(i) A plain-language heading to call attention to the disclosures;

(ii) A typeface and type size that are easy to read;

(iii) Wide margins and ample line spacing;

(iv) Boldface or italics for key words; and

(v) Distinctive type style, and graphic devices, such as shading or sidebars, when the disclosures are combined with other information.

(5) Advertisements and other promotional material for debt cancellation agreements and debt suspension agreements. The short form disclosures are required for advertisements and promotional material for agreements unless the advertisements and promotional materials are of a general nature describing or listing the services or products offered by the depository institution.

R331-25-5. Affirmative Election to Purchase and Acknowledgment of Receipt of Disclosures.

(1) Affirmative election and acknowledgment of receipt of disclosures. Before entering into an agreement the depository institution must obtain a customer's written affirmative election to purchase an agreement and written acknowledgment of receipt of the disclosures required by R331-25-4(2). The election and acknowledgment information must be conspicuous, simple, direct, readily understandable, and designed to call attention to their significance. The election and acknowledgment satisfy these standards if they conform with the requirements in R331-25-4(2) of this rule.

(2) Telephone solicitations: If the sale of an agreement occurs by telephone, the customer's affirmative election to purchase may be made orally, provided the depository institution:

(a) Maintains sufficient documentation to show that the customer received the short form disclosures and then affirmatively elected to purchase the agreement;

(b) Mails the affirmative written election and written acknowledgment, together with the long form disclosures required by this subsection, to the customer within 3 business days after the telephone solicitation, and maintains sufficient documentation to show it made reasonable efforts to obtain the documents from the customer; and

(c) Permits the customer to cancel the purchase of the agreement without penalty within 30 days after the depository institution has mailed the long form disclosures to the customer.

(3) Solicitations using written mail inserts or "take one" applications: If the agreement is solicited through written materials such as mail inserts or "take one" applications and the depository institution provides only the short form disclosures in the written materials, then the depository institution shall mail the acknowledgment of receipt of disclosures, together with the long form disclosures required by this subsection, to the customer within 3 business days, beginning on the first business day after the customer contacts the depository institution or otherwise responds to the solicitation. The depository institution may not obligate the customer to pay for the agreement until after the depository institution has received the customer's written acknowledgment of receipt of disclosures unless the depository institution:

(a) Maintains sufficient documentation to show that the depository institution provided the acknowledgment of receipt of disclosures to the customer as required by this subsection;

(b) Maintains sufficient documentation to show that the depository institution made reasonable efforts to obtain from the customer a written acknowledgment of receipt of the long form disclosures; and

(c) Permits the customer to cancel the purchase of the agreement without penalty within 30 days after the depository institution has mailed the long form disclosures to the customer.

(4) Electronic election: The affirmative election and acknowledgment may be made electronically in a manner consistent with the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq.

R331-25-6. Prohibited Practices.

(1) A depository institution may not extend credit nor alter the terms or conditions of an extension of credit conditioned upon the customer entering into a debt cancellation agreement or debt suspension agreement with the depository institution.

(2) A depository institution may not engage in any practice or use any advertisement that could mislead or otherwise cause a reasonable person to reach an erroneous expectation with respect to information that must be disclosed under this rule.

(3) Prohibited contract terms. A depository institution may not offer debt cancellation agreements or debt suspension agreements that contain contract terms:

(a) Giving the depository institution the right unilaterally to modify the agreement unless:

(i) The modification is favorable to the customer and is made without additional charge to the customer; or

(ii) The customer is notified of any proposed change and is provided a reasonable opportunity to cancel the agreement without penalty before the change goes into effect; or

(b) Requiring a lump sum, single payment for the agreement payable at the outset of the agreement, where the debt subject to the agreement is a residential mortgage loan.

R331-25-7. Safety and Soundness Requirements.

A depository institution must manage the risks associated with debt cancellation agreements and debt suspension agreements in accordance with safe and sound banking principles. Accordingly, a depository institution must establish and maintain effective risk management and control processes over its debt cancellation agreements and debt suspension agreements. Such processes include appropriate recognition and financial reporting of income, expenses, assets and liabilities, and appropriate treatment of all expected and unexpected losses associated with the agreements. A depository institution also should assess the adequacy of its internal control and risk mitigation activities in view of the nature and scope of its debt cancellation agreement and debt suspension agreement programs.

KEY: financial institutions, debt cancellation, debt suspension
2003
7-1-324(2)

▼ ▼

Human Services, Aging and Adult Services

R510-104-9

Transfer of Funds

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26548
FILED: 08/13/2003, 14:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change brings the rule into compliance with the funding transfer changes permitted in the Older Americans Act (OAA) of 1965, as amended in 2000.

SUMMARY OF THE RULE OR CHANGE: Statewide transfers permitted between OAA Title III B and C awards are changed to not exceeed 30%, and transfers between Part C-1 and Part C-2 awards are changed to not exceed 40%.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-3-108

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There will be no effect upon State budget. The change permits changes in allowable shifts of Federal funds, but does not change the total amount of funds available within the Title III B and C awards.
❖ LOCAL GOVERNMENTS: The effect on local governments (Area Agencies on Aging) will be to provide additional flexibility in fund utilization within the Title III B and C programs.
❖ OTHER PERSONS: There will be no impact on other persons or clients, since the total funding available does not change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs since the total funding available does not change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change brings the State rule in alignment with the revisions made to the Federal Older Americans Act of 1965, as amended in 2000, and does not impact businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
AGING AND ADULT SERVICES
Room 325
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Mike Bednarek at the above address, by phone at 801-538-3922, by FAX at (n/a), or by Internet E-mail at mjbednarek@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/31/2003

AUTHORIZED BY: Robin Arnold-Williams, Executive Director

R510. Human Services, Aging and Adult Services.
R510-104. Nutrition Programs for the Elderly (NPE).
R510-104-9. Transfer of Funds.

Statewide transfers between OAA Title III B and C awards shall not exceed [~~20%~~]30%. Transfers between Part C-1 and Part C-2 awards shall not exceed [~~30%~~]40% of any one funding category unless the Division requests and receives written approval from the U.S. Department of Health and Human Services Assistant Secretary for Aging.

KEY: elderly, nutrition, home-delivered meals[~~*~~], congregate meals[~~*~~]
[~~November 1, 2000~~]2003
Notice of Continuation November 1, 2000
42 USC Section 3001
62A-3-104

▼ ▼

Natural Resources, Parks and Recreation

R651-614-4

Hunting Wildlife

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26542
FILED: 08/11/2003, 08:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment enables Parks and Recreation to enforce the Division of Wildlife's rules and regulations governing the Antelope Island bison hunt.

SUMMARY OF THE RULE OR CHANGE: This amendment protects the Division of Wildlife Resources (DWR) and Division of Parks and Recreation using a rule enabling both agencies authority to enforce DWR's rules and regulations governing the Antelope Island Bison Hunt. This rule would tie the required language to hunting of wildlife and enforcement of DWR's rules to the Division of Parks and Recreation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-11-17

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: This amendment only affects two state agencies (DWR and the Division of Parks and Recreation) who have responsibilities during the bison hunt and are cooperating in administering the rules and regulations of DWR. This amendment will tie the required language to hunting of wildlife and enforcement of DWR's rules to the Division of Parks and Recreation. There are no costs associated with this amendment since it is clarification.
❖ LOCAL GOVERNMENTS: This amendment only affects two state agencies who have responsibilities during the bison hunt and are cooperating in administering the rules and regulations of DWR. Therefore, there is no anticipated cost or savings to local government.
❖ OTHER PERSONS: If a person breaks a rule or regulation during the bison hunt, which is administered by DWR or the Division of Parks and Recreation, they would be subject to the penalty listed under that rule or regulation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no perceived compliance cost for any "person", as the Division of Parks and Recreation will be allowed under this rule amendment to enforce DWR's rules and regulations regarding the Antelope Island State Park bison hunt.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is being undertaken to coordinate rules/management practices between the two divisions. Management practices will continue to operate as usual (status quo); as a result, the department does not anticipate any fiscal impact to businesses or to the State of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
Room 116
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-538-7378, or by Internet E-mail at deeguess@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Dave Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.
R651-614. Fishing, Hunting and Trapping.
R651-614-4. Hunting Wildlife.

Hunting of any wildlife is prohibited within the boundaries of all park areas except those designated open as follows:

(1)(a) Antelope Island State Park - By special permit only

(b) Antelope Island permits to hunt bison shall be available, distributed and utilized consistent with the following statutes and rules of the Division of Wildlife Resources to the same extent as if the bison were considered wildlife: (1) Utah Code Sections 23-13-2; 23-19-1, 23-19-5; 23-19-6, 23-19-9(11), 23-19-11 and 23-20-27; (2)

Utah Administrative Code Sections R657-5-4, R657-5-8 through 12, R657-5-14 and 15, R657-5-24 and 25, R657-5-27 and 28, R657-5-34, R657-5-37, R657-5-53, R657-5-62, and Rules R657-12, R657-23, R657-32, R657-42, and R657-50.

(c) Subsection R651-614-4(1)(b) shall be applied retroactively only to the incorporation of Utah Administrative Code Sections R657-5-24, R657-5-25, R657-5-27, R657-5-34, and R657-5-37.

(2) Coral Pink Sand Dunes State Park - small game
(3) Deer Creek State Park - small game and waterfowl
(4) East Canyon State Park - small game
(5) Gunlock State Park - small game
(6) Huntington State Park - waterfowl
(7) Hyrum State Park - small game
(8) Jordanelle State Park - big and small game and waterfowl
(9) Minersville - waterfowl
(10) Quail Creek State Park - waterfowl
(11) Rockport State Park - waterfowl
(12) Scofield State Park - waterfowl
(13) Starvation State Park - big and small game
(14) Steinaker State Park - waterfowl, falconry between October 15 and April 14 annually.
(15) Pioneer Trail, Mormon Flat Unit - big and small game
(16) Wasatch Mountain State Park - big and small game
(17) Yuba State Park - small game

KEY: parks
[~~October 4, 1999~~]October 2, 2003
Notice of Continuation June 29, 1999
63-11-17(2)(b)

▼ ▼

Natural Resources, Wildlife Resources
R657-9
Taking Waterfowl, Common Snipe and Coot

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26570
FILED: 08/15/2003, 15:02

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the division's waterfowl program.

SUMMARY OF THE RULE OR CHANGE: Subsection R657-9-2(a) is being amended to clarify the definition of "aggregate daily bag limit," in accordance with federal regulations. Section R657-9-3 is being amended to correct the reference to the federal migratory bird hunting and conservation stamp. Other provisions are being amended to clarify the application amendment process; update the Migratory Game Bird Harvest Information; and make changes for consistency.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 50 CFR 20, 50 CFR 32.64, and 50 CFR 27.21, 2002 ed.

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: This amendment clarifies existing requirements and complies with federal regulations. Therefore, the amendments do not create a cost or savings impact to the state budget.
❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.
❖ OTHER PERSONS: The amendments are for clarification and complying with federal regulations, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendments clarify existing requirements and comply with federal regulations. Therefore, there are not any additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.
R657-9. Taking Waterfowl, Common Snipe and Coot.
R657-9-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, and in accordance with 50 CFR 20, 50 CFR 32.64 and 50 CFR 27.21, [~~2001~~]2002 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking waterfowl, Common snipe, and coot.

(2) Specific dates, areas, limits, requirements and other administrative details which may change annually are published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot.

R657-9-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Aggregate daily bag limit" means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area and/or for more than one species for which a combined daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one species or for any one specified geographical area in which taking occurs.

(b) "Aggregate possession limit" means the maximum number of migratory game birds of a single species or combination of species taken in the United States permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the species or specified geographic areas in which taking and possession occurs.

(c) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices birds.

(d) "Baited area" means any area on which shelled, shucked or unshucked corn, wheat or other grain, salt or other feed has been placed, exposed, deposited, distributed or scattered, if that shelled, shucked or unshucked corn, wheat or other grain, salt or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take migratory game birds. Any such area will remain a baited area for ten days following the complete removal of all such shelled, shucked or unshucked corn, wheat or other grain, salt or other feed.

(e) "Baiting" means the direct or indirect placing, depositing, exposing, distributing or scattering of shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take migratory game birds.

(f) "CFR" means the Code of Federal Regulations.

(g) "Closed season" means, for purposes of this rule , the days on which migratory game birds shall not be taken.

(h) "Daily bag limit" means the maximum number of migratory game birds of a single species or combination (aggregate) of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(i) "Live decoys" means tame or captive ducks, geese or other live birds.

(j) "Migratory game birds" means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in this part and belong to the following families:

(i) Anatidae (ducks, geese, including brant, and swans);

(ii) Columbidae (doves and pigeons);

(iii) Gruidae (cranes);

(iv) Rallidae (rails, coots, and gallinules); and

(v) Scolopocidae (woodcock and snipe).

(k) "Nontoxic shot" means soft iron, steel, copper-plated steel, nickel-plated steel, zinc-plated steel, bismuth-tin, tungsten-iron, tungsten-polymer, tungsten-matrix, tin and any other shot types approved by the U.S. Fish and Wildlife Service. Lead, nickel-plated lead, copper-plated lead, copper and lead/copper alloy shot have not been approved.

(l) "Off-highway vehicle" means any motor vehicle designed for or capable of travel over unimproved terrain.

(m) "Open season" means, for purposes of this rule, the days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

(n) "Permanent waterfowl blind" means any waterfowl blind that is left unattended overnight and that is not a portable structure capable of immediate relocation.

(o) "Personal abode" means one's principal or ordinary home or dwelling place, as distinguished from one's temporary or transient place of abode or dwelling, such as a hunting club, or any cabin, tent or trailer house used as a hunting club or any hotel, motel or rooming house used during a hunting, pleasure or business trip.

(p) "Possession limit" means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(q) "Sinkbox" means any type of low floating device, having a depression, affording the hunter a means of concealment beneath the surface of the water.

(r) "Transport" means to ship, export, import or receive or deliver for shipment.

(s) "Waterfowl" means ducks, mergansers, geese, brant and swans.

(t) "Waterfowl blind" means any manufactured place of concealment, including boats, rafts, tents, excavated pits, or similar structures, which have been designed to partially or completely conceal a person while hunting waterfowl.

(u) "Youth" means a person 12 to 15 years of age.

R657-9-3. Stamp Requirements.

(1) Any person 16 years of age or older may not hunt waterfowl without first obtaining a federal migratory bird hunting and conservation stamp, and having the stamp in possession.

(2) The stamp must be validated by the hunter's signature in ink across the face of the stamp.

(3) A federal migratory bird hunting and conservation stamp is not required for any person 12 through 15 years of age.

R657-9-4. Permit Applications for Swan.

(1) Applications for swan permits are available from license agents and division offices. Residents and nonresidents may apply.

(2)(a) Applications must be mailed by the date prescribed in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot.

(b) If an error is found on the application, the applicant may be contacted for correction.

(c) The division reserves the right to correct applications.

(3)(a) Late applications received by the date published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot will not be considered in the drawing, but will be processed for the purpose of entering data into the division's draw database to provide:

(i) future pre-printed applications;

(ii) notification by mail of late application and other draw opportunities; and

(iii) re-evaluation of division or third-party errors.

(b) The handling fee will be used to process the late application. Any license fees submitted with the application shall be refunded.

(c) Late applications received after the date published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot will not be processed and will be returned.

(4) A person may obtain only one swan permit each year

(5) A person may not apply more than once annually.

(6) Group applications are not accepted.

(7) A small game or combination license may be purchased before applying, or the small game or combination license will be issued to the applicant upon successfully drawing a permit.

(8) Each application must include:

(a) a [~~$5~~]nonrefundable handling fee; and

(b) the small game or combination license fee, if [~~it~~]the license has not yet been purchased.

R657-9-5. Drawing.

(1)(a) Drawing results are posted at the Lee Kay Center for Hunter Education, Cache Valley Hunter Education Center, division offices and on the division Internet address on the date published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe, and coot.

(b) Any remaining permits are available by mail-in request or over the counter at the Salt Lake division office beginning on the date specified in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot.

(2)(a) The Division shall issue no more than the number of swan permits authorized by the U.S. Fish and Wildlife Service each year.

(b) The Division may withhold up to 1% of the authorized number of swan permits each year to correct division errors, which may occur during the drawing process.

(c) Division errors may be corrected using the withheld swan permits in accordance with the Division Error Remedy Rule R657-50.

(d) Withheld swan permits shall be used to correct Division errors reported to or discovered by the Division on or before the fifth day preceding the opening day of the swan hunt.

(e) Withheld swan permits remaining after correcting any division errors shall be issued prior to the opening day of the swan hunt to the next person on the alternate drawing list.

(3)(a) A person who is successful in drawing a swan permit, must complete a one-time orientation course, except as provided under Subsection R657-9-7(3)(b), as prescribed by the division before the swan permit is distributed.

(b) Remaining swan permits available for sale by mail shall be issued only to persons having previously completed the orientation course.

(4) Licenses and permits are mailed to successful applicants.

(5)(a) An applicant may withdraw their application for the swan permit drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe, and coot.

(b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the Salt Lake Division office.

(c) Handling fees will not be refunded.

(6)(a) An applicant may amend their application for the swan permit drawing by requesting such in writing by the initial application deadline.

(b) The applicant must send their notarized signature with a statement requesting that their application be amended to the Salt Lake Division office.

(c) The applicant must identify in their statement the requested amendment to their application.

(d) An amendment may cause rejection if the amendment causes an error on the application.

R657-9-9. Firearms.

(1) Migratory game birds may be taken with a shotgun or archery tackle.

(2) Migratory game birds may not be taken with a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, crossbow, except as provided in Rule R657-12, poison, drug, explosive or stupefying substance.

(3) Migratory game birds may not be taken with a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells.

R657-9-11. Use of Firearms on State Waterfowl Management Areas.

(1) A person may not possess a firearm or archery tackle on the following waterfowl management areas any time of the year except during the specified waterfowl hunting seasons or as authorized by the division:

(a) Box Elder County - Harold S. Crane, Locomotive Springs, Public Shooting Grounds, and Salt Creek;

(b) Daggett County - Brown's Park;

(c) Davis County - Farmington Bay, Howard Slough, and Ogden Bay;

(d) Emery County - Desert Lake;

(e) Millard County - Clear Lake;

(f) Tooele County - Timpie Springs;

(g) Uintah County - Stewart Lake;

(h) Utah County - Powell Slough;

(i) Wayne County - Bicknell Bottoms; and

(j) Weber County - Ogden Bay and Harold S. Crane.

(2) During the waterfowl hunting seasons, a shotgun is the only firearm that may be in possession, except as provided in Rule R657-12.

(3) The firearm restrictions set forth in this section do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take wildlife.

R657-9-35. Migratory Game Bird Harvest Information Program (HIP).

(1) A person must obtain an annual Migratory Game Bird Harvest Information Program (HIP) registration number to hunt migratory game birds.

(2)(a) A person must call the telephone number published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot, or register online at the address published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot to obtain their HIP registration number.[

~~Use of a public pay phone will not allow access to the telephone number published in the proclamation of the Wildlife Board for taking waterfowl, Common snipe and coot.~~]

(b) A person must write their HIP registration number on their current year's hunting license.

(3) Any person obtaining a HIP registration number will be required to provide their:

(a) hunting license number;

(b) hunting license type;

(c) name;

(d) address;

(e) phone number;

(f) birth date; and

(g) information about the previous year's migratory bird hunts.

(4) Lifetime license holders will receive a sticker every three years from the Division to write their HIP number on and place on their lifetime license card.

(5) Any person hunting migratory birds will be required, while in the field, to prove that they have registered and provided information for the HIP program.

R657-9-36. Waterfowl Blinds on Waterfowl Management Areas.

(1) Waterfowl blinds on Division waterfowl management areas may be constructed or used as provided in Subsection (a) through Subsection (e).

(a) Waterfowl blinds may not be left unattended overnight, except for blinds constructed entirely of non-woody, vegetative materials that naturally occur where the blind is located.

(b) Trees and shrubs on waterfowl management areas that are live or dead standing may not be cut or damaged except as expressly authorized in writing by the Division.

(c) Excavating soil or rock on waterfowl management areas above or below water surface is strictly prohibited, except as expressly authorized in writing by the Division.

(d) Rock and soil material may not be transported to waterfowl management areas for purposes of constructing a blind.

(e) Waterfowl blinds may not be constructed or used in any area or manner, which obstructs vehicular or pedestrian travel on dikes.

(2) The restrictions set forth in Subsection (1)(a) through Subsection (1)(c) do not apply to the following waterfowl management areas:

(a) Farmington Bay Waterfowl Management Area - West and North of Unit 1, Turpin Unit and Crystal Unit.

(b) [~~Howard's~~]Howard Slough Waterfowl Management [~~Areas~~]Area - West and South of the exterior dike separating the waterfowl management area's fresh water impoundments from the Great Salt Lake.

(c) Ogden Bay Waterfowl Management Area - West of [~~Unit1~~]Unit 1, Unit 2, and Unit 3.

(d) Harold Crane Waterfowl Management Area - one half mile North and West of the exterior dike separating the waterfowl management area's fresh water impoundments from Willard Spur.

(3) Waterfowl blinds constructed or maintained on waterfowl management areas in violation of this section may be removed or destroyed by the Division without notice.

(4) Any unoccupied, permanent waterfowl blind located on state land open to public access for hunting may be used by any person without priority to the person that constructed the blind. It being the intent of this rule to make such blinds available to any person on a first-come, first-serve basis.

(5) Waterfowl blinds or decoys cannot be left unattended overnight on state land open to public access for hunting in an effort to reserve the particular location where the blinds or decoys are placed.

KEY: wildlife, birds, migratory birds, waterfowl
[~~October 2, 2002~~]2003
Notice of Continuation August 30, 2001
23-14-18
23-14-19
50 CFR part 20

▼ ▼

Natural Resources, Wildlife Resources
R657-10
Taking Cougar

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26571
FILED: 08/15/2003, 15:02

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the division's cougar program.

SUMMARY OF THE RULE OR CHANGE: Section R657-10-7 is being amended to allow the use of crossbows for taking cougar as provided in Rule R657-12. Other provisions are being amended to clarify the application amendment process and make changes for consistency. Section R657-10-37 is being added to provide provisions for the use of motor vehicles on Wildlife Management Areas.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This amendment clarifies existing requirements and provides provisions for the use of motor vehicles on Wildlife Management Areas. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖ OTHER PERSONS: This amendment clarifies existing requirements and provides provisions for the use of motor vehicles on Wildlife Management Areas, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment clarifies existing requirements and provides provisions for the use of motor vehicles on Wildlife Management Areas. DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.
R657-10. Taking Cougar.
R657-10-7. Firearms and Archery Tackle.

A person may use the following to take cougar:

(1) any firearm not capable of being fired fully automatic; [~~and~~]

(2) a bow and arrows[~~, except~~]; and

(3) a crossbow [~~may not be used~~]as provided in Rule R657-12.

R657-10-26. Cougar Pursuit.

(1) Cougar may be pursued only by persons who have obtained [~~an annual~~]a valid cougar pursuit permit. The cougar pursuit permit does not allow a person to kill a cougar.

(2) A person may not:

(a) take or pursue a female cougar with kittens or kittens with spots;

(b) repeatedly pursue, chase, tree, corner or hold at bay, the same cougar during the same day; or

(c) possess a firearm or any device that could be used to kill a cougar while pursuing cougar.

(i) The weapon restrictions set forth in the subsection do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing or attempting to utilize the concealed weapon to injure or kill cougar.

(3) If eligible, a person who has obtained a cougar pursuit permit may also obtain a limited entry cougar permit or harvest objective cougar permit.

(4) Cougar may be pursued only on limited entry units or harvest objective units during the dates provided in the proclamation of the Wildlife Board for taking cougar.

(5) A cougar pursuit permit is valid on a calendar year basis.

R657-10-31. Drawing and Remaining Permits.

(1) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation shall be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(2) Drawing results will be posted on the date published in the proclamation of the Wildlife Board for taking cougar at division offices, Lee Kay Center for Hunter Education, Cache Valley Hunter Education Center and on the division Internet address.

(3) Beginning on the date published in the proclamation of the Wildlife Board for taking cougar, residents or nonresidents may purchase any of the remaining permits by mail-in application from the Salt Lake division office.

(4) Any limited entry cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(5) Waiting periods do not apply to the purchase of remaining limited entry permits after the drawing. However, waiting periods are incurred as a result of purchasing remaining permits after the drawing. Therefore, if a remaining permit is purchased in the current year, waiting periods will be in effect when applying for limited entry permits in the drawing in following years.

(6)(a) An applicant may withdraw their application for the limited entry cougar permit drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking cougar.

(b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the Salt Lake Division office.

(c) Handling fees will not be refunded.

(7)(a) An applicant may amend their application for the limited entry cougar permit drawing by requesting such in writing by the initial application deadline.

(b) The applicant must send their notarized signature with a statement requesting that their application be amended to the Salt Lake Division office.

(c) The applicant must identify in their statement the requested amendment to their application.

(d) An amendment may cause rejection if the amendment causes an error on the application.

R657-10-33. Harvest Objective General Information.

(1) Harvest objective permits are valid only for the management units designated on the permit and for the specified seasons published in the proclamation of the Wildlife Board for taking cougar.

(2) [~~Residents~~]A person may select up to [~~two harvest objective management units and nonresidents may select~~]up to three harvest objective management units, wherein the permit will be valid.

(3) Harvest objective permits are not valid in a specified management unit after the harvest objective has been met for that specified management unit.

R657-10-34. Harvest Objective Permit Sales.

(1) Harvest objective permits are available [~~to residents and nonresidents~~]over-the-counter beginning on the date published in

the proclamation of the Wildlife Board for taking cougar from division offices.

(2) Any cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(3) Any harvest objective permit exchanged is not valid until the day after the exchange is made.

R657-10-37. Wildlife Management Areas.

(1) A person may not use motor vehicles on division-owned wildlife management areas closed to motor vehicle use during the winter without first obtaining written authorization from the appropriate division regional office.

(2) The division may, in its sole discretion, authorize limited motor vehicle access to its wildlife management areas closed to such use during the winter provided:

(a) the person seeking access possesses a valid cougar permit for the area;

(b) motor vehicle access is necessary to effectively utilize the cougar permit; and

(c) motor vehicle access will not interfere with wintering wildlife or wildlife habitat.

KEY: wildlife, cougar, game laws
[~~October 2, 2002~~] 2003
Notice of Continuation August 30, 2001
23-14-18
23-14-19

▼ ▼

Natural Resources, Wildlife Resources
R657-11
Taking Furbearers

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26575
FILED: 08/15/2003, 16:19

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the division's furbearer program.

SUMMARY OF THE RULE OR CHANGE: Section R657-11-3 is being amended to provide clarification on the license, permit, and tag requirements for taking furbearers. The remaining sections of the rule are being renumbered. Section R657-11-4 is being amended to allow a person with a valid furbearer license to apply for up to six bobcat possession tags, and make changes for clarity. Section R657-11-5 is being amended to require that the pelt or unskinned carcass of any bobcat must be tagged in accordance with Section 23-20-30. Section R657-11-7 is being amended to clarify that a person may not possess a green pelt or the unskinned carcass of a bobcat with an affixed temporary possession tag issued to another person, except as provided in Subsections R657-11-7(5) or (6). Section R657-11-13 is being amended to preclude the use of traps during the first two weeks of the bobcat season, and preclude the use of dogs during the last two weeks of the bobcat season. Section R657-11-33 is being added to provide provisions for the use of motor vehicles on Wildlife Management Areas. Other changes are being made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This amendment clarifies existing requirements and provides provisions for the use of motor vehicles on Wildlife Management Areas. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖ OTHER PERSONS: This amendment clarifies existing requirements and provides provisions for the use of motor vehicles on Wildlife Management Areas, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment clarifies existing requirements and provides provisions for the use of motor vehicles on Wildlife Management Areas. DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.
R657-11. Taking Furbearers.
R657-11-3. License, Permit and Tag Requirements.

(1) A person who has a valid current year furbearer license may take furbearers during the established furbearer seasons published in the proclamation of the Wildlife Board for taking furbearers.

(2) A person who has a valid current year furbearer license and valid temporary bobcat possession tags may take bobcat during the established bobcat season published in the proclamation of the Wildlife Board for taking furbearers.

(3) A person who has a valid current year furbearer license and valid marten trapping permit may take marten during the established marten season published in the proclamation of the Wildlife Board for taking furbearers.

(4) Any license, permit, or tag that is mutilated or otherwise made illegible is invalid and may not be used for taking or possessing furbearers.

R657-11-4. Temporary Possession Tags for Bobcat.

(1) Any person who has [~~purchased~~]obtained a valid furbearer license [~~for the current year~~]may apply for up to [~~eight~~]six temporary bobcat possession tags.

(2) Applications will be available on the date published in the proclamation of the Wildlife Board for taking furbearers from any division office or will be mailed upon request.

(3) Applications must be received through the mail no later than 5 p.m., on the date published in the proclamation of the Wildlife Board for taking furbearers. Applications completed incorrectly or received after the date published in the proclamation of the Wildlife Board for taking furbearers will be rejected.

(4)(a) Applicants must provide a [~~Wildlife Habitat Authorization and~~]valid furbearer license number on the application.

(b) The application must include $5 for each tag requested. Applications must be sent to: Bobcat Application, P.O. Box 168888, Salt Lake City, Utah 84116-8888.

(5)(a) Temporary bobcat possession tags are valid for the entire [~~season.~~]bobcat season.[

~~(b) Duplicate temporary possession tags are not issued.~~]

[~~R657-11-4~~]R657-11-5. Tagging Bobcats.

(1) [~~Before any bobcat~~]The pelt or unskinned carcass [~~may be transported from the place of taking, a temporary possession tag must be filled out completely and the sex, date, and method of kill appropriately notched and attached to~~]of any bobcat must be tagged in accordance with Section 23-20-30.

(2) The tag must remain with the pelt or unskinned carcass until a permanent tag has been affixed.

(3)[~~.~~

~~(2)~~] Possession of an untagged green pelt or unskinned carcass is prima facie evidence of unlawful taking and possession.

[~~(3)~~](4) The lower jaw of each bobcat taken must be removed and tagged with the numbered jaw tag corresponding to the number of the temporary possession tag affixed to the hide.

R657-11-[~~5~~]6. Marten Permits.

(1) A person may not trap marten or have marten in possession without having a valid current year furbearer license and a marten trapping permit in possession.

(2) Marten trapping permits are available free of charge from any division office.

(3)(a) Applications for marten permits must contain the applicant's full name, mailing address, phone number, and valid current year furbearer license number.

(b) Permit applications are accepted by mail or in person at any regional division office.

R657-11-[~~6~~]7. Permanent Possession Tags for Bobcat and Marten.

(1) A person may not:

(a) possess a green pelt or unskinned carcass from a bobcat or marten that does not have a permanent tag affixed after the Saturday following the close of the bobcat trapping season and marten seasons;

[~~or~~

]~~(b)~~ possess a green pelt or the unskinned carcass of a bobcat with an affixed temporary bobcat possession tag issued to another person, except as provided in Subsections (5) and (6); or

(b) buy, sell, trade, or barter a green pelt from a bobcat or marten that does not have a permanent tag affixed.

(2) Bobcat and marten pelts must be delivered to a division representative to have a permanent tag affixed and to surrender the lower jaw.

(3) Bobcat and marten pelts may be delivered to the following division offices, by appointment only, during the dates published in the proclamation of the Wildlife Board for taking furbearers:

(a) Cedar City - Regional Office;

(b) [~~Glenwood~~]Logan Hatchery;

(c) [~~Logan Hatchery;~~

~~(d)~~]Ogden - Regional Office;

[~~(e)~~](d) Price - Regional Office;

[~~(f)~~](e) Salt Lake City - Salt Lake Office;

[~~(g)~~](f) Springville - Regional Office; and

[~~(h)~~](g) Vernal - Regional Office.

(4) There is no fee for permanent tags.

(5) Bobcat and marten which have been legally taken may be transported from an individual's place of residence by an individual other than the fur harvester to have the permanent tag affixed; bobcats must be tagged with a temporary possession tag and accompanied by a valid furbearer license belonging to the fur harvester.

(6) Any individual transporting a bobcat or marten for another person must have written authorization stating the following:

(a) date of kill;

(b) location of kill;

(c) species and sex of animal being transported;

(d) origin and destination of such transportation;

(e) the signature and furbearer license number of the fur harvester;

(f) the name of the individual transporting the bobcat or marten; and

(g) the fur harvester's marten permit number if marten is being transported.

(7) Green pelts of bobcats and marten legally taken from outside the state may not be possessed, bought, sold, traded, or bartered in Utah unless a permanent tag has been affixed or the pelts are accompanied by a shipping permit issued by the wildlife agency of the state where the animal was taken.

(8)(a) Fur harvesters taking marten are requested to [~~give~~]present the entire skinned carcass intact [~~and~~], including the lower jaw, to the division in good condition when the pelt is presented for tagging.

(b) "Good condition" means the carcass is fresh or frozen and securely wrapped to prevent decomposition so that the tissue remains suitable for lab analysis.

R657-11-[~~7~~]8. Purchase of License by Mail.

[~~(1)~~]A person may purchase a [~~Wildlife Habitat Authorization and~~]license by mail by sending the following information to [~~the Salt Lake~~]a division office: full name, complete mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, Social Security number, driver license number (if available), proof of furharvester education certification, and fees.[

~~(2)(a) Personal checks, cashier's checks or money orders will be accepted.~~

~~(b) Personal checks drawn on an out-of-state account will not be accepted.~~

~~(c) Checks must be made payable to Utah Division of Wildlife Resources.~~]

[~~R657-11-8~~]R657-11-9. Identification Numbers.

(1) Each [~~trap~~]trapping device used to take furbearers must be permanently marked or tagged with the registered number of the [~~trapper using them.~~]person using them.

[~~(2)~~](2) Only the registration number of the person using the trapping device may be on the trapping device.

(3) No more than two trap registration numbers may be on a trapping device.

(4) Identification numbers must be legible and at least 1/4 inch in height.

[~~(3)~~](5) Registration numbers are permanent and may be obtained by mail or in person from the Salt Lake division office.

[~~(4) Applications~~](6) Applicants must include [~~the~~]their full name, including middle initial, and complete home address.

[~~(5)~~](7) A registration fee of $5 must accompany the request. This fee is payable only once.

[~~(6)~~](8) Each individual is issued only one registration number.

[~~(7)~~](9) Any person who has obtained a registration number must notify the division within 30 days of any change in address or the theft of traps.

R657-11-[~~9~~]10. Traps.

(1) All long spring, jump, or coil spring traps, except rubber-padded jaw traps, that are not completely submerged under water when set must have spacers on the jaws which leave an opening of at least 3/16 of an inch when the jaws are closed.

(2) Trapping within 100 yards of either side of the Green River, or any of its tributaries up to one-half mile from their confluence with the Green River, between Flaming Gorge Dam and the Utah-Colorado state line; and trapping within 100 yards of either side of the Colorado River, or any of its tributaries upstream to one-half mile from their confluence with the Colorado River, between Highway US-191 and the Utah-Colorado state line, is restricted to the following traps and trapping devices:

(a) nonlethal-set leg hold traps with a jaw spread less than 5-1/8 inches, and nonlethal-set padded leg hold traps. Drowning sets with these traps are prohibited;

(b) body-gripping, killing-type traps with body-gripping area less than 30 square inches (i.e., 110 Conibear); and

(c) nonlethal dry land snares equipped with a stop-lock device that prevents it from closing to less than a six-inch diameter.

(3) A person may not disturb[~~, remove, or possess another person's trap or trapping device or remove any wildlife from another person's~~] or remove any trapping device, except:

(a) a person who possesses a valid current year furbearer license, the appropriate permits or tags, and who has been issued a trapper registration number, which is permanently marked or affixed to the trapping device; or

(b) peace officers in the performance of their duties [~~or a person possessing a valid furbearer license and bobcat temporary possession tags, where required, who has written permission from the owner of the trap or trapping device.~~].

[~~(4)(a)~~](4) A person may not kill or remove wildlife caught in any trapping device, except a person who possesses a valid current year furbearer license, the appropriate permits or tags, and who has been issued a trapper registration number, which is permanently marked or affixed to the trapping device.

(5)(a) A person may not set any trap or trapping device on posted private property without the landowner's permission.

(b) Any trap or trapping device set on posted property without the owner's permission may be sprung by the landowner.

(c) Wildlife officers should be informed as soon as possible of any illegally set traps or trapping devices.

[~~(5)~~](6) Peace officers in the performance of their duties may seize all traps, trapping devices, and wildlife used or held in violation of this rule.

[~~(6)~~](7) A person may not possess any [~~unmarked trap or trapping device~~]trapping device that is not permanently marked or tagged with that person's registered trap number while engaged in taking wildlife.

[~~(7)~~](8) All traps and trapping devices must be visited and checked at least once every 48 hours, except killing traps striking dorso-ventrally and drowning sets which must be visited every 96 hours.

[~~(8)~~](9) A person may not transport or possess live protected wildlife. Any animal found in a trap or trapping device must be killed or released immediately by the trapper.

R657-11-[~~10~~]11. Use of Bait.

(1) A person may not use any protected wildlife or their parts, except for white-bleached bones with no hide or flesh attached, as bait or scent; however, parts of legally taken furbearers and nonprotected wildlife may be used as bait.

(2) Traps or trapping devices may not be set within 30 feet of any exposed bait.

(3) A person using bait is responsible if it becomes exposed for any reason.

(4) White-bleached bones with no hide or flesh attached may be set within 30 feet of traps.

R657-11-[~~11~~]12. Accidental Trapping.

(1)(a) Any bear, bobcat, cougar, fisher, marten, otter, wolverine, any furbearer trapped out of season, or other protected wildlife accidentally caught in a trap must be released unharmed.

(b) Written permission must be obtained from a division representative to remove the carcass of any of these species from a trap.

(c) The carcass remains the property of the state and must be turned over to the division.

(2) All incidents of accidental trapping of any of these animals must be reported to a division representative.

(3) Black-footed ferret, lynx and wolf are protected species under the Endangered Species Act. Accidental trapping or capture of these species must be reported to the division.

R657-11-[~~12~~]13. Methods of Take and Shooting Hours.

(1) Furbearers, except bobcats, may be taken by any means, excluding explosives, poisons, and crossbows, or as otherwise provided in Section 23-13-17.

(2) Bobcats may be taken only by shooting, trapping, or with the aid of dogs, except:

(a) bobcats may not be taken with traps during the specified dates published in the proclamation of the Wildlife Board for taking furbearers; and

(b) bobcats may not be taken with the aid of dogs during the specified dates published in the proclamation of the Wildlife Board for taking furbearers.

(3) Marten may be taken only with an elevated, covered set in which the maximum trap size shall not exceed 1 1/2 foothold or 160 Conibear.

(4) Taking furbearers by shooting or with the aid of dogs is restricted to one-half hour before sunrise to one-half hour after sunset, except as provided in Section 23-13-17.

(5) A person may not take any wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles.

R657-11-[~~13~~]14. Spotlighting.

(1) Except as provided in Subsection (3):

(a) a person may not use or cast the rays of any spotlight, headlight, or other artificial light to locate protected wildlife while having in possession a firearm or other weapon or device that could be used to take or injure protected wildlife; and

(b) the use of a spotlight or other artificial light in a field, woodland, or forest where protected wildlife are generally found is prima facie evidence of attempting to locate protected wildlife.

(2) The provisions of this section do not apply to:

(a) the use of the headlights of a motor vehicle or other artificial light in a usual manner where there is no attempt or intent to locate protected wildlife; or

(b) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed weapon to hunt or take wildlife.

(3) Spotlighting may be used to hunt coyote, red fox, striped skunk, or raccoon where allowed by a county ordinance enacted pursuant to Section 23-13-17.

(4) The ordinance shall provide that:

(a) any artificial light used to spotlight coyote, red fox, striped skunk, or raccoon must be carried by the hunter;

(b) a motor vehicle headlight or light attached to or powered by a motor vehicle may not be used to spotlight the animal; and

(c) while hunting with the use of an artificial light, the hunter may not occupy or operate any motor vehicle.

(5) For purposes of the county ordinance, "motor vehicle" shall have the meaning as defined in Section 41-6-1.

(6) The ordinance may specify:

(a) the time of day and seasons when spotlighting is permitted;

(b) areas closed or open to spotlighting within the unincorporated area of the county;

(c) safety zones within which spotlighting is prohibited;

(d) the weapons permitted; and

(e) penalties for violation of the ordinance.

(7)(a) A county may restrict the number of hunters engaging in spotlighting by requiring a permit to spotlight and issuing a limited number of permits.

(b) A fee may be charged for a spotlighting permit.

(8) A county may require hunters to notify the county sheriff of the time and place they will be engaged in spotlighting.

(9) The requirement that a county ordinance must be enacted before a person may use spotlighting to hunt coyote, red fox, striped skunk, or raccoon does not apply to:

(a) a person or his agent who is lawfully acting to protect his crops or domestic animals from predation by those animals; or

(b) an animal damage control agent acting in his official capacity under a memorandum of agreement with the division.

R657-11-[~~14~~]15. Use of Dogs.

(1) Dogs may be used to take furbearers only during the prescribed open seasons.

(2) The owner and handler of dogs used to take or pursue a furbearer must have a valid furbearer license in possession while engaged in taking furbearers.

(3) When dogs are used in the pursuit of furbearers, the licensed hunter intending to take the furbearer must be present when the dogs are released and must continuously participate in the hunt thereafter until the hunt is completed.

R657-11-[~~15~~]16. State Parks.

(1) [~~Hunting of~~]Taking any wildlife is prohibited within the boundaries of all state park areas except those designated by the Division of Parks and Recreation in Section R651-614-4.

(2) Hunting with a rifle, handgun, or muzzleloader on park areas designated open is prohibited within one mile of all park facilities including buildings, camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches.

(3) Hunting with shotguns and archery equipment is prohibited within one quarter mile of the above stated areas.

R657-11-[~~16~~]17. Transporting Furbearers.

(1)(a) A person who has obtained the appropriate license and permit may transport green pelts of furbearers. Additional restrictions apply for taking bobcat and marten as provided in Section R657-11-6.

(b) A registered Utah fur dealer or that person's agent may transport or ship green pelts of furbearers within Utah.

(2) A furbearer license is not required to transport red fox or striped skunk.

R657-11-[~~17~~]18. Exporting Furbearers from Utah.

(1) A person may not export or ship the green pelt of any furbearer from Utah without first obtaining a valid shipping permit from a division representative.

(2) A furbearer license is not required to export red fox or striped skunk from Utah.

R657-11-[~~18~~]19. Sales.

(1) A person with a valid furbearer license may sell, offer for sale, barter, or exchange only those species that person is licensed to take, and which were legally taken.

(2) Any person who has obtained a valid fur dealer or fur dealer's agent certificate of registration may engage in, wholly or in

part, the business of buying, selling, or trading green pelts or parts of furbearers within Utah.

(3) Fur dealers or their agents and taxidermists must keep records of all transactions dealing with green pelts of furbearers.

(4) Records must state the following:

(a) the transaction date; and

(b) the name, address, license number, and tag number of each seller.

(5) A receipt containing the information specified in Subsection (4) must be issued whenever the ownership of a pelt changes.

(6)(a) A person may possess furbearers and tanned hides legally acquired without possessing a license, provided proof of legal ownership or possession can be furnished.

(b) A furbearer license is not required to sell or possess red fox or striped skunk or their parts.

R657-11-[~~19~~]20. Wasting Wildlife.

(1) A person may not waste or permit to be wasted or spoiled any protected wildlife or their parts as provided in Section 23-20-8.

(2) The skinned carcass of a furbearer may be left in the field and does not constitute waste of wildlife.

R657-11-[~~20~~]21. Depredation by Badger, Weasel, and Spotted Skunk.

(1) Badger, weasel, and spotted skunk may be taken anytime without a license when creating a nuisance or causing damage, provided the animal or its parts are not sold or traded.

(2) Red fox and striped skunk may be taken any time without a license.

R657-11-[~~21~~]22. Depredation by Bobcat.

(1) Depredating bobcats may be taken at any time by duly appointed animal damage control agents, supervised by the animal damage control program, while acting in the performance of their assigned duties and in accordance with procedures approved by the division.

(2) A livestock owner or his employee, on a regular payroll and not hired specifically to take furbearers, may take bobcats that are molesting livestock.

(3) Any bobcat taken by a livestock owner or his employee must be surrendered to the division within 72 hours.

R657-11-[~~22~~]23. Depredation by Beaver.

(1) Beaver doing damage may be taken or removed during closed seasons.

(2) A permit to remove damaging beaver must first be obtained from a division office or conservation officer.

R657-11-[~~23~~]24. Questionnaire.

Each permittee who receives a questionnaire should return the questionnaire to the division regardless of success. Returning the questionnaire helps the division evaluate population trends, harvest success, and other valuable information.

R657-11-[~~24~~]25. Prohibited Species.

(1) A person may not take black-footed ferret, fisher, lynx, otter, wolf, or wolverine.

(2) Accidental trapping of any of these species must be reported to a division representative.

(3) Accidental trapping or capture of black-footed ferret, lynx and wolf must be reported to the division.

R657-11-[~~25~~]26. Season Dates and Bag Limits.

Season dates, bag limits, and areas with special restrictions are published annually in the proclamation of the Wildlife Board for taking furbearers.

R657-11-[~~26~~]27. Applications for Trapping on State Waterfowl Management Areas.

(1) Applications for trapping on state waterfowl management areas are available from the division offices, and from waterfowl management superintendents.

(2) Applications must be received in the mail no later than 5 p.m. on the date published in the proclamation of the Wildlife Board for taking furbearers. Applications completed incorrectly or received after the date published in the proclamation of the Wildlife Board for taking furbearers will be rejected.

(3) Application must be sent to the Wildlife Management section in the Salt Lake division office.

(4)(a) Trappers may apply for only one permit on only one management area in any 12 month period.

(b) Up to three trappers may apply as a group for a single permit.

(c) None of the group applicants may apply for any other area.

(5)(a) Only the trapper or trappers specified on the application may trap on the waterfowl management area.

(b) Violation of this section is cause for forfeiture of all trapping privileges on management areas for that trapping year.

(6) Areas open to trapping, trapping fees, and number of permits for individual areas are available at division offices or by contacting the waterfowl management area superintendents during the application period.

(7)(a) If the number of applications received exceeds the number of permits available, a drawing will be held. Applicants shall be notified by mail of drawing results.

(b) This drawing will determine successful applicants and alternates.

(8) Trapping dates and species that may be trapped shall be determined by the waterfowl management area superintendent.

(9) All trappers must trap under the supervision of the waterfowl management area superintendent.

R657-11-[~~27~~]28. Fees.

(1) Upon payment of trapping fees, successful applicants are granted trapping rights for management areas.

(2) If a successful applicant fails to make full payment within ten days after the drawing, an alternate trapper will be selected.

(3) Permits are not valid until signed by the superintendent in charge of the area to be trapped.

R657-11-[~~28~~]29. Vehicle Travel.

Vehicle travel is restricted to developed roads. However, written permission for other travel may be obtained from the waterfowl management area superintendent.

R657-11-[~~29~~]30. Trapping Hours.

Traps may be tended only between one-half hour before official sunrise to one-half hour after official sunset.

R657-11-[~~30~~]31. Responsibility of Trappers.

(1) All trappers are directly responsible to the waterfowl management area superintendent.

(2) Violation of management or trapping rules, including failure to return a trapping permit within five days of cessation of trapping activities, or failure to properly trap an area, as determined and recommended by the superintendent, may be cause for cancellation of trapping privileges, existing and future, on all waterfowl management areas.

R657-11-[~~31~~]32. Closed Area.

Davis County - Trapping is allowed only on the dates published in the proclamation of the Wildlife Board for taking furbearers, on those lands administered by the state lying along the eastern shore of the Great Salt Lake, commonly known as the Layton-Kaysville marshes. In addition, there may be a portion of the above stated area that is closed to trapping. This area will be posted and marked.

R657-11-33. Wildlife Management Areas.

(1) A person may not use motor vehicles on division-owned wildlife management areas closed to motor vehicle use during the winter without first obtaining written authorization from the appropriate division regional office.

(2) For purposes of coyote trapping, the division may, in its sole discretion, authorize limited motor vehicle access to its wildlife management areas closed to such use during the winter provided the motor vehicle access will not interfere with wintering wildlife or wildlife habitat.

KEY: wildlife, furbearers[~~*~~], game laws, wildlife law
[~~March 5, 2002~~]2003
Notice of Continuation August 30, 2000
23-14-18
23-14-19
23-13-17

▼ ▼

Natural Resources, Wildlife Resources
R657-19
Taking Nongame Mammals

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26573
FILED: 08/15/2003, 15:48

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the division's nongame mammals program.

SUMMARY OF THE RULE OR CHANGE: Section R657-19-2 is being amended to add the definition of "immediate family," and delete the definition for "noncontrolled species." Section R657-19-3 is being amended to clarify the general provisions of this rule. Section R657-19-4 is being amended to clarify when a Certificate of Registration (COR) is required to take a nongame mammal species, and provided provisions clarifying when the Division of Wildlife Resources (DWR) may deny issuing a COR. Section R657-19-5 is being amended to clarify when a nongame mammal species may be taken without obtaining a COR. Section R657-19-6 is being amended to provide provisions for landowners, lessees, or their immediate family members to obtain a COR for taking Utah Prairie Dogs and clarifies that a COR allows the taking of Utah Prairie dogs if the taking will not further endanger the existence of this species, but only in cases whereby the Utah Prairie dogs are causing damage to agricultural lands in accordance with the U.S. Fish and Wildlife Service, or as provided by a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service. Provisions are being added to establish an open season and areas open for taking White-tailed and Gunnison Prairie dogs. This filing also makes other technical changes for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-13-3, 23-14-18, and 23-14-19

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: These amendments are for clarifying existing requirements, complying with U.S. Fish and Wildlife Service regulations, and providing an open season and areas for taking White-tailed and Gunnison Prairie dogs. A license or COR is not required for taking White-tailed and Gunnison Prairie dogs. Therefore, these amendments do not create a cost or savings impact to the state budget or DWR's budget.
❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or saving impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.
❖ OTHER PERSONS: These amendments are for clarifying existing requirements and complying with federal regulations, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendments clarify existing requirements and comply with federal regulations on taking Utah Prairie Dogs. The amendments also provide an open season and areas for taking White-tailed and Gunnison Prairie dogs. A license or certificate of registration is not required for taking White-tailed and Gunnison Prairie dogs. Therefore, there are not any additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.
R657-19. Taking Nongame Mammals.
R657-19-1. Purpose and Authority.

(1) Under authority of Sections 23-13-3, 23-14-18 and 23-14-19, this rule provides the standards and requirements for taking and possessing nongame mammals.

(2) A person [~~taking~~]capturing any live nongame mammal for a personal, scientific, educational, or commercial use must comply with R657-3 Collection, Importation, Transportation and Subsequent Possession of Zoological Animals.

R657-19-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) [~~"Noncontrolled species" means a species or subspecies of zoological animal that poses a minimal threat of disease or ecological, environmental, or human health or safety risk.~~]"Immediate family" means the landowner's or lessee's spouse, children, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchildren, and grandchildren.

(b) "Nongame mammal" means:

(i) any species of bats;

(ii) any species of mice, rats, or voles of the families Heteromyidae, Cricetidae, or Zapodidae;

(iii) opossum of the family Didelphidae;

(iv) pikas of the family Ochotonidae;

(v) porcupine of the family Erethizontidae;

(vi) shrews of the family Soricidae; and

(vii) squirrels, prairie dogs, and marmots of the family Sciuridae.

R657-19-3. General Provisions.

(1) A person may not purchase or sell any nongame mammal or [~~it's parts.~~] its parts.

[~~(2) A certificate of registration must be obtained prior to taking any species designated in Subsection R657-19-4 as prohibited or any species listed in Rule R657-3-24 as prohibited or controlled.~~](2)(a) The live capture of any nongame mammals is prohibited under this rule.

(b) The live capture of nongame mammals species may be allowed as authorized under Rule R657-3.

(3) Section 23-20-8 does not apply to the taking of [~~noncontrolled~~]nongame mammal species covered under this rule.

R657-19-4. [~~Controlled Species.~~]Nongame Mammal Species - Certificate of Registration Required.

(1) A certificate of registration is required to take any of the following species of nongame mammals:

(a) bats of any species; and

(b) pika - Ochotona princeps.

(2) A certificate of registration is required to take any shrew - Soricidae, all species.

(3) A certificate of registration is required to take a Utah prairie dog, Cynomys parvidens, [~~in Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete, Sevier, Washington, and Wayne counties.~~]as provided in Sections R657-19-6, R657-19-7, R657-19-8 and R657-19-9.

(4) A certificate of registration is required to take any of the following species of nongame mammals in Washington County:

(a) cactus mouse - Peromyscus eremicus;

(b) kangaroo rats - Dipodomys, all species;

(c) Southern grasshopper mouse - Onychomys torridus; and

(d) Virgin River montane vole - Microtus montanus rivularis, which occurs along stream-side riparian corridors of the Virgin River.

(5) A certificate of registration is required to take any of the following species of nongame mammals in San Juan and Grand counties:

(a) Abert squirrel - Sciurus aberti;

(b) Northern rock mouse - Peromyscus nasutus; and

(c) spotted ground squirrel - Spermophilus spilosoma.

(6) The division may deny a certificate of registration to any applicant, if:

(a) the applicant has violated any provision of:

(i) Title 23 of the Utah Code;

(ii) Title R657 of the Utah Administrative Code;

(iii) a certificate of registration;

(iv) an order of the Wildlife Board; or

(v) any other law that bears a reasonable relationship to the applicant's ability to safely and responsibly perform the activities that would be authorized by the certificate of registration;

(b) the applicant misrepresents or fails to disclose material information required in connection with the application;

(c) taking the nongame mammal as proposed in the application violates any federal, state or local law;

(d) the application is incomplete or fails to meet the issuance criteria set forth in this rule; or

(e) the division determines the activities sought in the application may significantly damage or are not in the interest of wildlife, wildlife habitat, serving the public, or public safety.

R657-19-5. Nongame Mammal Species - Certificate of Registration Not Required.

(1) All nongame mammal species not listed in Section R657-19-4 as requiring a certificate of registration, may be taken:

(a) without a certificate of registration;

(b) year-round, 24-hours-a-day; and

(c) without bag or possession limits.

(2) A certificate of registration is not required to take any of the following species of nongame mammals, however, the taking is subject to the provisions provided under Section R657-19-10:

(a) White-tailed prairie dog, Cynomys leucurus; and

(b) Gunnison prairie dog, Cynomys gunnisoni.

[~~**R657-19-5. Noncontrolled Species.**~~

~~All nongame mammal species not designated as controlled species in R657-19-4, are designated as noncontrolled species and may be taken as follows:~~

~~(1) A license is not required to take any species of nongame mammals designated as noncontrolled;~~

~~(2) Species of nongame mammals designated as noncontrolled may be taken year-round, 24-hours-a-day.~~

~~(3) There are no bag or possession limits for species of nongame mammals designated as noncontrolled.~~

]**R657-19-6. Utah Prairie Dog Provisions.**

(1)(a) A person may not take a Utah Prairie dog, Cynomys parvidens, without first obtaining a certificate of registration.

(b) A certificate of registration for taking Utah prairie dogs may be issued as provided in Subsection (i) or Subsection (ii), if the taking will not further endanger the existence of the species:

(i) in cases where Utah Prairie dogs are causing damage to agricultural lands as provided in the rules of the U.S. Fish and Wildlife Service; or

(ii) as provided in a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service under an approved Habitat Conservation Plan.

(c) A person may apply for a certificate of registration at the division's southern regional office, 1470 North Airport Road, Suite 1, Cedar City, Utah 84720.

(d) A landowner, lessee, or their immediate family member, or an employee on a regular payroll and not hired specifically to take Utah prairie dogs, may apply for a certificate of registration.

(e)(i) A person, other than those listed in Subsection (d), may apply for a certificate of registration to take Utah prairie dogs as a designee of the landowner or lessee provided the application includes:

(A) an explanation of the need for the certificate of registration to be issued;

(B) justification for utilization of the designee; and

(C) the landowner or lessee's signature.

(ii) A maximum of two designee certificates of registration may be issued per landowner or lessee.

(iii) Each designee application shall be considered individually based upon the explanation and justification provided.

(f) An application for a certificate of registration must include:

(i) full name;

(ii) complete mailing address;

(iii) phone number;

(iv) date of birth;

(v) weight and height;

(vi) gender;

(vii) color of hair and eyes;

(viii) social security number;

(ix) driver's license number, if issued;

(x) proof of hunter education certification if the applicant was born after December 31, 1965; and

(xi) the township, range, section and 1/4 section of the agricultural lands where the prairie dogs will be taken.

(g) An applicant must be at least 14 years of age at the time of application and must abide by the provisions for children being accompanied by adults while hunting with a weapon pursuant to Section 23-20-20.

(h) After review of the application, a certificate of registration may be issued.

(i) A maximum of four certificates of registration may be issued to any landowner or lessee, including those issued to the landowner or lessee's designees.

(j) A certificate of registration shall be issued on an individual basis and shall be valid only for the person to whom the certificate of registration is issued.

(k) A certificate of registration is not transferrable and must be signed by the holder prior to use.

(l) If the application and permitting process is accomplished by U.S. Mail, the certificate of registration shall only become valid after a copy of the signed certificate of registration is received by the division's southern regional office.

(2)(a) A person may take Utah prairie dogs with a firearm during daylight hours or by trapping as specified on the certificate of registration.

(b) A person may not use any chemical toxicant to take Utah prairie dogs.

(c) In addition to the requirements of this rule, any person taking Utah prairie dogs must comply with state laws, and local ordinances and laws.

(d) A person at least 14 years of age and under 16 years of age who takes Utah Prairie dogs must be accompanied by an adult with a valid certificate of registration to take Utah Prairie dogs on the same property.

R657-19-7. Areas Open to Taking Utah Prairie Dogs -- Dates Open --Limits on Number of Utah Prairie Dogs Taken.

(1) A person who obtains a valid certificate of registration may take Utah prairie dogs only on private lands within the following counties:

(a) Beaver;

(b) Garfield;

(c) Iron;

(d) Kane;

(e) Millard;

(f) Piute;

(g) Sanpete;

(h) Sevier;

(i) Washington; and

(j) Wayne.

(2) Taking of a Utah prairie dog on any land or by any method, other than as provided in the valid certificate of registration, including any public land, is a violation of state and federal law.

(3) [~~A landowner, lessee, or employee on a regular payroll and not hired specifically to take Utah prairie dogs, and~~]Any person, who is specifically named on a valid certificate of registration, may remove Utah prairie dogs, as provided in the certificate of registration.

(4) The taking of any Utah prairie dog outside the areas provided in this section is prohibited, except by division employees while acting in the performance of their assigned duties.

(5) The taking of Utah prairie dogs is limited to the dates designated on the certificate of registration. All dates are confined to June 1 through December 31.

(6)(a) A person may take only the total number of Utah prairie dogs designated in the certificate of registration.

(b) The total range-wide take of Utah prairie dogs causing agricultural damage is limited to no more than 6,000 Utah prairie dogs annually.

(c) If the division determines that taking Utah prairie dogs has an adverse effect on conservation of the species, taking shall be further restricted or prohibited.

R657-19-8. Monthly Reports of Take of Utah Prairie Dogs.

(1) The following information must be reported to the division's southern regional office, 1470 North Airport Road, Suite 1, Cedar City, Utah 84720, every 30 days:

[~~(1)~~](a) the name and [~~address~~]signature of the certificate of registration holder;

[~~(2)~~](b) the person's certificate of registration number;

[~~and~~](c) the number of Utah prairie dogs taken; and

[~~(3)~~](d) the location, method of take, and method of disposal of each Utah prairie dog taken during the 30-day period.

(2) Failure to report the information required in Subsection (1), within 30 days, may result in the denial of future applications for a certificate of registration to take Utah prairie dogs.

R657-19-9. Unlawful Possession of Utah Prairie Dogs.

A person may not possess a Utah prairie dog or its parts, without first obtaining a valid certificate of registration and a federal permit.

R657-19-10. White-tailed and Gunnison Prairie Dogs.

(1)(a) A license or certificate of registration is not required to take either white-tailed or Gunnison prairie dogs.

(b) There are no bag limits for white-tailed or Gunnison prairie dogs for which there is an open season.

(2)(a) White-tailed prairie dogs, Cynomys leucurus, may be taken [~~:~~

~~(a)~~] in the following counties [~~at any time:~~]from January 1 through March 31, and June 16 through December 31:

(i) Carbon County;

(ii) Daggett County;

(iii) Duchesne County;

(iv) Emery County;

(v) Morgan;

(vi) Rich;

(vii) Summit County;

[~~(vi)~~](viii) Uintah County, except in the closed area as provided in Subsection (2)(b)(i);

[~~and~~](ix) Weber; and

[~~(vii)~~](x) all areas west and north of the Colorado River in Grand and San Juan counties.

(b) White-tailed prairie dogs, Cynomys leucurus, may not be taken in the following closed area in order to protect the reintroduced population of black-footed ferrets, Mustela nigripes:

(i) Boundary begins at the Utah/Colorado state line and Uintah County Road 403, also known as Stanton Road, northeast of Bonanza; southwest along this road to SR 45 at Bonanza; north along this highway to Uintah County Road 328, also known as Old Bonanza Highway; north along this road to Raven Ridge, just south of US 40; southeast along Raven Ridge to the Utah/Colorado state line; south along this state line to point of beginning.

(3)[~~(a)~~] The taking of White-tailed prairie dogs, Cynomys leucurus, is prohibited from April 1 through June 15, except as provided in Subsection (5).

(4)(a) The taking of Gunnison prairie dogs, Cynomys gunnisoni, is prohibited in all areas south and east of the Colorado River, and north of the Navajo Nation in Grand and San Juan counties from April 1 through June 15.

(b) Gunnison prairie dogs may be taken in the area provided in Subsection [~~(3)(a)~~](4)(a) from June 16 through March 31.

[~~(c)~~](5) Gunnison prairie dogs and White-tailed prairie dogs causing agricultural damage or creating a nuisance on private land may be taken at any time, including during the closed season from April 1 through June 15.

R657-19-11. Violation.

(1) Any violation of this rule is a Class C misdemeanor as provided in Section 23-13-11(2).

(2) In addition to this rule any animal designated as a threatened or endangered species is governed by the Endangered Species Act and the unlawful taking of these species may also be a violation of federal law and rules promulgated thereunder.

(3) Pursuant to Section 23-19-9, the division may suspend a certificate of registration issued under this rule.

KEY: wildlife, game laws
[~~May 17, 2000~~]2003
Notice of Continuation March 30, 2000
23-13-3
23-14-18
23-14-19

▼ ▼

Public Service Commission, Administration

R746-360-4

Application of Fund Surcharges to Customer Billings

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26551
FILED: 08/15/2003, 08:43

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: At the current collection rate of 0.34%, the Universal Service Fund (USF) will rapidly decline. Therefore, the collection rate needs to be adjusted. This change is being made to balance revenues collection with anticipated disbursement to support the USF.

SUMMARY OF THE RULE OR CHANGE: The proposed change to Subsection R746-360-4(C) will raise the surcharge from 0.34 to 0.9%.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-15

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--No state government activities are changed by the proposed change.

❖ LOCAL GOVERNMENTS: None--No local government activities are affected by the proposed change.

❖ OTHER PERSONS: Retail consumers of public telecommunications services will see a slight increase in costs

due to the increase of the retail surcharge. There is no anticipated change in costs or savings for telecommunications corporations as the changes do not alter their practices.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Retail consumers of public telecommunications services will see a slight increase in costs due to the increase of the retail surcharge. There is no anticipated change in costs or savings for telecommunications corporations as the changes do not alter their practices.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As consumers of public telecommunications services, businesses will see an increase in the USF surcharge amounts they pay.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud or Sandy Mooy at the above address, by phone at 801-530-6714 or 801-530-6708, by FAX at 801-530-6796 or 801-530-6796, or by Internet E-mail at bstroud@utah.gov or smooy@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Barbara Stroud, Paralegal

R746. Public Service Commission, Administration.
R746-360. Universal Public Telecommunications Service Support Fund.
R746-360-4. Application of Fund Surcharges to Customer Billings.

A. Commencement of Surcharge Assessments -- Commencing June 1, 1998, end-user surcharges shall be the source of revenues to support the fund. Surcharges will be applied to intrastate retail rates, and shall not apply to wholesale services.

B. Surcharge Based on a Uniform Percentage of Retail Rates -- The retail surcharge shall be a uniform percentage rate, determined and reviewed annually by the Commission and billed and collected by all retail providers.

C. Surcharge -- The surcharge to be assessed shall equal [~~0.34~~]0.9 percent of billed intrastate retail rates.

KEY: public utilities, telecommunications, universal service[~~*~~] [~~October 15, 2001~~]2003
54-7-25
54-7-26
54-8b-12
54-8b-15

▼ ▼

Tax Commission, Auditing
R865-9I-41
Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-10-108.5

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26566
FILED: 08/15/2003, 10:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-10-108.5 provides for a historic preservation tax credit and requires the Tax Commission to promulgate rules to administer the credit.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes the requirement that the historic preservation authorization form be attached to the tax return in which the credit is claimed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-10-108.5

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--There is no impact on the State budget because the proposed amendment only effects the amount of the paperwork a taxpayer must attach to the tax return to take the credit.
❖ LOCAL GOVERNMENTS: None--There is no impact on local government because the proposed amendment only effects the amount of the paperwork a taxpayer must attach to the tax return to take the deduction.
❖ OTHER PERSONS: None--The proposed amendment does not impact a taxpayer's eligibility to take the credit, but decreases the paperwork a taxpayer must attach to the return to take the credit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment eliminates the need for a taxpayer to attach a credit authorization form to the tax return.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no fiscal impacts on businesses as a result of this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.
R865-9I. Income Tax.
R865-9I-41. Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-10-108.5.

A. Definitions

1. "Qualified rehabilitation expenditures" includes architectural, engineering, and permit fees.

2. "Qualified rehabilitation expenditures" does not include movable furnishings.

3. "Residential" as used in Section 59-10-108.5 applies only to the use of the building after the project is completed.

B. Taxpayers shall file an application for approval of all proposed rehabilitation work with the Division of State History prior to the completion of restoration or rehabilitation work on the project. The application shall be on a form provided by the Division of State History.

C. Rehabilitation work must receive a unique certification number from the State Historic Preservation Office in order to be eligible for the tax credit.

D. In order to receive final certification and be issued a unique certification number for the project, the following conditions must be satisfied:

1. The project approved under B. must be completed.

2. Upon completion of the project, taxpayers shall notify the State Historic Preservation Office and provide that office an opportunity to review, examine, and audit the project. In order to be certified, a project shall be completed in accordance with the approved plan and the Secretary of the Interior's Standards for Rehabilitation.

3. Taxpayers restoring buildings not already listed on the National Register of Historic Places shall submit a complete National Register Nomination Form. If the nomination meets National Register criteria, the State Historic Preservation Office shall approve the nomination.

4. Projects must be completed, and the $10,000 expenditure threshold required by Section 59-10-108.5 must be met, within 36 months of the approval received pursuant to B.

5. During the course of the project and for three years thereafter, all work done on the building shall comply with the Secretary of the Interior's standards for Rehabilitation.

[~~E. Proof of State Historic Preservation Office certification shall be made by:~~

~~1. receiving an authorization form from the State Historic Preservation Office containing the certification number;~~

~~2. attaching that authorization form to the tax return for the year in which the credit is claimed.~~]E. Upon issuing a certification number under D., the State Historic Preservation Office shall provide the taxpayer an authorization form containing that certification number.

F. Credit amounts shall be applied against Utah individual income tax due in the tax year in which the project receives final certification under D.

G. Credit amounts greater than the amount of Utah individual income tax due in a tax year shall be carried forward to the extent provided by Section 59-10-108.5.

H. Carryforward historic preservation tax credits shall be applied against Utah individual income tax due before the application of any historic preservation credits earned in the current year and on a first-earned, first-used basis.

I. Original records supporting the credit claimed must be maintained for three years following the date the return was filed claiming the credit.

KEY: historic preservation, income tax, tax returns, enterprise zones
[~~March 11,~~]2003
Notice of Continuation April 22, 2002
59-10-108.5

▼ ▼

Tax Commission, Auditing
R865-9I-46
Medical Savings Account Tax Deduction Pursuant to Utah Code Ann. Sections 31A-32a-106 and 59-10-114

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26567
FILED: 08/15/2003, 10:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-10-114 provides a deduction for amounts placed in a medical savings account. Section 31A-32a-106 provides the Commission rulemaking authority in administering the deduction for medical savings accounts.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes requirement that the medical savings account tax deduction form be attached to the tax return in which the deduction is claimed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-32a-106 and 59-10-114

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--There is no impact on the State budget because the proposed amendment only effects the amount of the paperwork a taxpayer must attach to the tax return to take the deduction.
❖ LOCAL GOVERNMENTS: None--There is no impact on local government because the proposed amendment only effects the amount of the paperwork a taxpayer must attach to the tax return to take the deduction.

❖ OTHER PERSONS: None--The proposed amendment does not impact a taxpayer's eligibility to take the deduction, but decreases the paperwork a taxpayer must attach to the tax return to take the deduction.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment eliminates the need for a taxpayer to attach a deduction authorization form to the tax return.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no fiscal impacts on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.
R865-9I. Income Tax.
R865-9I-46. Medical Savings Account Tax Deduction Pursuant to Utah Code Ann. Sections 31A-32a-106 and 59-10-114.

A. Account administrators required to withhold penalties from withdrawals pursuant to Section 31A-32a-105 shall hold those penalties in trust for the state and shall submit those withheld penalties to the commission along with form TC-97M, Utah Medical Savings Account Reconciliation.

B. In addition to the requirements of A., account administrators shall file a form TC- 675M, Statement of Withholding for Medical Savings Account, with the commission, for each account holder. The TC-675M shall contain the following information for the calendar year:

1. the beginning balance in the account;
2. the amount contributed to the account;
3. the account's earnings;
4. distributions for qualified medical expenses;
5. distributions for non-medical expenses not subject to penalty;
6. distributions for non-medical expenses subject to penalty;
7. the amount of penalty required to be withheld and remitted to the state;
8. the account administrator's administrative fee charged to the account; and
9. the ending balance in the account.

C. The account administrator shall file forms TC-97M and TC-675M with the commission on or before January 31 of the year following the calendar year on which the forms are based.

D. The account administrator shall provide each account holder with a copy of the form TC-675M on or before January 31 of the year following the calendar year on which the TC-675M is based.

E. The account administrator shall maintain original records supporting the amounts listed on the TC-675M for the current year filing and the three previous year filings.[

~~F. Account holders must attach a copy of the TC-675M to their state tax return to qualify for the deduction allowed under Section 59-10-114.~~]

KEY: historic preservation, income tax, tax returns, enterprise zones
[~~March 11,~~]2003
Notice of Continuation April 22, 2002
59-10-114
31A-32A-106

▼ ▼

Tax Commission, Auditing
R865-9I-49
Higher Education Savings Incentive Program Tax Deduction Pursuant to Utah Code Ann. Sections 53B-8a-112 and 59-10-114

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26565
FILED: 08/15/2003, 10:08

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-10-114 provides a deduction for amounts placed in a higher education savings account. Section 53B-8a-112 provides the Commission rulemaking authority in administering the deduction for higher education savings accounts.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes the requirement that the higher education savings account tax deduction form be attached to the tax return in which the deduction is claimed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 53B-8a-112 and 59-10-114

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--There is no impact on the State budget because the proposed amendment only effects the amount of the paperwork a taxpayer must attach to the tax return to take the deduction.

❖ LOCAL GOVERNMENTS: None--There is no impact on local governments because the proposed amendment only effects the amount of the paperwork a taxpayer must attach to the tax return to take the deduction.
❖ OTHER PERSONS: None--The proposed amendment does not impact a taxpayer's eligibility to take the deduction, but decreases the paperwork a taxpayer must attach to the tax return to take the deduction.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment eliminates the need for a taxpayer to attach a deduction authorization form to the tax return.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fisal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.
R865-9I. Income Tax.
R865-9I-49. Higher Education Savings Incentive Program Tax Deduction Pursuant to Utah Code Ann. Sections 53B-8a-112 and 59-10-114.

A. "Trust" means the Utah Educational Savings Plan Trust created pursuant to Section 53B-8a-103.

B. The trustee of the trust shall file a form TC-675H, Statement of Account with the Utah Educational Savings Plan Trust, with the commission, for each trust participant. The TC-675H shall contain the following information for the calendar year:

1. the amount contributed to the trust by the participant;

2. the income earned on the participant's contributions to the trust; and

3. the amount refunded to the participant pursuant to Section 53B-8a-109.

C. The trustee of the trust shall file form TC-675H with the commission on or before January 31 of the year following the calendar year on which the forms are based.

D. The trustee of the trust shall provide each trust participant with a copy of the form TC-675H on or before January 31 of the year following the calendar year on which the TC-675H is based.

E. The trustee of the trust shall maintain original records supporting the amounts listed on the TC-675H for the current year filing and the three previous year filings.[

~~F. Trust participants must attach a copy of the TC-675H to their state tax return to qualify for the deduction allowed under Section 59-10-114.~~]

KEY: historic preservation, income tax, tax returns, enterprise zones
[~~March 11,~~]2003
Notice of Continuation April 22, 2002
53B-8a-112
59-10-114

▼ ▼

Tax Commission, Motor Vehicle Enforcement

R877-23V-19

Disclosure of Vehicles Initially Delivered for Sale in a Country Other than the United States Pursuant to Utah Code Ann. Section 41-1a-712

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26564
FILED: 08/15/2003, 09:41

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 41-1a-712, resulting from H.B. 353 (2003), requires the Commission to establish, by rule, additional information that must appear on the required notice to the purchaser of a vehicle that was initially delivered for sale in a country other than the United States. (DAR NOTE: H.B. 353 is found at UT L 2003 Ch 250, and was effective May 5, 2003.)

SUMMARY OF THE RULE OR CHANGE: The proposed rule indicates the information that shall be included in the notice for a vehicle that was initially delivered for sale in a country other than the United States.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-1a-712

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any impact would have been recognized in H.B. 353 (2003).
❖ LOCAL GOVERNMENTS: None--Any impact would have been recognized in H.B. 353 (2003).
❖ OTHER PERSONS: None--Any impact would have been recognized in H.B. 353 (2003).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed rule indicates additonal language that a seller must include on the required notice to the seller that the vehicle was initially delivered for sale in a country other than the United States.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of providing the required information on the disclosure notice would have been considered in the passage of H.B. 353 (2003).

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
MOTOR VEHICLE ENFORCEMENT
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R877. Tax Commission, Motor Vehicle Enforcement.
R877-23V. Motor Vehicle Enforcement.
R877-23V-19. Disclosure of Vehicles Initially Delivered for Sale in a Country Other than the United States Pursuant to Utah Code Ann. Section 41-1a-712.

The written notice required under Section 41-1a-712 for a vehicle sold or offered for sale in this state that was initially delivered for sale in a country other than the United States shall contain language substantially similar to the following statements.

A. The odometer for this vehicle may have been converted to miles.

B. This vehicle meets U.S. Department of Transportation safety standards.

C. This vehicle may have manufacturer warranty exclusions if sold or offered for sale in this country.

KEY: taxation, motor vehicles
[~~August 31, 2000~~]2003
Notice of Continuation April 11, 2002
41-1a-712

▼ ▼

Tax Commission, Property Tax
R884-24P-24
Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-294

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26574
FILED: 08/15/2003, 16:07

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-913 provides that, for purposes of establishing the entity's tax levies, a taxing entity's estimated equalization adjustments should be subtracted from taxable value.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment indicates that the adjustment to taxable value for estimated value losses due to appeals shall include losses due to locally assessed and centrally assessed property.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-918 through 59-2-924

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--There will be a slight increase in state revenue. Under the current practice of calculating the two state property tax funds, value is decreased by the Board of Equalization Adjustments. These two funds are not governed by a certified tax rate, instead, the actual tax rate for these two funds is a quotient of revenues and values. Because the Board of Equalization Adjustments in the proposed amendment would decrease the value part of the fraction, the actual tax rate for these funds will increase, as would the revenue generated by that tax rate. The amount of the increase is dependent on the amount of the value adjustment.
❖ LOCAL GOVERNMENTS: Undetermined potential increase to local budgets. This is because, for purposes of calculating the certified tax rate, the proposed amendment decreases an entity's taxable value, thereby increasing the entity's certified tax rate. An increase in the certified tax rate will allow the entity to increase its budget to bring in more revenue than in the previous year without going through truth in taxation. It is unknown how many taxing entities will choose to increase their budget to the amount the increased certified tax rate will allow. This potential increase may be offset, however, by a decrease in judgment levies imposed by taxing entities.
❖ OTHER PERSONS: Undetermined potential increase to taxpayers. If a taxing entity chooses to increase its budget to match the increased certified tax rate, taxpayers as a whole will pay increased taxes to that taxing entity.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Undetermined potential increase to individual taxpayers. If a taxing entity chooses to increase its budget to match the increased certified tax rate, a taxpayer may pay increased taxes to the taxing entity, depending on the property owned by the taxpayer.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There could be some fiscal impact on businesses reflected in slightly increased property taxes. We are unable to determine the extent of the impact since it would depend on several factors such as the amount of the valuation changes made either by order or by stipulation each year, as well as factors mentioned above.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-24. Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924.

A. The county auditor must notify all real property owners of property valuation and tax changes on the Notice of Property Valuation and Tax Changes form.

1. If a county desires to use a modified version of the Notice of Property Valuation and Tax Changes, a copy of the proposed modification must be submitted for approval to the Property Tax Division of the Tax Commission no later than March 1.

a) Within 15 days of receipt, the Property Tax Division will issue a written decision, including justifications, on the use of the modified Notice of Property Valuation and Tax changes.

b) If a county is not satisfied with the decision, it may petition for a hearing before the Tax Commission as provided in R861-1A-22.

2. The Notice of Property Valuation and Tax Changes, however modified, must contain the same information as the unmodified version. A property description may be included at the option of the county.

B. The Notice of Property Valuation and Tax Changes must be completed by the county auditor in its entirety, except in the following circumstances:

1. New property is created by a new legal description; or

2. The status of the improvements on the property has changed.

3. In instances where partial completion is allowed, the term nonapplicable will be entered in the appropriate sections of the Notice of Property Valuation and Tax Changes.

4. If the county auditor determines that conditions other than those outlined in this section merit deletion, the auditor may enter the term "nonapplicable" in appropriate sections of the Notice of Property Valuation and Tax Changes only after receiving approval from the Property Tax Division in the manner described in A.

C. Real estate assessed under the Farmland Assessment Act of 1969 must be reported at full market value, with the value based upon Farmland Assessment Act rates shown parenthetically.

D. All completion dates specified for the disclosure of property tax information must be strictly observed.

1. Requests for deviation from the statutory completion dates must be submitted in writing on or before June 1, and receive the approval of the Property Tax Division in the manner described in A.

E. If the proposed rate exceeds the certified rate, jurisdictions in which the fiscal year is the calendar year are required to hold public hearings even if budget hearings have already been held for that fiscal year.

F. If the cost of public notice required under Sections 59-2-918 and 59-2-919 is greater than one percent of the property tax revenues to be received, an entity may combine its advertisement with other entities, or use direct mail notification.

G. Calculation of the amount and percentage increase in property tax revenues required by Sections 59-2-918 and 59-2-919, shall be computed by comparing property taxes levied for the current year with property taxes collected the prior year, without adjusting for revenues attributable to new growth.

H. If a taxing district has not completed the tax rate setting process as prescribed in Sections 59-2-919 and 59-2-920 by August 17, the county auditor must seek approval from the Tax Commission to use the certified rate in calculating taxes levied.

I. The value of property subject to the uniform fee under Section 59-2-405 is excluded from taxable value for purposes of calculating new growth, the certified tax rate, and the proposed tax rate.

J. The value and taxes of property subject to the uniform fee under Section 59-2-405, as well as tax increment distributions and related taxable values of redevelopment agencies, are excluded when calculating the percentage of property taxes collected as provided in Section 59-2-913.

K. The following formulas and definitions shall be used in determining new growth:

1. Actual new growth shall be computed as follows:

a) the taxable value for the current year adjusted for redevelopment minus year-end taxable value for the previous year adjusted for redevelopment; then

b) plus or minus changes in value as a result of factoring; then

c) plus or minus changes in value as a result of reappraisal; then

d) plus or minus any change in value resulting from a legislative mandate or court order.

2. Net annexation value is the taxable value for the current year adjusted for redevelopment of all properties annexed into an entity during the previous calendar year minus the taxable value for the previous year adjusted for redevelopment for all properties annexed out of the entity during the previous calendar year.

3. New growth is equal to zero for an entity with:
a) an actual new growth value less than zero; and
b) a net annexation value greater than or equal to zero.
4. New growth is equal to actual new growth for:
a) an entity with an actual new growth value greater than or equal to zero; or
b) an entity with:
i) an actual new growth value less than zero; and
ii) the actual new growth value is greater than or equal to the net annexation value.
5. New growth is equal to the net annexation value for an entity with:
a) a net annexation value less than zero; and
b) the actual new growth value is less than the net annexation value.
6. Adjusted new growth equals new growth multiplied by the mean collection rate for the previous five years.
L. The following definitions and formulas shall be used in determining the certified tax rate:
1. Current year adjusted taxable value equals the taxable value for the current year adjusted for redevelopment; then
a) adjusted for estimated value losses due to locally assessed and centrally assessed appeals, using an average percentage loss for the past three years; then
b) adjusted for estimated collection losses.
2. The certified tax rate shall be computed as follows:
a) Last year's taxes collected, excluding redemptions, penalties, interest, roll-back taxes, and other miscellaneous collections.
b) Divided by the sum of the current year adjusted taxable value less adjusted new growth.
3. Entities required to set levies for more than one fund must compute an aggregate certified rate. The aggregate certified rate is the sum of the certified rates for individual funds for which separate levies are required by law. The aggregate certified rate computation applies where:
a) the valuation bases for the funds are contained within identical geographic boundaries; and
b) the funds are under the levy and budget setting authority of the same governmental entity.
4. Exceptions to L.3. are the county assessing and collecting levy, as described in Section 59-2-906.1(3), and the additional levies for property valuation and reappraisal, as described in Section 59-2-906.3.
a) These levies may not be included as part of a county's aggregate certified rate. Instead, they must be segregated into a separate aggregate certified rate.
b) The separate aggregate certified rate representing these levies is subject to the proposed tax increase requirements of Sections 59-2-918 and 59-2-919.
M. For purposes of determining the certified tax rate of a municipality incorporated on or after July 1, 1996, the levy imposed for municipal-type services or general county purposes shall be the certified tax rate for municipal-type services or general county purposes, as applicable.
N. No new entity, including a new city, may have a certified tax rate or levy a tax for any particular year unless that entity existed on the first day of that calendar year.

KEY: taxation, personal property, property tax, appraisals
[~~April 23,~~]2003

Notice of Continuation April 5, 2002
59-2-918 through 59-2-924

▼ ▼

Tax Commission, Property Tax
R884-24P-33
2003 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26572
FILED: 08/15/2003, 15:16

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 59-1-210(3) authorizes the State Tax Commission to promulgate rules that aid county officials in the performance of any duties relating to the assessment and equalization of property within the county.

SUMMARY OF THE RULE OR CHANGE: This is an annual update to the personal property valuation guides and schedules for local assessment of business personal property and motor vehicles.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The amount of savings or cost to state government is undetermined. Tax revenue is distributed to local governments for assessing and collecting and for the uniform school fund based on increased or decreased personal property value. Increase or decrease in 2004 tax revenue cannot be determined, even if there were no changes in the percent good tables, because taxpayer acquisitions and deletion of property during 2004 is unknown. The proposed personal property schedules in this rule are raised, lowered, or remain the same for 2004 based on the type and age of the property assessed. Schedules for Class 1, Class 15, Class 23, Class 24, and Class 27 are proposed with no changes for 2004 from 2003. Schedules used to value business personal property increase as much as 2 percentage points and decrease as much as 5 percentage points between the proposed rule and the previous rule. Schedules used to value motor vehicles increase as much as 10 percentage points and decrease as much as 4 percentage points beween the proposed rule and the previous rule. Proposed schedules used to value registered recreational vehicles increase up to two percentage points in an assessment year compared to the previous rule. In aggregate for all personal property schedules, it is anticipated that the change in the annual tax rate will have a larger impact on revenue than will the proposed schedule changes due to amendments to this rule.

❖ LOCAL GOVERNMENTS: The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increase or decreased personal property value. Increase or decrease in 2004 tax revenue cannot be determined, even if there were no changes in the percent good tables because taxpayer acquisitions and deletions of property during 2004 is unknown. The proposed personal property schedules in this rule are raised, lowered, or remain the same for 2004 based on the type and age of the property. Class 1, Class 15, Class 23 and Class 24 are proposed with no changes for 2004 from 2003. Schedules used to value business personal property incrase as much as 2 and decrease as much as 4 percentage points betwen the proposed rule and the previous rule. Schedules used to value motor vehicles increase as much as 10 percentage points and decrease as much as 4 percentage points between the proposed rule and the previous rule. Proposed schedules used to value registered recreational vehicles increase up to two percentage points in an assessment year compared to the previous rule. In aggregate for all personal property schedules, it is anticipated that the change in the annual tax rate will have a larger impact on revenue than will the proposed schedule changes due to amendments to this rule.
❖ OTHER PERSONS: In the aggregate, the amount of savings or cost to individuals and business is undetermined. Affected persons pay taxes based on increased or decreased personal property value. The proposed personal property schedules in this rule are raised, lowered, or remain the same for 2004 based on the type and age of the property. Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2004 property mix compared to the 2003 historic totals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Local business owners and property tax practitioners will once again be required to be aware of new percent good figures. However, this is no different from previous years and therefore the compliance cost in completing the assessment process will not change. The change in taxes charged for these businesses depends entirely on the mix of property since some percent good schedules are increasing and others decreasing. For example, the owner of a heavy duty truck may see an increase in taxes since the 2003 proposed percent good schedule for this class increases by as much as 8 percentage points but the owner of heavy equipment may see a decrease in taxes due to a decrese by as much as 5 percentage points, depending on the model year of the vehicle, compared to the previous rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated above, the fiscal impact to businesses from changes in the proposed personal property schedules due to changes in this rule will not be as significant as changes in the annual tax rate.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-33. [~~2003~~]2004 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.

A. Definitions.

1. "Acquisition cost" means all costs required to put an item into service, including purchase price, freight and shipping costs; installation, engineering, erection or assembly costs; and excise and sales taxes.

a) Indirect costs such as debugging, licensing fees and permits, insurance or security are not included in the acquisition cost.

b) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

2. "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

a) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

3. "Cost new" means the actual cost of the property when purchased new.

a) Except as otherwise provided in this rule, the Tax Commission and assessors shall rely on the following sources to determine cost new:

(1) documented actual cost of the new or used vehicle; or

(2) recognized publications that provide a method for approximating cost new for new or used vehicles.

b) For the following property purchased used, the taxing authority may determine cost new by dividing the property's actual cost by the percent good factor for that class:

(1) class 6 heavy and medium duty trucks;
(2) class 9 off-highway vehicles;
(3) class 11 street motorcycles;
(4) class 13 heavy equipment;
(5) class 14 motor homes;
(6) class 17 boats;
(7) class 18 travel trailers/truck campers;
(8) class 21 commercial and utility trailers;
(9) class 23 aircraft subject to the aircraft uniform fee and not listed in the aircraft bluebook price digest; and
(10) class 26 personal watercraft.

4. "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

a) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

b) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, other data sources or research, and vehicle valuation guides such as NADA.

B. Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

1. Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

2. A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

3. County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

4. A party may request a deviation from the value established by the schedule for a specific item of property if the use of the schedule does not result in the fair market value for the property at the retail level of trade on the lien date, including any relevant installation and assemblage value.

C. Other taxable personal property that is not included in the listed classes includes:

1. Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

2. Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

3. Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

D. Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

E. All taxable personal property is classified by expected economic life as follows:

1. Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

a) Examples of property in the class include:

(1) barricades/warning signs;

(2) library materials;

(3) patterns, jigs and dies;

(4) pots, pans, and utensils;

(5) canned computer software;

(6) hotel linen;

(7) wood and pallets;

(8) video tapes, compact discs, and DVDs; and

(9) uniforms.

b) With the exception of video tapes, compact discs, and DVDs, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is stated:

(1) retail price of the canned computer software;

(2) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or

(3) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of all expected licensing fees paid pursuant to the agreement.

d) Video tapes, compact discs, and DVDs are valued at $15.00 per tape or disc for the first year and $3.00 per tape or disc thereafter.

TABLE 1

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	70%
[~~01~~]02	40%
[~~00~~]01 and prior	10%

2. Class 2 - Computer Integrated Machinery.

a) Machinery shall be classified as computer integrated machinery if all of the following conditions are met:

(1) The equipment is sold as a single unit. If the invoice breaks out the computer separately from the machine, the computer must be valued as Class 12 property and the machine as Class 8 property.

(2) The machine cannot operate without the computer and the computer cannot perform functions outside the machine.

(3) The machine can perform multiple functions and is controlled by a programmable central processing unit.

(4) The total cost of the machine and computer combined is depreciated as a unit for income tax purposes.

(5) The capabilities of the machine cannot be expanded by substituting a more complex computer for the original.

b) Examples of property in this class include:

(1) CNC mills;

(2) CNC lathes;

(3) MRI equipment;

(4) CAT scanners; and

(5) mammography units.

c) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 2

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	[~~87%~~]85%
[~~01~~]02	71%
[~~00~~]01	[~~60%~~]59%
[~~99~~]00	51%
[~~98~~]99	43%
[~~97~~]98	[~~35%~~]34%
[~~96~~]97	25%
[~~95~~]96 and prior	16%

3. Class 3 - Short Life Trade Fixtures. Property in this class generally consists of electronic types of equipment and includes property subject to rapid functional and economic obsolescence or severe wear and tear.

a) Examples of property in this class include:

(1) office machines;

(2) alarm systems;
(3) shopping carts;
(4) ATM machines;
(5) small equipment rentals;
(6) rent-to-own merchandise;
(7) telephone equipment and systems;
(8) music systems;
(9) vending machines;
(10) video game machines; and
(11) cash registers and point of sale equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 3

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	[~~83%~~]82%
[~~01~~]02	[~~67%~~]66%
[~~00~~]01	[~~51%~~]50%
[~~99~~]00	34%
[~~98~~]99 and prior	17%

4. Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

a) Examples of property in this class include:
(1) furniture;
(2) bars and sinks:
(3) booths, tables and chairs;
(4) beauty and barber shop fixtures;
(5) cabinets and shelves;
(6) displays, cases and racks;
(7) office furniture;
(8) theater seats;
(9) water slides; and
(10) signs, mechanical and electrical.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	[~~90%~~]88%
[~~01~~]02	80%
[~~00~~]01	[~~71%~~]70%
[~~99~~]00	[~~62%~~]61%
[~~98~~]99	[~~52%~~]51%
[~~97~~]98	42%
[~~96~~]97	[~~32%~~]31%
[~~95~~]96	[~~22%~~]21%
[~~94~~]95 and prior	11%

5. Class 6 - Heavy and Medium Duty Trucks.

a) Examples of property in this class include:
(1) heavy duty trucks; [~~and~~]
(2) medium duty trucks;
(3) crane trucks;
(4) concrete pump trucks; and
(5) trucks with well-boring rigs.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) Cost new of vehicles in this class is defined as follows:
(1) the documented actual cost of the vehicle for new vehicles; or
(2) 75 percent of the manufacturer's suggested retail price.

d) For state assessed vehicles, cost new shall include the value of attached equipment.

e) The [~~2003~~]2004 percent good applies to [~~2003~~]2004 models purchased in [~~2002~~]2003.

f) Trucks weighing two tons or more have a residual taxable value of $1,750.

TABLE 6

Model Year	Percent Good of Cost New
[~~03~~]04	90%
[~~02~~]03	[~~55%~~]65%
[~~01~~]02	[~~52%~~]60%
[~~00~~]01	[~~48%~~]55%
[~~99~~]00	[~~44%~~]50%
[~~98~~]99	[~~40%~~]46%
[~~97~~]98	[~~37%~~]41%
[~~96~~]97	[~~33%~~]36%
[~~95~~]96	[~~29%~~]31%
[~~94~~]95	[~~25%~~]26%
[~~93~~]94	[~~22%~~]21%
[~~92~~]93	[~~18%~~]16%
[~~91~~]92	[~~14%~~]11%
[~~90~~]91 and prior	[~~10%~~]6%

6. Class 7 - Medical and Dental Equipment. Class 7 property is subject to a high degree of technological development by the health industry.

a) Examples of property in this class include:
(1) medical and dental equipment and instruments;
(2) exam tables and chairs;
(3) high-tech hospital equipment;
(4) microscopes; and
(5) optical equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 7

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	[~~91%~~]90%
[~~01~~]02	83%
[~~00~~]01	[~~76%~~]75%
[~~99~~]00	[~~69%~~]68%
[~~98~~]99	60%
[~~97~~]98	[~~52%~~]51%
[~~96~~]97	[~~44%~~]43%
[~~95~~]96	[~~36%~~]35%
[~~94~~]95	[~~28%~~]27%
[~~93~~]94	19%
[~~92~~]93 and prior	10%

7. Class 8 - Machinery and Equipment. Property in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available.

a) Examples of property in this class include:
(1) manufacturing machinery;
(2) amusement rides;
(3) bakery equipment;
(4) distillery equipment;
(5) refrigeration equipment;
(6) laundry and dry cleaning equipment;

(7) machine shop equipment;
(8) processing equipment;
(9) auto service and repair equipment;
(10) mining equipment;
(11) ski lift machinery;
(12) printing equipment;
(13) bottling or cannery equipment; and
(14) packaging equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 8

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	[~~91%~~]90%
[~~01~~]02	83%
[~~00~~]01	[~~76%~~]75%
[~~99~~]00	[~~69%~~]68%
[~~98~~]99	60%
[~~97~~]98	[~~52%~~]51%
[~~96~~]97	[~~44%~~]43%
[~~95~~]96	[~~36%~~]35%
[~~94~~]95	[~~28%~~]27%
[~~93~~]94	19%
[~~92~~]93 and prior	10%

8. Class 9 - Off-Highway Vehicles.

a) Examples of property in this class include:
(1) dirt and trail motorcycles;
(2) all terrain vehicles;
(3) golf carts; and
(4) snowmobiles.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The [~~2003~~]2004 percent good applies to [~~2003~~]2004 models purchased in [~~2002~~]2003.

d) Off-Highway Vehicles have a residual taxable value of $500.

TABLE 9

Model Year	Percent Good of Cost New
[~~03~~]04	90%
[~~02~~]03	[~~64%~~]66%
[~~01~~]02	[~~61%~~]62%
[~~00~~]01	[~~57%~~]58%
[~~99~~]00	[~~53%~~]54%
[~~98~~]99	[~~49%~~]50%
[~~97~~]98	[~~45%~~]46%
[~~96~~]97	41%
[~~95~~]96	37%
[~~94~~]95	33%
[~~93~~]94	[~~30%~~]29%
[~~92~~]93	[~~26%~~]25%
[~~91~~]92	[~~22%~~]21%
[~~90~~]91 and prior	[~~18%~~]17%

9. Class 10 - Railroad Cars. The Class 10 schedule was developed to value the property of railroad car companies. Functional and economic obsolescence is recognized in the developing technology of the shipping industry. Heavy wear and tear is also a factor in valuing this class of property.

a) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 10

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	[~~93%~~]91%
[~~01~~]02	[~~87%~~]86%
[~~00~~]01	[~~81%~~]80%
[~~99~~]00	[~~76%~~]74%
[~~98~~]99	[~~69%~~]68%
[~~97~~]98	[~~63%~~]62%
[~~96~~]97	56%
[~~95~~]96	[~~51%~~]49%
[~~94~~]95	[~~45%~~]43%
[~~93~~]94	[~~39%~~]37%
[~~92~~]93	31%
[~~91~~]92	[~~24%~~]23%
[~~90~~]91	16%
[~~89~~]90 and prior	8%

10. Class 11 - Street Motorcycles.

a) Examples of property in this class include:
(1) street motorcycles;
(2) scooters;
(3) mopeds; and
(4) low-speed electric vehicles.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The [~~2003~~]2004 percent good applies to [~~2003~~]2004 models purchased in [~~2002~~]2003.

d) Street motorcycles have a residual taxable value of $500.

TABLE 11

Model Year	Percent Good of Cost New
[~~03~~]04	90%
[~~02~~]03	[~~68%~~]67%
[~~01~~]02	65%
[~~00~~]01	[~~63%~~]62%
[~~99~~]00	60%
[~~98~~]99	[~~58%~~]57%
[~~97~~]98	[~~55%~~]54%
[~~96~~]97	[~~53%~~]52%
[~~95~~]96	[~~50%~~]49%
[~~94~~]95	[~~48%~~]46%
[~~93~~]94	[~~45%~~]44%
[~~92~~]93	[~~43%~~]41%
[~~91~~]92	[~~40%~~]39%
[~~90~~]91	[~~38%~~]36%
[~~89~~]90	[~~35%~~]33%
[~~88~~]89	[~~33%~~]31%
[~~87~~]88	[~~30%~~]28%
[~~86~~]87 and prior	[~~28%~~]25%

11. Class 12 - Computer Hardware.

a) Examples of property in this class include:
(1) data processing equipment;
(2) personal computers;
(3) main frame computers;
(4) computer equipment peripherals;
(5) cad/cam systems; and
(6) copiers.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	85%
[~~01~~]02	57%
[~~00~~]01	[~~37%~~]36%
[~~99~~]00	[~~24%~~]23%
[~~98~~]99	14%
[~~97~~]98 and prior	9%

12. Class 13 - Heavy Equipment.

a) Examples of property in this class include:

(1) construction equipment;

(2) excavation equipment;

(3) loaders;

(4) batch plants;

(5) snow cats; and

(6) pavement sweepers.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) [~~2003~~]2004 model equipment purchased in [~~2002~~]2003 is valued at 100 percent of acquisition cost.

TABLE 13

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	[~~59%~~]54%
[~~01~~]02	[~~55%~~]51%
[~~00~~]01	[~~52%~~]48%
[~~99~~]00	[~~49%~~]45%
[~~98~~]99	[~~45%~~]42%
[~~97~~]98	[~~42%~~]39%
[~~96~~]97	[~~39%~~]36%
[~~95~~]96	[~~36%~~]33%
[~~94~~]95	[~~32%~~]30%
[~~93~~]94	[~~29%~~]27%
[~~92~~]93	[~~26%~~]24%
[~~91~~]92	[~~22%~~]21%
[~~90~~]91	[~~19%~~]17%
[~~89~~]90 and prior	[~~16%~~]14%

13. Class 14 - Motor Homes.

a) Taxable value is calculated by applying the percent good against the cost new.

b) The [~~2003~~]2004 percent good applies to [~~2003~~]2004 models purchased in [~~2002~~]2003.

c) Motor homes have a residual taxable value of $1,000.

TABLE 14

Model Year	Percent Good of Cost New
[~~03~~]04	90%
[~~02~~]03	69%
[~~01~~]02	66%
[~~00~~]01	[~~63%~~]62%
[~~99~~]00	59%
[~~98~~]99	56%
[~~97~~]98	53%
[~~96~~]97	50%
[~~95~~]96	47%
[~~94~~]95	44%
[~~93~~]94	[~~40%~~]41%
[~~92~~]93	37%
[~~91~~]92	34%
[~~90~~]91	31%
[~~89~~]90	28%
[~~88~~]89	25%
[~~87~~]88 and prior	[~~21%~~]22%

14. Class 15 - Semiconductor Manufacturing Equipment. Class 15 applies only to equipment used in the production of semiconductor products. Equipment used in the semiconductor manufacturing industry is subject to significant economic and functional obsolescence due to rapidly changing technology and economic conditions.

a) Examples of property in this class include:

(1) crystal growing equipment;

(2) die assembly equipment;

(3) wire bonding equipment;

(4) encapsulation equipment;

(5) semiconductor test equipment;

(6) clean room equipment;

(7) chemical and gas systems related to semiconductor manufacturing;

(8) deionized water systems;

(9) electrical systems; and

(10) photo mask and wafer manufacturing dedicated to semiconductor production.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	47%
[~~01~~]02	34%
[~~00~~]01	24%
[~~99~~]00	15%
[~~98~~]99 and prior	6%

15. Class 16 - Long-Life Property. Class 16 property has a long physical life with little obsolescence.

a) Examples of property in this class include:

(1) billboards;

(2) sign towers;

(3) radio towers;

(4) ski lift and tram towers;

(5) non-farm grain elevators; and

(6) bulk storage tanks.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 16

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	[~~95%~~]93%
[~~01~~]02	[~~90%~~]89%
[~~00~~]01	[~~86%~~]85%
[~~99~~]00	[~~82%~~]81%
[~~98~~]99	77%
[~~97~~]98	[~~73%~~]72%
[~~96~~]97	[~~69%~~]68%
[~~95~~]96	[~~65%~~]63%
[~~94~~]95	[~~62%~~]60%
[~~93~~]94	[~~58%~~]56%
[~~92~~]93	[~~53%~~]52%
[~~91~~]92	47%
[~~90~~]91	[~~42%~~]41%
[~~89~~]90	[~~37%~~]36%
[~~88~~]89	[~~33%~~]31%

[~~87~~]88	[~~27%~~]26%
[~~86~~]87	[~~21%~~]20%
[~~85~~]86	14%
[~~84~~]85 and prior	7%

16. Class 17 - Boats.

a) Examples of property in this class include:

(1) boats; and

(2) outboard boat motors.

b) Taxable value is calculated by applying the percent good factor against the cost new of the property.

c) The Tax Commission and assessors shall rely on the following sources to determine cost new for property in this class:

(1) the following publications or valuation methods:

(a) the manufacturer's suggested retail price listed in the ABOS Marine Blue Book;

(b) for property not listed in the ABOS Marine Blue Book but listed in the NADA Marine Appraisal Guide, the NADA average value for the property divided by the percent good factor; or

(c) for property not listed in the ABOS Marine Blue Book or the NADA Appraisal Guide:

i) the manufacturer's suggested retail price for comparable property; or

ii) the cost new established for that property by a documented valuation source; or

(2) the documented actual cost of new or used property in this class.

d) The [~~2003~~]2004 percent good applies to [~~2003~~]2004 models purchased in [~~2002~~]2003.

e) Boats have a residual taxable value of $500.

TABLE 17

Model Year	Percent Good of Cost New
[~~03~~]04	90%
[~~02~~]03	68%
[~~01~~]02	[~~65%~~]66%
[~~00~~]01	63%
[~~99~~]00	61%
[~~98~~]99	59%
[~~97~~]98	57%
[~~96~~]97	55%
[~~95~~]96	53%
[~~94~~]95	50%
[~~93~~]94	48%
[~~92~~]93	46%
[~~91~~]92	44%
[~~90~~]91	42%
[~~89~~]90	40%
[~~88~~]89	[~~38%~~]37%
[~~87~~]88	[~~36%~~]35%
[~~86~~]87	33%
[~~85~~]86	31%
[~~84~~]85	29%
[~~83~~]84 and prior	27%

17. Class 18 - Travel Trailers/Truck Campers.

a) Examples of property in this class include:

(1) travel trailers;

(2) truck campers; and

(3) tent trailers.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The [~~2003~~]2004 percent good applies to [~~2003~~]2004 models purchased in [~~2002~~]2003.

d) Trailers and truck campers have a residual taxable value of $500.

TABLE 18

Model Year	Percent Good of Cost New
[~~03~~]04	90%
[~~02~~]03	68%
[~~01~~]02	65%
[~~00~~]01	62%
[~~99~~]00	[~~59%~~]58%
[~~98~~]99	[~~56%~~]55%
[~~97~~]98	[~~53%~~]52%
[~~96~~]97	[~~50%~~]49%
[~~95~~]96	[~~47%~~]45%
[~~94~~]95	[~~44%~~]42%
[~~93~~]94	[~~41%~~]39%
[~~92~~]93	[~~38%~~]36%
[~~91~~]92	[~~35%~~]32%
[~~90~~]91	[~~32%~~]29%
[~~89~~]90	[~~29%~~]26%
[~~88~~]89	[~~26%~~]23%
[~~87~~]88 and prior	[~~23%~~]20%

18. Class 20 - Petroleum and Natural Gas Exploration and Production Equipment. Class 20 property is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

a) Examples of property in this class include:

(1) oil and gas exploration equipment;

(2) distillation equipment;

(3) wellhead assemblies;

(4) holding and storage facilities;

(5) drill rigs;

(6) reinjection equipment;

(7) metering devices;

(8) cracking equipment;

(9) well-site generators, transformers, and power lines;

(10) equipment sheds;

(11) pumps;

(12) radio telemetry units; and

(13) support and control equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 20

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	92%
[~~01~~]02	86%
[~~00~~]01	[~~80%~~]79%
[~~99~~]00	74%
[~~98~~]99	67%
[~~97~~]98	60%
[~~96~~]97	53%
[~~95~~]96	[~~47%~~]46%
[~~94~~]95	[~~41%~~]40%
[~~93~~]94	33%
[~~92~~]93	25%
[~~91~~]92	17%
[~~90~~]91 and prior	[~~9%~~]8%

19. Class 21 - Commercial and Utility Trailers.

a) Examples of property in this class include:

(1) commercial trailers;

(2) utility trailers;
(3) cargo utility trailers;
(4) boat trailers;
(5) converter gears;
(6) horse and stock trailers; and
(7) all trailers not included in Class 18.

b) Taxable value is calculated by applying the percent good factor against the cost new of the property. For state assessed vehicles, cost new shall include the value of attached equipment.

c) The [~~2003~~]2004 percent good applies to [~~2003~~]2004 models purchased in [~~2002~~]2003.

d) Commercial and utility trailers have a residual taxable value of $500.

TABLE 21

Model Year	Percent Good of Cost New
[~~03~~]04	95%
[~~02~~]03	[~~65%~~]71%
[~~01~~]02	[~~61%~~]67%
[~~00~~]01	[~~58%~~]63%
[~~99~~]00	[~~55%~~]59%
[~~98~~]99	[~~51%~~]55%
[~~97~~]98	[~~48%~~]51%
[~~96~~]97	[~~45%~~]47%
[~~95~~]96	[~~42%~~]43%
[~~94~~]95	[~~38%~~]39%
[~~93~~]94	35%
[~~92~~]93	[~~32%~~]31%
[~~91~~]92	[~~28%~~]27%
[~~90~~]91	[~~25%~~]23%
[~~89~~]90	[~~22%~~]19%
[~~88~~]89	[~~18%~~]15%
[~~87~~]88 and prior	[~~15%~~]11%

20. Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

a) Class 22 vehicles fall within four subcategories: domestic passenger cars, foreign passenger cars, light trucks, including utility vehicles, and vans.

b) Because Section 59-2-405.1 subjects Class 22 property to an age-based uniform fee, a percent good schedule is not necessary for this class.

21. Class 23 - Aircraft Subject to the Aircraft Uniform Fee and Not Listed in the Aircraft Bluebook Price Digest.

a) Examples of property in this class include:
(1) kit-built aircraft;
(2) experimental aircraft;
(3) gliders;
(4) hot air balloons; and
(5) any other aircraft requiring FAA registration.

b) Aircraft subject to the aircraft uniform fee, but not listed in the Aircraft Bluebook Price Digest, are valued by applying the percent good factor against the acquisition cost of the aircraft.

c) Aircraft requiring Federal Aviation Agency registration and kept in Utah must be registered with the Motor Vehicle Division of the Tax Commission.

TABLE 23

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	75%
[~~01~~]02	71%
[~~00~~]01	67%
[~~99~~]00	63%
[~~98~~]99	59%
[~~97~~]98	55%
[~~96~~]97	51%
[~~95~~]96	47%
[~~94~~]95	43%
[~~93~~]94	39%
[~~92~~]93	35%
[~~91~~]92 and prior	31%

22. Class 24 - Leasehold Improvements.

a) This class includes leasehold improvements to real property installed by a tenant. The Class 24 schedule is to be used only with leasehold improvements that are assessed to the lessee of the real property pursuant to Tax Commission rule R884-24P-32. Leasehold improvements include:
(1) walls and partitions;
(2) plumbing and roughed-in fixtures;
(3) floor coverings other than carpet;
(4) store fronts;
(5) decoration;
(6) wiring;
(7) suspended or acoustical ceilings;
(8) heating and cooling systems; and
(9) iron or millwork trim.

b) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

c) The Class 3 schedule is used to value short life leasehold improvements.

TABLE 24

Year of Installation	Percent of Installation Cost
[~~02~~]03	94%
[~~01~~]02	88%
[~~00~~]01	82%
[~~99~~]00	77%
[~~98~~]99	71%
[~~97~~]98	65%
[~~96~~]97	59%
[~~95~~]96	54%
[~~94~~]95	48%
[~~93~~]94	42%
[~~92~~]93	36%
[~~91~~]92 and prior	30%

23. Class 25 - Aircraft Parts Manufacturing Tools and Dies. Property in this class is generally subject to rapid physical, functional, and economic obsolescence due to rapid technological and economic shifts in the airline parts manufacturing industry. Heavy wear and tear is also a factor in valuing this class of property.

a) Examples of property in this class include:
(1) aircraft parts manufacturing jigs and dies;
(2) aircraft parts manufacturing molds;
(3) aircraft parts manufacturing patterns;
(4) aircraft parts manufacturing taps and gauges;
(5) aircraft parts manufacturing test equipment; and
(6) aircraft parts manufacturing fixtures.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 25

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	[~~83%~~]82%
[~~01~~]02	67%
[~~00~~]01	[~~52%~~]51%
[~~99~~]00	35%
[~~98~~]99	18%
[~~97~~]98 and prior	4%

24. Class 26 - Personal Watercraft.

a) Examples of property in this class include:

(1) motorized personal watercraft; and

(2) jet skis.

b) Taxable value is calculated by applying the percent good factor against the cost new.

c) The [~~2003~~]2004 percent good applies to [~~2003~~]2004 models purchased in [~~2002~~]2003.

d) Personal watercraft have a residual taxable value of $500.

TABLE 26

Model Year	Percent Good of Cost New
[~~03~~]04	90%
[~~02~~]03	62%
[~~01~~]02	59%
[~~00~~]01	55%
[~~99~~]00	52%
[~~98~~]99	48%
[~~97~~]98	[~~44%~~]45%
[~~96~~]97	41%
[~~95~~]96	[~~37%~~]38%
[~~94~~]95	34%
[~~93~~]94	[~~30%~~]31%
[~~92~~]93	[~~26%~~]27%
[~~91~~]92	23%
[~~90~~]91 and prior	[~~19%~~]20%

25. Class 27 - Electrical Power Generating Equipment and Fixtures

a) Examples of property in this class include:

(1) electrical power generators; and

(2) control equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 27

Year of Acquisition	Percent Good of Acquisition Cost
[~~02~~]03	97%
[~~01~~]02	95%
[~~00~~]01	92%
[~~99~~]00	90%
[~~98~~]99	87%
[~~97~~]98	84%
[~~96~~]97	82%
[~~95~~]96	79%
[~~94~~]95	77%
[~~93~~]94	74%
[~~92~~]93	71%
[~~91~~]92	69%
[~~90~~]91	66%
[~~89~~]90	64%
[~~88~~]89	61%
[~~87~~]88	58%
[~~86~~]87	56%
[~~85~~]86	53%
[~~84~~]85	51%
[~~83~~]84	48%
[~~82~~]83	45%
[~~81~~]82	43%
[~~80~~]81	40%
[~~79~~]80	38%
[~~78~~]79	35%
[~~77~~]78	32%
[~~76~~]77	30%
[~~75~~]76	27%
[~~74~~]75	25%
[~~73~~]74	22%
[~~72~~]73	19%
[~~71~~]72	17%
[~~70~~]71	14%
[~~69~~]70	12%
[~~68~~]69 and prior	9%

F. The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, [~~2003~~]2004.

KEY: taxation, personal property, property tax, appraisals
[~~April 23,~~]2003
Notice of Continuation April 5, 2002
59-2-301

▼ ▼

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Environmental Quality, Air Quality
R307-328
Davis, Salt Lake, Utah and Weber Counties and Ozone Nonnattainment Areas: Gasoline Transfer and Storage

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26531
FILED: 08/05/2003, 15:48

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-327 requires that containers used to transport gasoline must be leak-tight, and provides procedures for testing the trucks or other containers to ensure that volatile organic compounds, a precursor to ozone formation, do not leak during transport, loading, or unloading. Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source...." Subsection 19-2-101(2) states "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety...."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: These requirements are a required component of Utah's Ozone Maintenance Plan so the rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 08/05/2003

▼ ▼

Environmental Quality, Air Quality
R307-332
Davis and Salt Lake Counties and Ozone Nonnattainment Areas: Stage II Vapor Recovery Systems

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26532
FILED: 08/05/2003, 15:59

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-327 requires that large gasoline dispensers install equipment to capture emissions while vehicle gas tanks are being filled. It is to be implemented if levels of ozone pollution are high enough to trigger its use, as specified in the Ozone Maintenance Plan. Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the

establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source...." Subsection 19-2-101(2) states "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety...."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: These requirements are a required component of Utah's Ozone Maintenance Plan so the rule should be continued. So far the requirements have never been implemented because ozone levels have not been high enough to trigger implementation.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 08/05/2003

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Environmental Quality, Air Quality
R307-335
Davis and Salt Lake Counties and Ozone Nonnattainment Areas: Degreasing and Solvent Cleaning Operations

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26533
FILED: 08/05/2003, 16:15

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-335 requires that operators of degreasing or solvent cleaning operations shall follow certain procedures that minimize emissions of volatile organic compounds, a precursor in the formation of ozone. Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source...." Subsection 19-2-101(2) states "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety...."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: These requirements are a required component of Utah's Ozone Maintenance Plan so the rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 08/05/2003

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Environmental Quality, Air Quality
R307-340
Davis and Salt Lake Counties and Ozone Nonnattainment Areas: Surface Coating Processes

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26534
FILED: 08/05/2003, 16:24

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-340 requires that operators of processes that apply surface coating to paper, fabric, vinyl, metal furniture, large appliances, etc. shall follow certain procedures that minimize emissions of volatile organic compounds, a precursor in the formation of ozone.

Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source...." Subsection 19-2-101(2) states "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety...."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: These requirements are a required component of Utah's Ozone Maintenance Plan so this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 08/05/2003

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Environmental Quality, Air Quality
R307-341
Davis and Salt Lake Counties and Ozone Nonnattainment Areas: Cutback Asphalt

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26535
FILED: 08/05/2003, 16:36

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-341 requires that operators of processes may not use or apply cutback asphalt that contains more than 7% oil distillate except in certain circumstances specified in the rule. This requirement is needed to minimize emissions of volatile organic compounds, a precursor in the formation of ozone. Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source...." Subsection 19-2-101(2) states "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety...."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: These requirements are a required component of Utah's Ozone Maintenance Plan so this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 08/05/2003

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Environmental Quality, Air Quality
R307-401
Permit: Notice of Intent and Approval Order

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26543
FILED: 08/11/2003, 13:11

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-401 requires that sources that expect to emit air pollutants must submit a notice of intent to construct before building or modifying any such source. Subsection 19-2-104(3)(q) says the Air Quality Board may make rules to "meet the requirements of federal air

pollution laws." Section 19-2-108 requires the board to require submittal of such notice of intent to the Board's executive secretary and sets forth the conditions of submittals, their timing and authorizes inspections of the premises.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-401 is required by Section 19-2-108. Without R307-401, the state of Utah would lose its authority to issue approvals for construction of air pollution sources, and sources would need to seek approval from the federal EPA, therefore this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 08/11/2003

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Environmental Quality, Air Quality
R307-403
Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26544
FILED: 08/11/2003, 13:14

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-403 requires sources that expect to locate in areas where air pollution is already high meet special requirements to ensure that the federal health-based standards are not exceeded. The requirements are included in Utah's State Implementation Plan for PM10 (particulate matter) and in the Ozone Maintenance Plan. Subsection 19-2-104(3)(q) says the Air Quality Board may make rules to "meet the requirements of federal air pollution laws." Section 19-2-108 requires the board to require submittal of notice of intent to the Board's executive secretary and sets forth the conditions of submittals and their timing and authorizes inspections of the premises.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Without Rule R307-403, Utah would no longer be taking adequate care to protect the health of its citizens. In addition, Utah would no longer be implementing the provisions of its State Implementation Plan for PM10 and Ozone Maintenance Plan. The federal EPA would impose penalties for failure to carry out the provisions of the plans. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 08/11/2003

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Environmental Quality, Air Quality
R307-405
Permits: Prevention of Significant Deterioration of Air Quality (PSD)

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26545
FILED: 08/11/2003, 13:16

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-405 sets forth the classification of areas of Utah as Class I, II, or III, and how areas could be redesignated. It sets forth the process for determining the baseline amount of pollution within each are

of the state and the increments for increases in certain pollutants that must be met by certain sources of pollution. Subsection 19-2-104(3)(q) states the Air Quality Board may make rules to "meet the requirements of federal air pollution laws." Section 19-2-108 requires the board to require submittal of such notice of intent to the Board's executive secretary and sets forth the conditions of submittals, their timing and authorizes inspections of the premises.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-405 was amended once in the last five years (DAR No. 23760, effective July 12, 2001). The following comments were received at that time: Comment 1) in Subsection R307-101-2(1), in the definition of "Representative Actual Annual Emissions", the phrase "including, but not limited to" is a prospective incorporation. The recommendation from the Attorney General's Office is to only use the word "including". Use of the word including should provide needed flexibility, without opening a prospective door. Leaving it as is, including but not limited to, must not be taken as a license to add other criteria at a later time without going through the rulemaking process (from Kent Bishop, Governor's Office of Planning and Budget). Response: it is true that providing a list of items under the heading "including but not limited to" may sometimes cause problems of inadequate notice of prohibited or required actions. However, the use of the phrase must be evaluated on a case-by-case basis to determine whether such a problem is raised. In this case, there is no such problem; and in this case, Air Quality already has the authority to review and use any relevant documents that assist in determining emission projections. Notice is not an issue, although evidence must be disclosed and evaluated in the course of an administrative proceeding. Because there is no statutory or other requirement for notice to the regulated entity, prior to the initiation of an administrative proceeding, regarding which documents will be reviewed, the proposed language does not raise the problems of inadequate notice suggested by the commenter. Staff has proposed leaving this provision in the rule because it is inextricably woven into the fabric of a rule resulting from a very complicated court settlement. Laura Lockhart of the Utah Attorney General's Office has discussed this matter with the commenter, who is satisfied with this result; and Comment 2) in Section R307-405-1, the definition of "Major Modification" should include only the first sentence, not the following list of standards. When exact wording is devised that includes both a defined term and performance standards that are peculiar to that term, then the term should only be used in the rules where the full and complete conditions and standards of that definition apply. This term is used twice in Rule R307-405 and also is used 39 times in other places throughout Title R307, and there is another definition of "Major Modification" in Section R307-101-2. How is the user to know which definition applies in each use throughout Title R307? (from Kent Bishop, Governor's Office of Planning and Budget). Response: Subsections R307-405-1(1) and (2) under the definition of major modification do not establish standards. These additional provisions are included to clarify two important phrases in the definition. Subsection R307-405-1(1) clarifies that the phrase significant net emissions increase of any pollutant subject to regulation under the Clean Air Act also includes volatile organic compounds, which are a precursor for ozone, which is a regulated pollutant under the Clean Air Act. Section R307-101-2 further defines significant to mean a net emissions increase for ozone of 40 tons per year of volatile organic compounds. Subsection R307-405-1(2), in the proposed definition, is the list of items excluded from the phrase physical change in or change in the method of operation in the first sentence of the definition. The subsections are not a statement of standards, and are an integral part of the definition of "Major Modification." Regarding how the user is to know how each definition applies, the first sentence of Section R307-405-1 is "The following additional definitions apply to Rule R307-405." This sentence alerts the reader that the definitions in Section R307-405-1 apply only within Rule R307-405. It also alerts the reader that there are additional definitions elsewhere. As is customary, Title R307 definitions are found at the beginning, in Section R307-101-2. The first sentence in Section R307-101-2 is "Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board." Again, staff recommends no change, as this language is a very complicated and integral component of a federal court settlement. No other written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows the State of Utah to regulate air quality in the cleanest areas of the state. Without Rule R307-405, administration of the requirements of Part C of the Clean Air Act (42 U.S.C. 7450:59) would be carried out by EPA, not the State of Utah. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 08/11/2003

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Environmental Quality, Air Quality
R307-406
Visibility

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26546
FILED: 08/11/2003, 13:18

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-406 sets forth the criteria to be used by the Division of Air Quality in notices of intent to construct under Rule R307-401 for new or modified sources whose air pollution may affect visibility in Utah's Class I areas--Zion, Bryce, Capitol Reef, Arches, and Canyonlands National Parks. Subsection 19-2-104(3)(q) says the Air Quality Board may make rules to "meet the requirements of federal air pollution laws." Section 19-2-108 requires the board to require submittal of notice of intent to the Board's executive secretary and sets forth the conditions of submittals, their timing, and authorizes inspections of the premises.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows the State of Utah to regulate air quality in the cleanest areas of the state. Without Rule R307-406, EPA would issue a Federal Implementation Plan and rules to protect visibility. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 08/11/2003

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Environmental Quality, Air Quality
R307-410
Permits: Emission Impact Analysis

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26547
FILED: 08/11/2003, 15:14

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-410 sets forth the criteria to be used by the Division of Air Quality to determine the appropriate stack height for smokestacks to be constructed as part of a new or modifying source of air pollution. Subsection 19-2-104(3)(q) says the Air Quality Board may make rules to "meet the requirements of federal air pollution laws." Section 19-2-108 requires the board to require submittal of notice of intent to the Board's executive secretary and sets forth the conditions of submittals, their timing, and authorizes inspections of the premises.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary so that sources of air pollution know the requirements to be met to obtain approval to construct or modify their installations and should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 08/11/2003

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Environmental Quality, Air Quality
R307-414
Permits: Fees for Approval Orders

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26550
FILED: 08/14/2003, 13:43

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R307-414 sets forth procedures for billing sources of air pollution. Subsection 19-2-104(3)(o) says the Air Quality Board may require certain sources of air pollution to pay a fee sufficient to cover reasonable costs for reviewing and acting upon the notice of intent required by Rule R307-401 and for implementing and enforcing the requirements of the approval order issued to the source.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The fees required under Rule R307-410 and approved annually by the Legislature comprise a substantial portion of the budget of the Division of Air Quality. Without these fees, the Division would not be able to review and act upon the applications by sources, nor to enforce the requirements written into approval orders to meet the requirements of the Clean Air Act and Utah requirements. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: Dianne R. Nielson, Executive Director

EFFECTIVE: 08/14/2003

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Natural Resources, Wildlife Resources
R657-19
Taking Nongame Mammals

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26576
FILED: 08/15/2003, 16:31

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 23-14-18, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The division has not received any written comments regarding this rule. Any comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and the administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division of Wildlife Resources has carefully reviewed the biological data and purposes for which the Wildlife Board allows the taking of species listed in this rule and has determined that such species may be taken without harming the resource, while allowing recreational opportunities, and depredation control on private lands. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

AUTHORIZED BY: Kevin Conway, Director

EFFECTIVE: 08/15/2003

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Professional Practices Advisory Commission, Administration
R686-101
Alcohol Related Offenses

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26568
FILED: 08/15/2003, 11:04

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-6-306(1)(a) directs the Utah Professional Practices Advisory Commission (UPPAC) to adopt rules to carry out its responsibilities under the law.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: UPPAC continues to need clearly outlined procedures when considering applicants for educator licensure and also when taking action against currently licensed educators who have been referred to UPPAC for alleged misconduct issues after complaints or regarding alcohol-related offenses. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PROFESSIONAL PRACTICES ADVISORY COMMISSION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 08/15/2003

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Professional Practices Advisory Commission, Administration

R686-102

Drug Related Offenses

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26569
FILED: 08/15/2003, 11:05

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsecton 53A-6-306(1)(a) directs the Utah Professional Practices Advisory Commission (UPPAC) to adopt rules to carry out its responsibilities under the law.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: UPPAC continues to need clearly outlined procedures when considering applicants for educator licensure and also when taking action against currently licensed educators who have been referred to UPPAC for alleged misconduct issues after complaints or regarding drug-related offenses. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PROFESSIONAL PRACTICES ADVISORY COMMISSION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 08/15/2003

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Public Service Commission, Administration

R746-344

Filing Requirements for Telephone Corporations with Less than 5,000 Access Line Subscribers

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26538
FILED: 08/08/2003, 16:38

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 54-7-12(5) and

(6) require telephone cooperatives to provide necessary information to support proposed rate changes by the completion of schedules approved by the Commission.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received regarding this rule since the five-year review in 1998.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule remains necessary to provide uniformity of factual information for general rate case filings and should be continued. Providing this information simplifies proceedings, eliminates expense, and enhances the effectiveness of the fact-finding process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 08/08/2003

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Public Service Commission, Administration

R746-345

Pole Attachments for Cable Television Companies

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26539
FILED: 08/08/2003, 16:42

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-13 provides that the Commission shall have the power to regulate the rates, terms, and conditions by which a public utility can permit attachments to public utility poles by cable television companies.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received regarding this rule since the five-year review in 1998.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Commission must continue to ensure that, under the terms and conditions of the pole attachment contract, the cable company's use of the utilities' facilities will not interfere with the primary utility function or render them unsafe. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 08/08/2003

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Public Service Commission, Administration

R746-404

Regulation of Promotional Programs of Electric and Gas Public Utilities

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26540
FILED: 08/08/2003, 16:46

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-1 gives the Commission the authority and jurisdiction to supervise and regulate every public utility in this state, and to do all things necessary or convenient in the exercise of that power and jurisdiction.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received regarding this rule since the five-year review in 1998.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Electric and gas utility companies continue to request approval of promotional programs and the Commission must continue to monitor and regulate those programs to insure that they are in the public interest. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 08/08/2003

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Public Service Commission, Administration
R746-406
Advertising by Electric and Gas Utilities

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26541
FILED: 08/08/2003, 16:49

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-1 gives the Commission the authority and jurisdiction to supervise and regulate every public utility in this state, and to do all things necessary or convenient in the exercise of that power and jurisdiction.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule remains necessary to continue to monitor and regulate the direct or indirect advertising expenditures of utility companies and to insure that they are in the public interest. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 08/08/2003

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Public Service Commission, Administration
R746-500
Americans With Disabilities Act Complaint Procedure

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26529
FILED: 08/04/2003, 16:21

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is required and authorized by 42 USC 12201, and Section 54-1-1 and Subsection 63-46a-3(2). It provides for prompt and equitable resolution of complaints filed in accordance with Title II of the Americans with Disabilities Act of 1990.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received regarding this rule since the most recent five-year review in 1998.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary so that no qualified individual with a disability, by reason of that disability, will be excluded from participation in or be denied the benefits of the services, programs, or activities of the Commission or be subjected to discrimination by the Commission. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 08/04/2003

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations
AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Commerce
Occupational and Professional Licensing
No. 26339 (AMD): R156-42a. Occupational Therapy Practice Act Rules.
Published: July 1, 2003
Effective: August 4, 2003

Education
Administration
No. 26436 (AMD): R277-419. Pupil Accounting.
Published: July 15, 2003
Effective: August 15, 2003

No. 26438 (AMD): R277-454. Construction Management of School Building Projects.
Published: July 15, 2003
Effective: August 15, 2003

No. 26434 (AMD): R277-508. Employment of Substitute Teachers.
Published: July 15, 2003
Effective: August 15, 2003

No. 26437 (AMD): R277-733. Adult Basic Education and Adult High School Completion Programs.
Published: July 15, 2003
Effective: August 15, 2003

Environmental Quality
Radiation Control
No. 26377 (AMD): R313-15-301. Dose Limits for Individual Members of the Public.
Published: July 1, 2003
Effective: August 8, 2003

No. 26270 (AMD): R313-26. Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities.
Published: June 1, 2003
Effective: August 8, 2003

Health
Community and Family Health Services, Children with Special Health Care Needs
No. 26348 (NEW): R398-10. Early Intervention Services.
Published: July 1, 2003
Effective: August 6, 2003

End of the Notices of Rule Effective Dates Section

RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2003, including notices of effective date received through August 15, 2003, the effective dates of which are no later than September 1, 2003. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. These difficulties with the index are related to a new software package used by the Division to create the Bulletin and related publications; we hope to have them resolved as soon as possible. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (http://www.rules.utah.gov/).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
Facilities Construction and Management					
R23-3	Authorization of Programs for Capital Development Projects	25639	R&R	01/02/2003	2002-23/3
R23-3	Planning and Programming for Capital Projects	25989	AMD	03/24/2003	2003-4/4
R23-4	Contract Performance Review Committee and Suspension/Debarment From Consideration for Award of State Contracts	25964	5YR	01/15/2003	2003-3/62
R23-4	Contract Performance Review Committee and Suspension/Debarment From Consideration for Award of State Contracts	25783	AMD	02/04/2003	2003-1/3
R23-5	Contingency Funds	25955	5YR	01/15/2003	2003-3/62
R23-6	Value Engineering and Life Cycle Costing of State-Owned Facilities Rules and Regulations	25956	5YR	01/15/2003	2003-3/63
R23-7	Utah State Building Board Policy Statement Master Planning (5YR EXTENSION)	25984	NSC	02/04/2003	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R23-7	Utah State Building Board Policy Statement Master Planning	25770	REP	02/04/2003	2003-1/5
R23-8	Planning Fund Use	25640	REP	01/02/2003	2002-23/5
R23-9	Building Board State/Local Cooperation Policy	25957	5YR	01/15/2003	2003-3/63
R23-9	Building Board State/Local Cooperation Policy	25988	R&R	03/24/2003	2003-4/5
R23-10	Naming of State Buildings	25962	5YR	01/15/2003	2003-3/64
R23-10	Naming of State Buildings	25784	AMD	02/04/2003	2003-1/5
R23-11	Facilities Allocation and Sale Procedures	25771	REP	02/04/2003	2003-1/7
R23-11	Facilities Allocation and Sales Procedures (5YR EXTENSION)	25986	NSC	02/04/2003	Not Printed
R23-13	State of Utah Parking Rules for Facilities Managed by the Division of Facilities Construction and Management	26117	5YR	03/25/2003	2003-8/44
R23-14	Management of Roofs on State Buildings	26115	NEW	05/16/2003	2003-8/7
R23-21	Division of Facilities Construction and Management Lease Procedures	25959	5YR	01/15/2003	2003-3/64
R23-24	Capital Projects Utilizing Non-appropriated Funds	25960	5YR	01/15/2003	2003-3/65
Finance					
R25-6	Relocation Reimbursement	26206	5YR	05/01/2003	2003-10/146
R25-7	Travel-Related Reimbursements for State Employees	26203	5YR	05/01/2003	2003-10/146
R25-7	Travel-Related Reimbursements for State Employees	26204	AMD	07/01/2003	2003-10/4
Fleet Operations					
R27-3	Vehicle Use Standards	25879	AMD	05/15/2003	2003-2/5
R27-7	Safety and Loss Prevention of State Vehicles	26191	AMD	07/08/2003	2003-10/6
Purchasing and General Services					
R33-2-102	Authority to Make Small Purchases	26136	AMD	05/27/2003	2003-8/8
R33-3	Source Selection and Contract Formation	26138	AMD	05/27/2003	2003-8/9
R33-5	Construction and Architect - Engineer Selection	26139	AMD	05/27/2003	2003-8/15
Agriculture and Food					
Administration					
R51-5	Grazing Advisory Boards	26515	5YR	07/30/2003	2003-/16
Marketing and Conservation					
R65-2	Utah Cherry Marketing Order	26383	5YR	06/13/2003	2003-13/62
R65-5	Utah Red Tart and Sour Cherry Marketing Order	26386	5YR	06/13/2003	2003-13/62
R65-7	Horse Racing	26083	AMD	06/09/2003	2003-7/5
Plant Industry					
R68-5	Grain Inspection	26385	5YR	06/13/2003	2003-13/63
R68-9	Utah Noxious Weed Act	26387	5YR	06/13/2003	2003-13/63
R68-14	Quarantine Pertaining to Gypsy Moth - Lymantria Dispar	26388	5YR	06/13/2003	2003-13/64
R68-16	Quarantine Pertaining to Pine Shoot Beetle, Tomicus piniperda	26389	5YR	06/13/2003	2003-13/64
R68-17	Quarantine Pertaining to Necrotic Strain of the Potato Virus Y	26390	5YR	06/13/2003	2003-13/65
Alcoholic Beverage Control					
Administration					
R81-1	Scope, Definitions, and General Provisions	26322	AMD	08/01/2003	2003-12/4

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R81-1-17	Advertising	25886	AMD	02/26/2003	2003-2/5
R81-3	Package Agencies	26323	AMD	08/01/2003	2003-12/16
R81-4A	Restaurants	26324	AMD	08/01/2003	2003-12/18
R81-4B	Airport Lounges	26325	AMD	08/01/2003	2003-12/20
R81-4C	Limited Restaurant Licenses	26326	NEW	08/01/2003	2003-12/21
R81-4D	On-Premise Banquet License	26327	NEW	08/01/2003	2003-12/23
R81-5	Private Clubs	26328	AMD	08/01/2003	2003-12/26
R81-5-5	Advertising	25887	AMD	02/26/2003	2003-2/8
R81-6-4	Public Service Permittee Operating Guidelines	26329	AMD	08/01/2003	2003-12/29
R81-7	Single Event Permits	26330	AMD	08/01/2003	2003-12/30
R81-7-3	Guidelines for Issuing Permits for Outdoor Public Events	25615	NSC	01/01/2003	Not Printed
R81-7-3	Guidelines for Issuing Permits for Outdoor or Large-Scale Public Events	25650	AMD	01/24/2003	2002-24/6
R81-10	On-Premise Beer Retailer	26332	AMD	08/01/2003	2003-12/32
R81-10B	Temporary Special Event Beer Permits	26336	NEW	08/01/2003	2003-12/33
R81-12	Manufacturer Representative (Distillery, Winery, Brewery)	26333	AMD	08/01/2003	2003-12/35
Career Service Review Board					
Administration					
R137-2	Government Records Access and Management Act	26397	5YR	06/18/2003	2003-14/93
Commerce					
Administration					
R151-14	New Automobile Franchise Act Rules	25624	AMD	01/02/2003	2002-23/6
R151-14	New Automobile Franchise Act Rule	25838	NSC	02/01/2003	Not Printed
R151-14	New Automobile Franchise Act Rule	26199	AMD	06/17/2003	2003-10/9
R151-33	Pete Suazo Utah Athletic Commission Act Rule	25649	AMD	01/15/2003	2002-24/7
R151-33-102	Definitions	26260	AMD	07/23/2003	2003-11/6
R151-35	Powersport Vehicle Franchise Act Rule	25724	NEW	01/15/2003	2002-24/9
R151-35	Powersport Vehicle Franchise Act Rule	26198	AMD	06/17/2003	2003-10/10
R151-46b	Department of Commerce Administrative Procedures Act Rules	25822	AMD	02/18/2003	2003-1/8
Corporations and Commercial Code					
R154-2	Utah Uniform Commercial Code, Revised Article 9 Rules	25549	AMD	03/14/2003	2002-22/7
R154-10	Utah Digital Signatures Rules	25553	AMD	03/14/2003	2002-22/9
Occupational and Professional Licensing					
R156-3a	Architect Licensing Act Rules	26174	AMD	06/03/2003	2003-9/3
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	25922	5YR	01/13/2003	2003-3/65
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	25763	CPR	04/03/2003	2003-5/27
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	25763	AMD	04/03/2003	2003-1/10
R156-22-303	Examination Requirements for Licensure as a Professional Land Surveyor	25727	NSC	01/01/2003	Not Printed
R156-26a-302a	Qualifications for CPA licensure - Education Requirements	26297	AMD	07/17/2003	2003-12/37
R156-28	Veterinary Practice Act Rules	26150	AMD	06/03/2003	2003-9/3
R156-31b	Nurse Practice Act Rules	26319	5YR	06/02/2003	2003-12/70

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	26192	AMD	06/17/2003	2003-10/12
R156-42a	Occupational Therapy Practice Act Rules	26339	AMD	08/04/2003	2003-13/3
R156-46a	Hearing Instrument Specialist Licensing Act Rules	25987	AMD	03/18/2003	2003-4/7
R156-46b-403	Evidentiary Hearings in Informal Adjudicative Proceedings	25435	NSC	01/01/2003	Not Printed
R156-47b-202	Massage Therapy Education Peer Committee	26126	AMD	05/19/2003	2003-8/17
R156-47b-302a	Qualifications for Licensure as a Massage Therapist - Massage School Curriculum Standards - Equivalent Education and Training	25651	AMD	01/16/2003	2002-24/10
R156-53	Landscape Architects Licensing Act Rules	26320	5YR	06/02/2003	2003-12/70
R156-55a	Utah Construction Trades Licensing Act Rules	26175	AMD	06/03/2003	2003-9/6
R156-56	Utah Uniform Building Standard Act Rules	25411	AMD	01/01/2003	2002-20/3
R156-56	Utah Uniform Building Standard Act Rules	25821	NSC	01/01/2003	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	26154	AMD	07/01/2003	2003-9/7
R156-56	Utah Uniform Building Standard Act Rules	26153	CPR	07/17/2003	2003-12/52
R156-56	Utah Uniform Building Standard Act Rules	26153	AMD	07/17/2003	2003-9/33
R156-56-707	Statewide Amendments to the IPC	26152	AMD	07/01/2003	2003-9/57
R156-59	Professional Employer Organization Act Rules	25920	5YR	01/09/2003	2003-3/66
R156-59	Professional Employer Organization Act Rules	26116	REP	05/19/2003	2003-8/18
R156-60a	Social Worker Licensing Act Rules	25629	AMD	01/02/2003	2002-23/8
R156-60c	Professional Counselor Licensing Act Rules	26284	AMD	07/03/2003	2003-11/7
R156-63	Security Personnel Licensing Act Rules	26193	AMD	08/18/2003	2003-/10
R156-63	Security Personnel Licensing Act Rules	26193	CPR	08/18/2003	2003-/14
R156-68	Utah Osteopathic Medical Practice Act Rules	26321	5YR	06/02/2003	2003-12/71
Real Estate					
R162-6-1	Improper Practices.	26025	AMD	06/05/2003	2003-5/2
R162-8-9	Disclosure Requirements	25663	AMD	01/16/2003	2002-24/11
R162-9	Continuing Education	26118	AMD	05/21/2003	2003-8/19
R162-104-17	Special Circumstances	26342	AMD	08/27/2003	2003-13/4
R162-105	Scope of Authority	26024	AMD	04/23/2003	2003-5/4
R162-106	Professional Conduct	26060	AMD	04/23/2003	2003-6/3
R162-106-7	Sales and Listing History	26427	AMD	08/27/2003	2003-14/3
R162-107	Unprofessional Conduct	25981	5YR	01/21/2003	2003-4/52
Community and Economic Development					
Community Development, Energy Services					
R203-3	Utah Commercial/Industrial Energy Loan Program	25370	REP	01/01/2003	2002-20/39
Community Development, History					
R212-1	Adjudicative Proceedings	25630	AMD	01/06/2003	2002-23/10
R212-1	Adjudicative Proceedings	25570	AMD	01/06/2003	2002-22/10
R212-4	Archaeological Permits	25787	AMD	03/11/2003	2003-1/13
Corrections					
Administration					
R251-110	Sex Offender Notification	25991	AMD	03/21/2003	2003-4/9
R251-304	Contract Procedures	25885	AMD	02/19/2003	2003-2/9
R251-304	Contract Procedures	26053	5YR	02/21/2003	2003-6/17

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Crime Victim Reparations					
Administration					
R270-1	Award and Reparations Standards	26381	AMD	08/01/2003	2003-13/5
Education					
Administration					
R277-104	USOE ADA Complaint Procedure	26340	5YR	06/04/2003	2003-13/65
R277-108	Annual Assurance of Compliance by School Districts	26190	AMD	06/17/2003	2003-10/22
R277-419	Pupil Accounting	26436	AMD	08/15/2003	2003-14/3
R277-436	Gang Prevention and Intervention Programs in the Schools	26341	5YR	06/04/2003	2003-13/65
R277-454	Construction Management of School Building Projects	26438	AMD	08/15/2003	2003-14/8
R277-469	Instructional Materials Commission Operating Procedures	26157	5YR	04/04/2003	2003-9/134
R277-470	Charter Schools	25726	AMD	01/15/2003	2002-24/12
R277-483	Persistently Dangerous Schools	25965	NEW	03/07/2003	2003-3/5
R277-484	Data Standards, Deadlines and Procedures	26189	NEW	06/17/2003	2003-10/24
R277-485	Loss of Enrollment	25966	NEW	03/07/2003	2003-3/7
R277-508	Employment of Substitute Teachers (5YR EXTENSION)	26073	NSC	04/25/2003	Not Printed
R277-508	Employment of Substitute Teachers	26188	5YR	04/25/2003	2003-10/147
R277-508	Employment of Substitute Teachers	26434	AMD	08/15/2003	2003-14/9
R277-516	Library Media Certificates and Programs	25925	5YR	01/14/2003	2003-3/67
R277-518	Vocational-Technical Certificates	25926	5YR	01/14/2003	2003-3/67
R277-521	Professional Specialist Licensing	26030	NSC	03/01/2003	Not Printed
R277-600	Student Transportation Standards and Procedures	25928	5YR	01/14/2003	2003-3/68
R277-605	Coaching Standards and Athletic Clinics	25931	5YR	01/14/2003	2003-3/68
R277-610	Released-Time Classes for Religious Instruction	25932	5YR	01/14/2003	2003-3/68
R277-611	Medical Recommendations by School Personnel to Parents	25647	NEW	01/03/2003	2002-23/12
R277-615	Foreign Exchange Students	25933	5YR	01/14/2003	2003-3/69
R277-700	The Elementary and Secondary School Core Curriculum	25935	5YR	01/14/2003	2003-3/69
R277-702	Procedures for the Utah General Educational Development Certificate	25936	5YR	01/14/2003	2003-3/70
R277-705	Secondary School Completion and Diplomas	25648	AMD	01/03/2003	2002-23/13
R277-709	Education Programs Serving Youth in Custody	25937	5YR	01/14/2003	2003-3/70
R277-717	Math, Engineering, Science Achievement (MESA)	26087	AMD	05/02/2003	2003-7/7
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ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

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	25570	R212-1	AMD	01/06/2003	2002-22/10
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	25769	R307-110-10	NSC	01/01/2003	Not Printed
	25761	R307-110-10	NSC	01/01/2003	Not Printed
	25835	R307-110-11	NSC	01/01/2003	Not Printed
	25883	R307-110-12	NSC	01/01/2003	Not Printed
	25850	R307-110-13	NSC	01/01/2003	Not Printed
	25881	R307-110-17	NSC	01/01/2003	Not Printed
	25495	R307-121	AMD	01/09/2003	2002-21/6
	26359	R307-165	5YR	06/11/2003	2003-13/68
	26360	R307-201	5YR	06/11/2003	2003-13/68
	26368	R307-202	5YR	06/12/2003	2003-13/69
	26398	R307-203	5YR	06/19/2003	2003-14/93
	26400	R307-206	5YR	06/19/2003	2003-14/94
	25825	R307-214-2	CPR	06/17/2003	2003-10/137
	25825	R307-214-2	AMD	06/17/2003	2003-1/16
	26399	R307-222	5YR	06/19/2003	2003-14/94
	26402	R307-302	5YR	06/19/2003	2003-14/95
	26403	R307-305	5YR	06/19/2003	2003-14/95
	26404	R307-307	5YR	06/19/2003	2003-14/96
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	26526	R307-326	5YR	08/01/2003	2003-/16
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	26535	R307-341	5YR	08/05/2003	2003-17/85
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	26546	R307-406	5YR	08/11/2003	2003-17/88
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	26326	R81-4C	NEW	08/01/2003	2003-12/21
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	26328	R81-5	AMD	08/01/2003	2003-12/26
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	26332	R81-10	AMD	08/01/2003	2003-12/32
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	26153	R156-56	CPR	07/17/2003	2003-12/52
	26154	R156-56	AMD	07/01/2003	2003-9/7
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	25784	R23-10	AMD	02/04/2003	2003-1/5
	25771	R23-11	REP	02/04/2003	2003-1/7
	25986	R23-11	NSC	02/04/2003	Not Printed
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Human Services, Aging and Adult Services	25557	R510-401	CPR	04/16/2003	2003-5/28
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Natural Resources, Wildlife Resources	26280	R657-45	5YR	05/14/2003	2003-11/97
	26279	R657-45	AMD	07/02/2003	2003-11/52
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Education, Applied Technology Education (Board for), Rehabilitation	25646	R280-203	AMD	01/03/2003	2002-23/16
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	26255	R512-201	EMR	05/06/2003	2003-11/80
	26254	R512-202	EMR	05/06/2003	2003-11/82
	26252	R512-300	EMR	05/06/2003	2003-11/84
	26253	R512-301	EMR	05/06/2003	2003-11/86
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	25865	R430-6	AMD	03/13/2003	2003-2/25
	25944	R430-100	5YR	01/15/2003	2003-3/75
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	25427	R986-700-703	AMD	01/01/2003	2002-20/117
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	26448	R430-50	5YR	07/07/2003	2003-15/78
	26449	R430-60	5YR	07/07/2003	2003-15/79
	26511	R430-90	5YR	07/29/2003	2003-16/52
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Human Services, Administration	26261	R495-879	AMD	07/10/2003	2003-11/28
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	25979	R527-39	5YR	01/17/2003	2003-4/57
	26061	R527-39	AMD	04/21/2003	2003-6/8
	26075	R527-56	5YR	03/10/2003	2003-7/90
	25869	R527-201	AMD	03/05/2003	2003-2/34
	26076	R527-305	5YR	03/10/2003	2003-7/91
	25980	R527-430	5YR	01/21/2003	2003-4/57
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	26256	R512-200	EMR	05/06/2003	2003-11/78
	26255	R512-201	EMR	05/06/2003	2003-11/80
	26254	R512-202	EMR	05/06/2003	2003-11/82
	26252	R512-300	EMR	05/06/2003	2003-11/84
	26253	R512-301	EMR	05/06/2003	2003-11/86
	26250	R512-302	EMR	05/06/2003	2003-11/89
	26257	R512-305	EMR	05/06/2003	2003-11/91
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Natural Resources, Oil, Gas and Mining; Coal	26452	R645-102	5YR	07/07/2003	2003-15/80
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Health, Epidemiology and Laboratory Services, Epidemiology	26294	R386-702	AMD	08/22/2003	2003-/12
	26290	R386-702	EMR	05/16/2003	2003-12/66
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Public Service Commission, Administration	26529	R746-500	5YR	08/04/2003	2003-17/93
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Education, Administration	26190	R277-108	AMD	06/17/2003	2003-10/22
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Human Services, Mental Health, State Hospital	26304	R525-7	5YR	05/20/2003	2003-12/74
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	25988	R23-9	R&R	03/24/2003	2003-4/5
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	26154	R156-56	AMD	07/01/2003	2003-9/7
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	26153	R156-56	AMD	07/17/2003	2003-9/33
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Natural Resources, Wildlife Resources	26271	R657-37	AMD	07/02/2003	2003-11/42
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Education, Administration	25935	R277-700	5YR	01/14/2003	2003-3/69
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	26508	R539-1-6	EMR	07/28/2003	2003-16/48
	25975	R539-3	AMD	05/05/2003	2003-3/16
	26062	R539-3-2	AMD	05/20/2003	2003-6/13
	25949	R539-8-3	AMD	05/05/2003	2003-3/20
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	26255	R512-201	EMR	05/06/2003	2003-11/80
	26254	R512-202	EMR	05/06/2003	2003-11/82
	26252	R512-300	EMR	05/06/2003	2003-11/84
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	26503	R309-535	EMR	08/01/2003	2003-/16
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	25937	R277-709	5YR	01/14/2003	2003-3/70
	25938	R277-718	5YR	01/14/2003	2003-3/71
	25939	R277-730	5YR	01/14/2003	2003-3/72
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	26046	R510-106	AMD	06/30/2003	2003-5/6
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	25557	R510-401	CPR	04/16/2003	2003-5/28
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	25763	R156-22	AMD	04/03/2003	2003-1/10
	25922	R156-22	5YR	01/13/2003	2003-3/65
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	25819	R865-9I-29	AMD	03/11/2003	2003-1/43
	26078	R865-9I-39	AMD	06/10/2003	2003-7/61
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	26074	R313-19-100	AMD	05/09/2003	2003-7/10
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	26286	R612-2-5	AMD	07/02/2003	2003-11/35
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Administrative Services, Finance	26206	R25-6	5YR	05/01/2003	2003-10/146
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	26134	R765-660	5YR	04/01/2003	2003-8/44
	25713	R765-660	NSC	04/01/2003	Not Printed
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Environmental Quality, Environmental Response and Remediation	25161	R311-207	CPR	02/04/2003	2003-1/46
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Environmental Quality, Air Quality	26368	R307-202	5YR	06/12/2003	2003-13/69
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	26006	R710-4	AMD	03/18/2003	2003-4/28
	26001	R710-7	AMD	03/18/2003	2003-4/32
	25961	R710-7	AMD	03/06/2003	2003-3/36
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	26003	R710-9	AMD	03/18/2003	2003-4/38
	26289	R710-9	AMD	07/02/2003	2003-11/69
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	26199	R151-14	AMD	06/17/2003	2003-10/9
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	26259	R510-100-2	EMR	05/15/2003	2003-11/74
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	25890	R657-23	AMD	02/16/2003	2003-2/41
	25892	R657-33	AMD	02/16/2003	2003-2/43
	26056	R657-33-6	AMD	04/15/2003	2003-6/15
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	26528	R307-327	5YR	08/01/2003	2003-16/51
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Environmental Quality, Air Quality	26531	R307-328	5YR	08/05/2003	2003-17/83
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Financial Institutions, Administration	26582	R331-20	5YR	08/27/2003	Not Printed
	26225	R477-11	AMD	07/01/2003	2003-10/97
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Administrative Services, Purchasing and General Services	26136	R33-2-102	AMD	05/27/2003	2003-8/8
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	26547	R307-410	5YR	08/11/2003	2003-17/88
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	25914	R315-12	NSC	03/01/2003	Not Printed
	25918	R315-14	NSC	03/01/2003	Not Printed
	26064	R315-15	5YR	03/03/2003	2003-7/76
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health					
Health, Center for Health Data, Health Care Statistics	26080	R428-11	5YR	03/10/2003	2003-7/88
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	25792	R432-14	AMD	03/13/2003	2003-1/34
	26038	R432-16	5YR	02/12/2003	2003-5/39
	25866	R432-35	AMD	03/13/2003	2003-2/30
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Health, Center for Health Data, Health Care Statistics	26080	R428-11	5YR	03/10/2003	2003-7/88
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Health, Center for Health Data, Health Care Statistics	26079	R428-13	5YR	03/10/2003	2003-7/89
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Environmental Quality, Water Quality	25633	R317-9	NEW	02/05/2003	2002-23/74
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Regents (Board Of), Administration	26034	R765-136	NEW	05/29/2003	2003-5/14
	26432	R765-605	5YR	06/30/2003	2003-14/99
	26443	R765-607	5YR	07/03/2003	2003-15/83
	26134	R765-660	5YR	04/01/2003	2003-8/44
	25713	R765-660	NSC	04/01/2003	Not Printed
	26085	R765-685	AMD	05/20/2003	2003-7/55
Regents (Board Of), University of Utah, Administration	26394	R805-2	NSC	07/23/2003	Not Printed
	26499	R805-2	5YR	07/23/2003	2003-16/54
higher education savings trust					
Regents (Board Of), Administration	26391	R765-685	AMD	08/01/2003	2003-13/57
highways					
Transportation, Operations, Maintenance	26184	R918-4	NEW	07/10/2003	2003-10/117
HIPAA					
Health, Administration	26162	R380-250	NEW	06/09/2003	2003-9/72
	26161	R380-250	EMR	04/14/2003	2003-9/130
	26196	R495-881	NEW	06/24/2003	2003-10/104
	26160	R495-881	EMR	04/14/2003	2003-9/132
hiring practices					
Human Resource Management, Administration	26217	R477-4	AMD	07/01/2003	2003-10/75
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Tax Commission, Auditing	25829	R865-9I-26	AMD	03/11/2003	2003-1/40

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	25819	R865-9I-29	AMD	03/11/2003	2003-1/43
	26078	R865-9I-39	AMD	06/10/2003	2003-7/61
HMO insurance Insurance, Administration	26059	R590-76-9	NSC	03/01/2003	Not Printed
HMO insurance Insurance, Administration	25870	R590-76	AMD	02/26/2003	2003-2/35
holidays Human Resource Management, Administration	26221	R477-7	AMD	07/01/2003	2003-10/80
horses Agriculture and Food, Marketing and Conservation	26083	R65-7	AMD	06/09/2003	2003-7/5
hospital Health, Health Care Financing, Coverage and Reimbursement Policy	25889	R414-5	EMR	01/03/2003	2003-2/55
	25948	R414-5	EMR	01/15/2003	2003-3/52
hospital policy Health, Center for Health Data, Health Care Statistics	26080	R428-11	5YR	03/10/2003	2003-7/88
hospitals Environmental Quality, Air Quality	26399	R307-222	5YR	06/19/2003	2003-14/94
Health, Health Care Financing, Coverage and Reimbursement Policy	25967	R414-5	NEW	05/13/2003	2003-3/8
human services Human Services, Administration, Administrative Services, Licensing	25652	R501-1	AMD	01/30/2003	2002-24/15
	26071	R501-2	AMD	05/06/2003	2003-7/20
	25978	R501-8	NSC	03/01/2003	Not Printed
	25707	R501-8	AMD	01/17/2003	2002-24/19
	25660	R501-11	AMD	01/30/2003	2002-24/25
	25644	R501-12	AMD	01/30/2003	2002-23/82
	26055	R501-16	5YR	02/26/2003	2003-6/17
	25703	R501-16	NSC	02/26/2003	Not Printed
	26084	R501-17	5YR	03/11/2003	2003-7/89
	26343	R501-18	5YR	06/05/2003	2003-13/72
hunter education Natural Resources, Wildlife Resources	25890	R657-23	AMD	02/16/2003	2003-2/41
hunting Natural Resources, Wildlife Resources	25722	R657-38	AMD	01/15/2003	2002-24/48
hunting and fishing licenses Natural Resources, Wildlife Resources	25721	R657-17	AMD	01/15/2003	2002-24/46
hunting closures Natural Resources, Wildlife Resources	26272	R657-34	AMD	07/02/2003	2003-11/41
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Labor Commission, Industrial Accidents	26314	R612-7	5YR	05/28/2003	2003-12/77
import restrictions					
Natural Resources, Wildlife Resources	26167	R657-3	5YR	04/15/2003	2003-9/135
	26166	R657-3	AMD	06/03/2003	2003-9/94
	26168	R657-53	NEW	06/03/2003	2003-9/107
in-service training					
Public Safety, Peace Officer Standards and Training	26069	R728-502	NSC	07/03/2003	Not Printed
	26445	R728-502	NSC	07/03/2003	Not Printed
	26446	R728-504	NSC	07/03/2003	Not Printed
	26070	R728-504	NSC	07/03/2003	Not Printed
income					
Health, Health Care Financing, Coverage and Reimbursement Policy	26005	R414-302	5YR	01/31/2003	2003-4/53
	26012	R414-303	5YR	01/31/2003	2003-4/54
	26202	R414-304	AMD	07/01/2003	2003-10/55
	26017	R414-304	5YR	01/31/2003	2003-4/55
income tax					
Tax Commission, Auditing	25829	R865-9I-26	AMD	03/11/2003	2003-1/40
	25828	R865-9I-27	AMD	03/11/2003	2003-1/41
	25819	R865-9I-29	AMD	03/11/2003	2003-1/43
	26078	R865-9I-39	AMD	06/10/2003	2003-7/61
industrial					
Community and Economic Development, Community Development, Energy Services	25370	R203-3	REP	01/01/2003	2002-20/39
industrial waste					
Environmental Quality, Water Quality	25636	R317-1	AMD	01/30/2003	2002-23/17
infectious waste					
Environmental Quality, Air Quality	26399	R307-222	5YR	06/19/2003	2003-14/94
inmates					
Pardons (Board Of), Administration	26120	R671-201	AMD	05/16/2003	2003-8/39
	25350	R671-202	AMD	02/12/2003	2002-20/104
	25394	R671-308	AMD	02/12/2003	2002-20/110
	25398	R671-311	AMD	02/12/2003	2002-20/112
inspection					
Administrative Services, Facilities Construction and Management	25957	R23-9	5YR	01/15/2003	2003-3/63
inspections					
Agriculture and Food, Plant Industry	26385	R68-5	5YR	06/13/2003	2003-13/63
Environmental Quality, Radiation Control	25785	R313-12-3	AMD	03/14/2003	2003-1/22

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Public Safety, Peace Officer Standards and Training	26069	R728-502	NSC	07/03/2003	Not Printed
	26445	R728-502	NSC	07/03/2003	Not Printed
	26446	R728-504	NSC	07/03/2003	Not Printed
insurance					
Human Resource Management, Administration	26220	R477-6	AMD	07/01/2003	2003-10/80
	26132	R590-147	AMD	06/13/2003	2003-8/30
	26283	R590-152	AMD	07/16/2003	2003-11/30
	26181	R590-154	5YR	04/17/2003	2003-10/149
	25993	R590-155	5YR	01/24/2003	2003-4/59
	26033	R590-157	5YR	02/10/2003	2003-5/39
	25643	R590-160	AMD	01/09/2003	2002-23/86
	25626	R590-172	AMD	01/09/2003	2002-23/91
	25908	R590-183	NSC	01/02/2003	Not Printed
	25628	R590-199	AMD	03/14/2003	2002-23/92
	25670	R590-218	NEW	03/21/2003	2002-24/28
	25958	R590-219	CPR	06/13/2003	2003-9/127
	25958	R590-219	NEW	06/13/2003	2003-3/23
	26194	R590-222	NEW	06/24/2003	2003-10/105
Labor Commission, Industrial Accidents	26317	R612-5	5YR	05/28/2003	2003-12/76
insurance companies					
Insurance, Administration	25990	R590-124	5YR	01/24/2003	2003-4/58
insurance law					
Insurance, Administration	26129	R590-85	AMD	06/13/2003	2003-8/26
	26182	R590-94	5YR	04/17/2003	2003-10/148
	26159	R590-192	AMD	06/24/2003	2003-9/84
insurance reserves and nonforfeitures					
Insurance, Administration	26158	R590-223	NEW	06/13/2003	2003-9/89
interest buy-downs					
Environmental Quality, Drinking Water	26172	R309-700	AMD	07/01/2003	2003-9/66
interpreters					
Education, Applied Technology Education (Board for), Rehabilitation	25646	R280-203	AMD	01/03/2003	2002-23/16
interstate					
Human Services, Recovery Services	26076	R527-305	5YR	03/10/2003	2003-7/91
investigations					
Public Safety, Peace Officer Standards and Training	26072	R728-409	EMR	03/07/2003	2003-7/63
	26179	R728-409-3	AMD	06/26/2003	2003-10/113

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Workforce Services, Workforce Information and Payment Services	25946	R994-406-311	AMD	03/04/2003	2003-3/46
	25947	R994-406-315	AMD	03/04/2003	2003-3/48
juvenile courts					
Education, Administration	25937	R277-709	5YR	01/14/2003	2003-3/70
K-9 training					
Public Safety, Peace Officer Standards and Training	26337	R728-505	5YR	06/02/2003	2003-12/78
kinship					
Human Services, Child and Family Services	26251	R512-500	EMR	05/06/2003	2003-11/93
labor					
Labor Commission, Safety	26312	R616-1	5YR	05/28/2003	2003-12/77
labor commission					
Labor Commission, Administration	26313	R600-1	5YR	05/28/2003	2003-12/75
laboratories					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	26144	R444-14	AMD	06/12/2003	2003-9/75
land use					
School and Institutional Trust Lands, Administration	25953	R850-120	AMD	03/04/2003	2003-3/43
landscape architects					
Commerce, Occupational and Professional Licensing	26320	R156-53	5YR	06/02/2003	2003-12/70
language proficiency					
Regents (Board Of), Administration	26034	R765-136	NEW	05/29/2003	2003-5/14
law					
Public Safety, Fire Marshal	26289	R710-9	AMD	07/02/2003	2003-11/69
	26003	R710-9	AMD	03/18/2003	2003-4/38
law enforcement					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	25998	R722-320	5YR	01/28/2003	2003-4/60
law enforcement officers					
Public Safety, Peace Officer Standards and Training	26072	R728-409	EMR	03/07/2003	2003-7/63
	26179	R728-409-3	AMD	06/26/2003	2003-10/113
	26069	R728-502	NSC	07/03/2003	Not Printed
	26445	R728-502	NSC	07/03/2003	Not Printed
	26446	R728-504	NSC	07/03/2003	Not Printed
	26070	R728-504	NSC	07/03/2003	Not Printed
lead-based paint					
Environmental Quality, Air Quality	26249	R307-840	5YR	05/05/2003	2003-11/95

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Human Resource Management, Administration	26221	R477-7	AMD	07/01/2003	2003-10/80
leveraging educational assistance program					
Regents (Board Of), Administration	26156	R765-606	NEW	06/30/2003	2003-9/116
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Natural Resources, Administration	25950	R634-1	5YR	01/15/2003	2003-3/76
	25951	R634-1	AMD	03/04/2003	2003-3/27
libraries					
Education, Administration	25925	R277-516	5YR	01/14/2003	2003-3/67
license					
Education, Administration	26030	R277-521	NSC	03/01/2003	Not Printed
Environmental Quality, Radiation Control	26074	R313-19-100	AMD	05/09/2003	2003-7/10
Natural Resources, Wildlife Resources	26279	R657-45	AMD	07/02/2003	2003-11/52
	26280	R657-45	5YR	05/14/2003	2003-11/97
licensing					
Commerce, Administration	25649	R151-33	AMD	01/15/2003	2002-24/7
	26260	R151-33-102	AMD	07/23/2003	2003-11/6
Commerce, Occupational and Professional Licensing	26174	R156-3a	AMD	06/03/2003	2003-9/3
	26297	R156-26a-302a	AMD	07/17/2003	2003-12/37
	26150	R156-28	AMD	06/03/2003	2003-9/3
	26319	R156-31b	5YR	06/02/2003	2003-12/70
	26192	R156-38	AMD	06/17/2003	2003-10/12
	26339	R156-42a	AMD	08/04/2003	2003-13/3
	25987	R156-46a	AMD	03/18/2003	2003-4/7
	26126	R156-47b-202	AMD	05/19/2003	2003-8/17
	25651	R156-47b-302a	AMD	01/16/2003	2002-24/10
	26320	R156-53	5YR	06/02/2003	2003-12/70
	26175	R156-55a	AMD	06/03/2003	2003-9/6
	26154	R156-56	AMD	07/01/2003	2003-9/7
	25821	R156-56	NSC	01/01/2003	Not Printed
	26153	R156-56	CPR	07/17/2003	2003-12/52
	25411	R156-56	AMD	01/01/2003	2002-20/3
	26153	R156-56	AMD	07/17/2003	2003-9/33
	26152	R156-56-707	AMD	07/01/2003	2003-9/57
	26116	R156-59	REP	05/19/2003	2003-8/18
	25920	R156-59	5YR	01/09/2003	2003-3/66
	25629	R156-60a	AMD	01/02/2003	2002-23/8
	26284	R156-60c	AMD	07/03/2003	2003-11/7
	26193	R156-63	CPR	08/18/2003	2003-/14
	26193	R156-63	AMD	08/18/2003	2003-/10

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	26071	R501-2	AMD	05/06/2003	2003-7/20
	25978	R501-8	NSC	03/01/2003	Not Printed
	25707	R501-8	AMD	01/17/2003	2002-24/19
	25660	R501-11	AMD	01/30/2003	2002-24/25
	25644	R501-12	AMD	01/30/2003	2002-23/82
	26055	R501-16	5YR	02/26/2003	2003-6/17
	25703	R501-16	NSC	02/26/2003	Not Printed
	26084	R501-17	5YR	03/11/2003	2003-7/89
	26343	R501-18	5YR	06/05/2003	2003-13/72
Natural Resources, Wildlife Resources	26273	R657-27	AMD	07/02/2003	2003-11/36
liens					
Commerce, Occupational and Professional Licensing	26192	R156-38	AMD	06/17/2003	2003-10/12
liquefied petroleum gas					
Public Safety, Fire Marshal	26281	R710-6	AMD	07/02/2003	2003-11/65
loan program					
Community and Economic Development, Community Development, Energy Services	25370	R203-3	REP	01/01/2003	2002-20/39
loans					
Environmental Quality, Drinking Water	26172	R309-700	AMD	07/01/2003	2003-9/66
Environmental Quality, Water Quality	26183	R317-101	5YR	04/22/2003	2003-10/147
local school boards					
Education, Administration	26190	R277-108	AMD	06/17/2003	2003-10/22
long-term care ombudsman					
Human Services, Aging and Adult Services	26052	R510-100	AMD	05/21/2003	2003-6/6
	26259	R510-100-2	EMR	05/15/2003	2003-11/74
loss of driving privileges					
Administrative Services, Fleet Operations	26191	R27-7	AMD	07/08/2003	2003-10/6
MACT					
Environmental Quality, Air Quality	25825	R307-214-2	CPR	06/17/2003	2003-10/137
	25825	R307-214-2	AMD	06/17/2003	2003-1/16
mammography					
Environmental Quality, Radiation Control	25786	R313-28	AMD	03/14/2003	2003-1/27
maps					
Natural Resources, Water Rights	26195	R655-5	5YR	04/29/2003	2003-10/149
massage therapy					
Commerce, Occupational and Professional Licensing	26126	R156-47b-202	AMD	05/19/2003	2003-8/17
	25651	R156-47b-302a	AMD	01/16/2003	2002-24/10
mathematics					
Education, Administration	26087	R277-717	AMD	05/02/2003	2003-7/7

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	26244	R414-1-5	EMR	05/02/2003	2003-11/73
	25967	R414-5	NEW	05/13/2003	2003-3/8
	25889	R414-5	EMR	01/03/2003	2003-2/55
	25948	R414-5	EMR	01/15/2003	2003-3/52
	25974	R414-6	NEW	05/13/2003	2003-3/9
	25969	R414-6	EMR	01/15/2003	2003-3/53
	26246	R414-7A-5	AMD	07/14/2003	2003-11/15
	26008	R414-10	AMD	04/07/2003	2003-4/11
	26036	R414-10	EMR	02/11/2003	2003-5/33
	26010	R414-10	EMR	02/01/2003	2003-4/45
	25192	R414-13	NSC	01/03/2003	Not Printed
	25907	R414-13	5YR	01/03/2003	2003-3/74
	26267	R414-21	AMD	07/02/2003	2003-11/16
	25973	R414-21	AMD	04/07/2003	2003-3/10
	25968	R414-21	EMR	01/15/2003	2003-3/54
	25982	R414-27	5YR	01/21/2003	2003-4/52
	26265	R414-49	AMD	07/02/2003	2003-11/20
	26266	R414-50	AMD	07/02/2003	2003-11/21
	26318	R414-51	5YR	05/30/2003	2003-12/71
	25976	R414-52	AMD	04/09/2003	2003-3/14
	25970	R414-52	EMR	01/15/2003	2003-3/57
	26347	R414-52	5YR	06/06/2003	2003-13/71
	26346	R414-53	5YR	06/06/2003	2003-13/71
	25971	R414-53	EMR	01/15/2003	2003-3/59
	25972	R414-53	AMD	04/07/2003	2003-3/15
	26009	R414-60	AMD	04/07/2003	2003-4/16
	26011	R414-60	EMR	02/01/2003	2003-4/50
	25898	R414-63	AMD	04/07/2003	2003-2/12
	25888	R414-63	EMR	01/01/2003	2003-2/56
	26004	R414-301	5YR	01/31/2003	2003-4/53
	26268	R414-305	AMD	07/02/2003	2003-11/23
	26018	R414-305	5YR	01/31/2003	2003-4/55
	26492	R414-504	EMR	07/15/2003	2003-15/73
	26051	R414-504	AMD	06/09/2003	2003-6/4
	25897	R414-504	AMD	02/17/2003	2003-2/21
	25900	R414-504-4	EMR	01/01/2003	2003-2/58
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medical discount plans					
Insurance, Administration	26283	R590-152	AMD	07/16/2003	2003-11/30
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	26286	R612-2-5	AMD	07/02/2003	2003-11/35
medical practitioners					
Labor Commission, Industrial Accidents	26405	R612-2-22	EMR	06/20/2003	2003-14/90
medical recommendations					
Education, Administration	25647	R277-611	NEW	01/03/2003	2002-23/12
medical records					
Human Services, Mental Health, State Hospital	26298	R525-1	5YR	05/20/2003	2003-12/72
medication treatment					
Human Services, Mental Health, State Hospital	26300	R525-3	5YR	05/20/2003	2003-12/73
mental health					
Commerce, Occupational and Professional Licensing	26284	R156-60c	AMD	07/03/2003	2003-11/7
minerals reclamation					
Natural Resources, Oil, Gas and Mining; Non-Coal	26453	R647-1	5YR	07/08/2003	2003-15/81
	26454	R647-2	5YR	07/08/2003	2003-15/81
	26455	R647-3	5YR	07/08/2003	2003-15/81
	26456	R647-4	5YR	07/08/2003	2003-15/82
	26457	R647-5	5YR	07/08/2003	2003-15/82
mining					
Labor Commission, Safety	26312	R616-1	5YR	05/28/2003	2003-12/77
minority education					
Education, Administration	26087	R277-717	AMD	05/02/2003	2003-7/7
miscellaneous treatment					
Environmental Quality, Drinking Water	26503	R309-535	EMR	08/01/2003	2003-/16
modeling					
Environmental Quality, Air Quality	26547	R307-410	5YR	08/11/2003	2003-17/88
motor vehicles					
Commerce, Administration	25838	R151-14	NSC	02/01/2003	Not Printed
	25624	R151-14	AMD	01/02/2003	2002-23/6
	26199	R151-14	AMD	06/17/2003	2003-10/9
Environmental Quality, Air Quality	25495	R307-121	AMD	01/09/2003	2002-21/6
	26532	R307-332	5YR	08/05/2003	2003-17/83
Public Safety, Highway Patrol	26119	R714-159	NEW	06/26/2003	2003-8/40
motorcycles					
Commerce, Administration	25724	R151-35	NEW	01/15/2003	2002-24/9
	26198	R151-35	AMD	06/17/2003	2003-10/10
Public Safety, Highway Patrol	26121	R714-220	R&R	06/26/2003	2003-8/41

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mutual water corporations					
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naming process					
Administrative Services, Facilities Construction and Management	25784	R23-10	AMD	02/04/2003	2003-1/5
new hire registry					
Workforce Services, Workforce Information and Payment Services	26362	R994-315	5YR	06/11/2003	2003-13/73
newborn screening					
Health, Community and Family Health Services, Children with Special Health Care Needs	26444	R398-2	5YR	07/03/2003	2003-15/77
nonattainment					
Environmental Quality, Air Quality	26544	R307-403	5YR	08/11/2003	2003-17/86
notification					
Corrections, Administration	25991	R251-110	AMD	03/21/2003	2003-4/9
nurses					
Commerce, Occupational and Professional Licensing	26319	R156-31b	5YR	06/02/2003	2003-12/70
occupational licensing					
Commerce, Occupational and Professional Licensing	25435	R156-46b-403	NSC	01/01/2003	Not Printed
	26175	R156-55a	AMD	06/03/2003	2003-9/6
Environmental Quality, Water Quality	25637	R317-11	AMD	01/30/2003	2002-23/80
occupational therapy					
Commerce, Occupational and Professional Licensing	26339	R156-42a	AMD	08/04/2003	2003-13/3
off road vehicles					
Commerce, Administration	25724	R151-35	NEW	01/15/2003	2002-24/9
	26198	R151-35	AMD	06/17/2003	2003-10/10
off-highway vehicles					
Natural Resources, Parks and Recreation	26026	R651-408	AMD	04/01/2003	2003-5/7
	26028	R651-410	NEW	04/01/2003	2003-5/8
	26128	R651-410	AMD	05/19/2003	2003-8/38
offset					
Environmental Quality, Air Quality	26544	R307-403	5YR	08/11/2003	2003-17/86
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Natural Resources, Oil, Gas and Mining; Oil and Gas	25788	R649-3-1	CPR	07/01/2003	2003-10/140
	25788	R649-3-1	AMD	07/01/2003	2003-1/35
onsite wastewater systems					
Environmental Quality, Water Quality	25203	R317-4-3	AMD	01/10/2003	2002-18/43
	25635	R317-4-3	AMD	01/30/2003	2002-23/21
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Environmental Quality, Air Quality	26368	R307-202	5YR	06/12/2003	2003-13/69

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Commerce, Occupational and Professional Licensing	26321	R156-68	5YR	06/02/2003	2003-12/71
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Environmental Quality, Drinking Water	26507	R309-545	EMR	08/01/2003	2003-16/47
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Workforce Services, Workforce Information and Payment Services	25946	R994-406-311	AMD	03/04/2003	2003-3/46
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Human Resource Management, Administration	26222	R477-8	AMD	07/01/2003	2003-10/91
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	25761	R307-110-10	NSC	01/01/2003	Not Printed
	25769	R307-110-10	NSC	01/01/2003	Not Printed
	25835	R307-110-11	NSC	01/01/2003	Not Printed
	25883	R307-110-12	NSC	01/01/2003	Not Printed
	25850	R307-110-13	NSC	01/01/2003	Not Printed
	25881	R307-110-17	NSC	01/01/2003	Not Printed
	26525	R307-325	5YR	08/01/2003	2003-/16
	26526	R307-326	5YR	08/01/2003	2003-/16
	26528	R307-327	5YR	08/01/2003	2003-16/51
	26531	R307-328	5YR	08/05/2003	2003-17/83
	26532	R307-332	5YR	08/05/2003	2003-17/83
	26533	R307-335	5YR	08/05/2003	2003-17/84
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Environmental Quality, Air Quality	26249	R307-840	5YR	05/05/2003	2003-11/95
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Natural Resources, Parks and Recreation	26039	R651-102	5YR	02/13/2003	2003-5/40
	26028	R651-410	NEW	04/01/2003	2003-5/8
	26128	R651-410	AMD	05/19/2003	2003-8/38
	26029	R651-602	AMD	04/01/2003	2003-5/9
	25837	R651-611	AMD	03/31/2003	2003-2/38
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	25394	R671-308	AMD	02/12/2003	2002-20/110
	25398	R671-311	AMD	02/12/2003	2002-20/112
	26050	R671-403	5YR	02/18/2003	2003-6/18
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Environmental Quality, Air Quality	25764	R307-110	NSC	01/01/2003	Not Printed
	25761	R307-110-10	NSC	01/01/2003	Not Printed
	25769	R307-110-10	NSC	01/01/2003	Not Printed
	25835	R307-110-11	NSC	01/01/2003	Not Printed
	25883	R307-110-12	NSC	01/01/2003	Not Printed
	25850	R307-110-13	NSC	01/01/2003	Not Printed
	25881	R307-110-17	NSC	01/01/2003	Not Printed
	26403	R307-305	5YR	06/19/2003	2003-14/95
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Environmental Quality, Air Quality	26404	R307-307	5YR	06/19/2003	2003-14/96
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	26546	R307-406	5YR	08/11/2003	2003-17/88
	26524	R307-413	5YR	08/01/2003	2003-16/52
Natural Resources, Wildlife Resources	25723	R657-42	AMD	01/15/2003	2002-24/52
	26278	R657-42	5YR	05/14/2003	2003-11/97
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	26044	R884-24P-60	AMD	04/23/2003	2003-5/15
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	26220	R477-6	AMD	07/01/2003	2003-10/80
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Environmental Quality, Air Quality	26528	R307-327	5YR	08/01/2003	2003-16/51
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Administrative Services, Facilities Construction and Management	25989	R23-3	AMD	03/24/2003	2003-4/4
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	25984	R23-7	NSC	02/04/2003	Not Printed
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Administrative Services, Facilities Construction and Management	25984	R23-7	NSC	02/04/2003	Not Printed
	25770	R23-7	REP	02/04/2003	2003-1/5
	25640	R23-8	REP	01/02/2003	2002-23/5
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Environmental Quality, Air Quality	26403	R307-305	5YR	06/19/2003	2003-14/95
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Public Safety, Peace Officer Standards and Training	26337	R728-505	5YR	06/02/2003	2003-12/78
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	25704	R765-171	REP	03/31/2003	2002-24/55
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	26196	R495-881	NEW	06/24/2003	2003-10/104
	26160	R495-881	EMR	04/14/2003	2003-9/132
private schools					
Education, Administration	26090	R277-747	5YR	03/12/2003	2003-7/74
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Commerce, Occupational and Professional Licensing	26193	R156-63	CPR	08/18/2003	2003-/14
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	25639	R23-3	R&R	01/02/2003	2002-23/3
	25959	R23-21	5YR	01/15/2003	2003-3/64
professional competency					
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	26434	R277-508	AMD	08/15/2003	2003-14/9
	26073	R277-508	NSC	04/25/2003	Not Printed
	25925	R277-516	5YR	01/14/2003	2003-3/67
Public Safety, Peace Officer Standards and Training	26067	R728-411	5YR	03/04/2003	2003-7/91
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Commerce, Occupational and Professional Licensing	26284	R156-60c	AMD	07/03/2003	2003-11/7
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Education, Administration	25926	R277-518	5YR	01/14/2003	2003-3/67
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Commerce, Occupational and Professional Licensing	26116	R156-59	REP	05/19/2003	2003-8/18
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Commerce, Occupational and Professional Licensing	25763	R156-22	CPR	04/03/2003	2003-5/27
	25763	R156-22	AMD	04/03/2003	2003-1/10
	25922	R156-22	5YR	01/13/2003	2003-3/65
	25727	R156-22-303	NSC	01/01/2003	Not Printed
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Commerce, Occupational and Professional Licensing	25763	R156-22	CPR	04/03/2003	2003-5/27
	25922	R156-22	5YR	01/13/2003	2003-3/65
	25763	R156-22	AMD	04/03/2003	2003-1/10
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Agriculture and Food, Marketing and Conservation	26383	R65-2	5YR	06/13/2003	2003-13/62
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Natural Resources, Water Rights	26195	R655-5	5YR	04/29/2003	2003-10/149
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Tax Commission, Property Tax	25917	R884-24P-60	EMR	01/06/2003	2003-3/60
	26044	R884-24P-60	AMD	04/23/2003	2003-5/15
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Environmental Quality, Air Quality	26545	R307-405	5YR	08/11/2003	2003-17/87
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Workforce Services, Employment Development	26211	R986-900-902	AMD	07/01/2003	2003-10/132
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Administrative Services, Facilities Construction and Management	25639	R23-3	R&R	01/02/2003	2002-23/3
	25989	R23-3	AMD	03/24/2003	2003-4/4
	25955	R23-5	5YR	01/15/2003	2003-3/62
	25956	R23-6	5YR	01/15/2003	2003-3/63
	25984	R23-7	NSC	02/04/2003	Not Printed
	25770	R23-7	REP	02/04/2003	2003-1/5
	25640	R23-8	REP	01/02/2003	2002-23/5
	25957	R23-9	5YR	01/15/2003	2003-3/63
	25962	R23-10	5YR	01/15/2003	2003-3/64
	26115	R23-14	NEW	05/16/2003	2003-8/7
	25959	R23-21	5YR	01/15/2003	2003-3/64
	25960	R23-24	5YR	01/15/2003	2003-3/65
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Human Resource Management, Administration	26208	R477-2	AMD	07/01/2003	2003-10/71
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Education, Administration	26341	R277-436	5YR	06/04/2003	2003-13/65
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Public Service Commission, Administration	26420	R746-110	5YR	06/25/2003	2003-14/96
	26081	R746-330	5YR	03/10/2003	2003-7/92
	26142	R746-331	5YR	04/02/2003	2003-9/136
	26143	R746-332	5YR	04/02/2003	2003-9/136
	26145	R746-342	5YR	04/02/2003	2003-9/137
	26538	R746-344	5YR	08/08/2003	2003-17/91
	26539	R746-345	5YR	08/08/2003	2003-17/91
	25578	R746-347	NEW	03/10/2003	2002-22/44
	26197	R746-347-5	AMD	06/30/2003	2003-10/116
	26146	R746-402	5YR	04/02/2003	2003-9/137
	26540	R746-404	5YR	08/08/2003	2003-17/92
	26147	R746-405	5YR	04/02/2003	2003-9/138
	26541	R746-406	5YR	08/08/2003	2003-17/92
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Agriculture and Food, Plant Industry	26388	R68-14	5YR	06/13/2003	2003-13/64
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	26390	R68-17	5YR	06/13/2003	2003-13/65
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Environmental Quality, Radiation Control	26086	R313-25	AMD	05/09/2003	2003-7/11
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Environmental Quality, Radiation Control	25943	R313-15	5YR	01/14/2003	2003-3/73
	26377	R313-15-301	AMD	08/08/2003	2003-13/7
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Environmental Quality, Radiation Control	26086	R313-25	AMD	05/09/2003	2003-7/11
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Environmental Quality, Radiation Control	26270	R313-26	AMD	08/08/2003	2003-11/11
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	26355	R994-306	5YR	06/11/2003	2003-13/72
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	26060	R162-106	AMD	04/23/2003	2003-6/3
	26427	R162-106-7	AMD	08/27/2003	2003-14/3
	25981	R162-107	5YR	01/21/2003	2003-4/52
real estate appraisers					
Commerce, Real Estate	26342	R162-104-17	AMD	08/27/2003	2003-13/4
real estate business					
Commerce, Real Estate	26025	R162-6-1	AMD	06/05/2003	2003-5/2
	25663	R162-8-9	AMD	01/16/2003	2002-24/11
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Environmental Quality, Radiation Control	26074	R313-19-100	AMD	05/09/2003	2003-7/10
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Natural Resources, Oil, Gas and Mining; Coal	26452	R645-102	5YR	07/07/2003	2003-15/80
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	26499	R805-2	5YR	07/23/2003	2003-16/54
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Career Service Review Board, Administration	26397	R137-2	5YR	06/18/2003	2003-14/93
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Natural Resources, Parks and Recreation	26040	R651-301	5YR	02/13/2003	2003-5/40
	26127	R651-301	AMD	05/19/2003	2003-8/36
Natural Resources, Wildlife Resources	25722	R657-38	AMD	01/15/2003	2002-24/48
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Commerce, Administration	25624	R151-14	AMD	01/02/2003	2002-23/6
	25838	R151-14	NSC	02/01/2003	Not Printed
	26199	R151-14	AMD	06/17/2003	2003-10/9
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Environmental Quality, Air Quality	26526	R307-326	5YR	08/01/2003	2003-/16
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Natural Resources, Wildlife Resources	26164	R657-39-3	AMD	06/03/2003	2003-9/105
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Public Safety, Peace Officer Standards and Training	26070	R728-504	NSC	07/03/2003	Not Printed
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Environmental Quality, Drinking Water	26392	R309-352	5YR	06/16/2003	2003-13/69
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Regents (Board Of), Administration	25712	R765-171	NSC	03/31/2003	Not Printed

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Tax Commission, Auditing	25924	R865-19S-61	AMD	04/23/2003	2003-3/44
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Education, Administration	25932	R277-610	5YR	01/14/2003	2003-3/68
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Administrative Services, Finance	26206	R25-6	5YR	05/01/2003	2003-10/146
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Natural Resources, Wildlife Resources	26168	R657-53	NEW	06/03/2003	2003-9/107
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restitution					
Pardons (Board Of), Administration	26050	R671-403	5YR	02/18/2003	2003-6/18
retirement					
Human Resource Management, Administration	26227	R477-12	AMD	07/01/2003	2003-10/99
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Environmental Quality, Air Quality	26404	R307-307	5YR	06/19/2003	2003-14/96
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Administrative Services, Facilities Construction and Management	26115	R23-14	NEW	05/16/2003	2003-8/7
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Transportation, Operations, Traffic and Safety	26296	R920-50	AMD	08/18/2003	2003-/12
	26295	R920-50-11	EMR	05/16/2003	2003-12/68
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Health, Epidemiology and Laboratory Services, Epidemiology	26290	R386-702	EMR	05/16/2003	2003-12/66
	26294	R386-702	AMD	08/22/2003	2003-/12
Health, Community and Family Health Services, Immunization	26187	R396-100	5YR	04/24/2003	2003-10/148
Human Resource Management, Administration	26207	R477-1	AMD	07/01/2003	2003-10/65
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	26419	R746-210	5YR	06/25/2003	2003-14/97
	26421	R746-240	5YR	06/25/2003	2003-14/97
	26143	R746-332	5YR	04/02/2003	2003-9/136
	26145	R746-342	5YR	04/02/2003	2003-9/137
	26538	R746-344	5YR	08/08/2003	2003-17/91
	26539	R746-345	5YR	08/08/2003	2003-17/91
	26146	R746-402	5YR	04/02/2003	2003-9/137
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Environmental Quality, Radiation Control	25943	R313-15	5YR	01/14/2003	2003-3/73
	26377	R313-15-301	AMD	08/08/2003	2003-13/7
Labor Commission, Occupational Safety and Health	25940	R614-1-4	NSC	03/01/2003	Not Printed
	26149	R614-1-4	AMD	06/03/2003	2003-9/91
	25941	R614-1-4	AMD	03/04/2003	2003-3/26
Labor Commission, Safety	26148	R616-2-3	AMD	06/03/2003	2003-9/92
	26109	R616-3-3	AMD	05/08/2003	2003-7/53
Natural Resources, Parks and Recreation	26173	R651-227	5YR	04/15/2003	2003-9/134
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Public Safety, Highway Patrol	26119	R714-159	NEW	06/26/2003	2003-8/40
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Human Resource Management, Administration	26220	R477-6	AMD	07/01/2003	2003-10/80
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Tax Commission, Auditing	25924	R865-19S-61	AMD	04/23/2003	2003-3/44
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	26073	R277-508	NSC	04/25/2003	Not Printed
	26188	R277-508	5YR	04/25/2003	2003-10/147
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science					
Education, Administration	26087	R277-717	AMD	05/02/2003	2003-7/7
secure area hearing rooms					
Regents (Board Of), Administration	25906	R765-254	NEW	05/29/2003	2003-3/42
security					
Administrative Services, Facilities Construction and Management	26115	R23-14	NEW	05/16/2003	2003-8/7
security guards					
Commerce, Occupational and Professional Licensing	26193	R156-63	AMD	08/18/2003	2003-/10
	26193	R156-63	CPR	08/18/2003	2003-/14
self insurance plans					
Labor Commission, Industrial Accidents	26316	R612-3	5YR	05/28/2003	2003-12/76
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Human Services, Aging and Adult Services	25552	R510-105	NEW	03/14/2003	2002-22/14
septic tanks					
Environmental Quality, Water Quality	25203	R317-4-3	AMD	01/10/2003	2002-18/43
	25635	R317-4-3	AMD	01/30/2003	2002-23/21
sewage effluent use					
Natural Resources, Water Rights	25550	R655-7	NEW	02/10/2003	2002-22/39
sewage treatment					
Environmental Quality, Water Quality	26183	R317-101	5YR	04/22/2003	2003-10/147
sewerage					
Public Service Commission, Administration	26081	R746-330	5YR	03/10/2003	2003-7/92
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Corrections, Administration	25991	R251-110	AMD	03/21/2003	2003-4/9
skills tests					
Public Safety, Driver License	26288	R708-37	CPR	08/18/2003	2003-/14
small business assistance program					
Environmental Quality, Air Quality	25764	R307-110	NSC	01/01/2003	Not Printed
	25761	R307-110-10	NSC	01/01/2003	Not Printed
	25769	R307-110-10	NSC	01/01/2003	Not Printed
	25835	R307-110-11	NSC	01/01/2003	Not Printed
	25883	R307-110-12	NSC	01/01/2003	Not Printed
	25850	R307-110-13	NSC	01/01/2003	Not Printed
	25881	R307-110-17	NSC	01/01/2003	Not Printed

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social services					
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	26255	R512-201	EMR	05/06/2003	2003-11/80
	26254	R512-202	EMR	05/06/2003	2003-11/82
	26252	R512-300	EMR	05/06/2003	2003-11/84
	26257	R512-305	EMR	05/06/2003	2003-11/91
Human Services, Services for People with Disabilities	26440	R539-1-5	EMR	07/01/2003	2003-14/89
	26508	R539-1-6	EMR	07/28/2003	2003-16/48
	25975	R539-3	AMD	05/05/2003	2003-3/16
	26062	R539-3-2	AMD	05/20/2003	2003-6/13
	25949	R539-8-3	AMD	05/05/2003	2003-3/20
social workers					
Commerce, Occupational and Professional Licensing	25629	R156-60a	AMD	01/02/2003	2002-23/8
solid waste management					
Environmental Quality, Solid and Hazardous Waste	26092	R315-301	5YR	03/14/2003	2003-7/76
	26093	R315-302	5YR	03/14/2003	2003-7/77
	26094	R315-303	5YR	03/14/2003	2003-7/78
	26095	R315-305	5YR	03/14/2003	2003-7/79
	26096	R315-306	5YR	03/14/2003	2003-7/79
	26097	R315-307	5YR	03/14/2003	2003-7/80
	26098	R315-308	5YR	03/14/2003	2003-7/81
	26100	R315-309	5YR	03/14/2003	2003-7/81
	26099	R315-310	5YR	03/14/2003	2003-7/82
	26101	R315-311	5YR	03/14/2003	2003-7/83
	26102	R315-312	5YR	03/14/2003	2003-7/84
	26103	R315-313	5YR	03/14/2003	2003-7/84
	26104	R315-314	5YR	03/14/2003	2003-7/85
	26105	R315-315	5YR	03/14/2003	2003-7/85
	26106	R315-316	5YR	03/14/2003	2003-7/86
	26107	R315-317	5YR	03/14/2003	2003-7/87
	26108	R315-318	5YR	03/14/2003	2003-7/88
solvent					
Environmental Quality, Air Quality	26535	R307-341	5YR	08/05/2003	2003-17/85
solvent cleaning					
Environmental Quality, Air Quality	26533	R307-335	5YR	08/05/2003	2003-17/84
source material					
Environmental Quality, Radiation Control	25882	R313-24-1	NSC	01/01/2003	Not Printed
source material facilities					
Environmental Quality, Radiation Control	25882	R313-24-1	NSC	01/01/2003	Not Printed
space utilization					
Administrative Services, Facilities Construction and Management	25771	R23-11	REP	02/04/2003	2003-1/7

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stack height					
Environmental Quality, Air Quality	26547	R307-410	5YR	08/11/2003	2003-17/88
state employees					
Administrative Services, Finance	26203	R25-7	5YR	05/01/2003	2003-10/146
	26204	R25-7	AMD	07/01/2003	2003-10/4
Human Resource Management, Administration	26219	R477-5	AMD	07/01/2003	2003-10/79
state office buildings					
Administrative Services, Facilities Construction and Management	25984	R23-7	NSC	02/04/2003	Not Printed
	25770	R23-7	REP	02/04/2003	2003-1/5
state planning					
Administrative Services, Facilities Construction and Management	25770	R23-7	REP	02/04/2003	2003-1/5
state student incentive grants					
Regents (Board Of), Administration	26155	R765-660	REP	06/30/2003	2003-9/119
state vehicle use					
Administrative Services, Fleet Operations	25879	R27-3	AMD	05/15/2003	2003-2/5
storage tanks					
Environmental Quality, Drinking Water	26507	R309-545	EMR	08/01/2003	2003-16/47
stove					
Environmental Quality, Air Quality	26360	R307-201	5YR	06/11/2003	2003-13/68
stoves					
Environmental Quality, Air Quality	26402	R307-302	5YR	06/19/2003	2003-14/95
student competency					
Education, Administration	25936	R277-702	5YR	01/14/2003	2003-3/70
student financial aid					
Education, Administration	25938	R277-718	5YR	01/14/2003	2003-3/71
students					
Education, Administration	25966	R277-485	NEW	03/07/2003	2003-3/7
	25647	R277-611	NEW	01/03/2003	2002-23/12
	25937	R277-709	5YR	01/14/2003	2003-3/70
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Education, Administration	26341	R277-436	5YR	06/04/2003	2003-13/65
substance abuse					
Human Services, Administration, Administrative Services, Licensing	25660	R501-11	AMD	01/30/2003	2002-24/25
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Human Services, Mental Health, State Hospital	26304	R525-7	5YR	05/20/2003	2003-12/74

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Commerce, Occupational and Professional Licensing	25763	R156-22	CPR	04/03/2003	2003-5/27
	25763	R156-22	AMD	04/03/2003	2003-1/10
	25922	R156-22	5YR	01/13/2003	2003-3/65
	25727	R156-22-303	NSC	01/01/2003	Not Printed
suspensions					
Natural Resources, Wildlife Resources	26169	R657-26-8	AMD	06/03/2003	2003-9/104
system					
Public Safety, Fire Marshal	25961	R710-7	AMD	03/06/2003	2003-3/36
systems					
Public Safety, Fire Marshal	26001	R710-7	AMD	03/18/2003	2003-4/32
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Environmental Quality, Radiation Control	25882	R313-24-1	NSC	01/01/2003	Not Printed
tariffs					
Public Service Commission, Administration	26147	R746-405	5YR	04/02/2003	2003-9/138
tax exemption					
Environmental Quality, Air Quality	25495	R307-121	AMD	01/09/2003	2002-21/6
tax exemptions					
Tax Commission, Auditing	25924	R865-19S-61	AMD	04/23/2003	2003-3/44
tax returns					
Tax Commission, Auditing	25829	R865-9I-26	AMD	03/11/2003	2003-1/40
	25828	R865-9I-27	AMD	03/11/2003	2003-1/41
	25819	R865-9I-29	AMD	03/11/2003	2003-1/43
	26078	R865-9I-39	AMD	06/10/2003	2003-7/61
taxation					
Tax Commission, Administration	25823	R861-1A-20	AMD	03/11/2003	2003-1/39
Tax Commission, Auditing	25826	R865-9I-28	AMD	03/11/2003	2003-1/42
Tax Commission, Property Tax	26044	R884-24P-60	AMD	04/23/2003	2003-5/15
	25917	R884-24P-60	EMR	01/06/2003	2003-3/60
teacher certification					
Education, Administration	25926	R277-518	5YR	01/14/2003	2003-3/67
	26032	R686-100	5YR	02/07/2003	2003-5/41
teachers					
Education, Administration	26434	R277-508	AMD	08/15/2003	2003-14/9
	26073	R277-508	NSC	04/25/2003	Not Printed
	26188	R277-508	5YR	04/25/2003	2003-10/147
	26568	R686-101	5YR	08/15/2003	2003-17/90
	26569	R686-102	5YR	08/15/2003	2003-17/90

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telecommunications					
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	26145	R746-342	5YR	04/02/2003	2003-9/137
	26538	R746-344	5YR	08/08/2003	2003-17/91
	26539	R746-345	5YR	08/08/2003	2003-17/91
	25578	R746-347	NEW	03/10/2003	2002-22/44
	26197	R746-347-5	AMD	06/30/2003	2003-10/116
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Human Resource Management, Administration	26222	R477-8	AMD	07/01/2003	2003-10/91
telephone utility regulation					
Public Service Commission, Administration	26418	R746-340	5YR	06/25/2003	2003-14/98
	26539	R746-345	5YR	08/08/2003	2003-17/91
telephones					
Public Service Commission, Administration	26421	R746-240	5YR	06/25/2003	2003-14/97
terms of office					
Natural Resources, Wildlife Resources	26164	R657-39-3	AMD	06/03/2003	2003-9/105
training programs					
Human Resource Management, Administration	26224	R477-10	AMD	07/01/2003	2003-10/95
Workforce Services, Workforce Information and Payment Services	26308	R994-600	5YR	05/23/2003	2003-12/80
tramway permits					
Transportation, Operations, Traffic and Safety	26296	R920-50	AMD	08/18/2003	2003-/12
	26295	R920-50-11	EMR	05/16/2003	2003-12/68
tramways					
Transportation, Operations, Traffic and Safety	26296	R920-50	AMD	08/18/2003	2003-/12
	26295	R920-50-11	EMR	05/16/2003	2003-12/68
transportation					
Administrative Services, Finance	26204	R25-7	AMD	07/01/2003	2003-10/4
	26203	R25-7	5YR	05/01/2003	2003-10/146
Environmental Quality, Radiation Control	26074	R313-19-100	AMD	05/09/2003	2003-7/10
Human Services, Aging and Adult Services	25552	R510-105	NEW	03/14/2003	2002-22/14
Transportation, Operations, Maintenance	26184	R918-4	NEW	07/10/2003	2003-10/117
transportation law					
Administrative Services, Facilities Construction and Management	26117	R23-13	5YR	03/25/2003	2003-8/44
transportation safety					
Transportation, Operations, Traffic and Safety	26296	R920-50	AMD	08/18/2003	2003-/12
	26295	R920-50-11	EMR	05/16/2003	2003-12/68
trucking industries					
Tax Commission, Auditing	25826	R865-9I-28	AMD	03/11/2003	2003-1/42

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trusts					
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undercover identification					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	25998	R722-320	5YR	01/28/2003	2003-4/60
underground injection control					
Environmental Quality, Water Quality	25631	R317-7-13	AMD	01/30/2003	2002-23/32
underground storage tanks					
Environmental Quality, Environmental Response and Remediation	25161	R311-207	CPR	02/04/2003	2003-1/46
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Workforce Services, Workforce Information and Payment Services	26308	R994-600	5YR	05/23/2003	2003-12/80
unemployment					
Workforce Services, Workforce Information and Payment Services	26308	R994-600	5YR	05/23/2003	2003-12/80
unemployment compensation					
Workforce Services, Workforce Information and Payment Services	26306	R994-201	5YR	05/23/2003	2003-12/78
	26309	R994-202	5YR	05/23/2003	2003-12/79
	26307	R994-208	5YR	05/23/2003	2003-12/79
	26135	R994-303-104	AMD	06/05/2003	2003-8/42
	26355	R994-306	5YR	06/11/2003	2003-13/72
	26358	R994-307	5YR	06/11/2003	2003-13/73
	25946	R994-406-311	AMD	03/04/2003	2003-3/46
	25947	R994-406-315	AMD	03/04/2003	2003-3/48
	26356	R994-508	5YR	06/11/2003	2003-13/74
units					
Environmental Quality, Radiation Control	25785	R313-12-3	AMD	03/14/2003	2003-1/22
uranium mills					
Environmental Quality, Radiation Control	25882	R313-24-1	NSC	01/01/2003	Not Printed
used oil					
Environmental Quality, Solid and Hazardous Waste	26064	R315-15	5YR	03/03/2003	2003-7/76
utility regulation					
Public Service Commission, Administration	26147	R746-405	5YR	04/02/2003	2003-9/138
vacation					
Human Resource Management, Administration	26221	R477-7	AMD	07/01/2003	2003-10/80
variances					
Environmental Quality, Air Quality	26354	R307-102	5YR	06/11/2003	2003-13/67
veterinary medicine					
Commerce, Occupational and Professional Licensing	26150	R156-28	AMD	06/03/2003	2003-9/3

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Insurance, Administration	26194	R590-222	NEW	06/24/2003	2003-10/105
victim compensation					
Crime Victim Reparations, Administration	26381	R270-1	AMD	08/01/2003	2003-13/5
victims of crime					
Crime Victim Reparations, Administration	26381	R270-1	AMD	08/01/2003	2003-13/5
violations					
Natural Resources, Wildlife Resources	26169	R657-26-8	AMD	06/03/2003	2003-9/104
visibility					
Environmental Quality, Air Quality	26546	R307-406	5YR	08/11/2003	2003-17/88
visitors					
Human Services, Mental Health, State Hospital	26302	R525-4	5YR	05/20/2003	2003-12/73
vocational education					
Education, Administration	25926	R277-518	5YR	01/14/2003	2003-3/67
Education, Applied Technology Education (Board for), Rehabilitation	26088	R280-200	5YR	03/12/2003	2003-7/75
wages					
Workforce Services, Workforce Information and Payment Services	26307	R994-208	5YR	05/23/2003	2003-12/79
waste disposal					
Environmental Quality, Radiation Control	25943	R313-15	5YR	01/14/2003	2003-3/73
	26377	R313-15-301	AMD	08/08/2003	2003-13/7
Environmental Quality, Solid and Hazardous Waste	26092	R315-301	5YR	03/14/2003	2003-7/76
	26094	R315-303	5YR	03/14/2003	2003-7/78
	26095	R315-305	5YR	03/14/2003	2003-7/79
	26096	R315-306	5YR	03/14/2003	2003-7/79
	26097	R315-307	5YR	03/14/2003	2003-7/80
	26098	R315-308	5YR	03/14/2003	2003-7/81
	26100	R315-309	5YR	03/14/2003	2003-7/81
	26099	R315-310	5YR	03/14/2003	2003-7/82
	26101	R315-311	5YR	03/14/2003	2003-7/83
	26102	R315-312	5YR	03/14/2003	2003-7/84
	26104	R315-314	5YR	03/14/2003	2003-7/85
	26105	R315-315	5YR	03/14/2003	2003-7/85
	26106	R315-316	5YR	03/14/2003	2003-7/86
	26107	R315-317	5YR	03/14/2003	2003-7/87
	26108	R315-318	5YR	03/14/2003	2003-7/88
Environmental Quality, Water Quality	25636	R317-1	AMD	01/30/2003	2002-23/17
waste management					
Environmental Quality, Solid and Hazardous Waste	26093	R315-302	5YR	03/14/2003	2003-7/77
waste oil					
Environmental Quality, Air Quality	26524	R307-413	5YR	08/01/2003	2003-16/52

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	25635	R317-4-3	AMD	01/30/2003	2002-23/21
	25637	R317-11	AMD	01/30/2003	2002-23/80
wastewater					
Environmental Quality, Water Quality	26183	R317-101	5YR	04/22/2003	2003-10/147
wastewater treatment					
Environmental Quality, Water Quality	25638	R317-10	AMD	01/30/2003	2002-23/78
water					
Public Service Commission, Administration	26081	R746-330	5YR	03/10/2003	2003-7/92
	26142	R746-331	5YR	04/02/2003	2003-9/136
	26143	R746-332	5YR	04/02/2003	2003-9/136
water pollution					
Environmental Quality, Water Quality	25636	R317-1	AMD	01/30/2003	2002-23/17
	25634	R317-8	AMD	01/30/2003	2002-23/33
	25633	R317-9	NEW	02/05/2003	2002-23/74
	25638	R317-10	AMD	01/30/2003	2002-23/78
water quality					
Environmental Quality, Water Quality	25632	R317-6-6	AMD	01/30/2003	2002-23/25
	25631	R317-7-13	AMD	01/30/2003	2002-23/32
	26183	R317-101	5YR	04/22/2003	2003-10/147
Public Service Commission, Administration	26081	R746-330	5YR	03/10/2003	2003-7/92
water rights					
Natural Resources, Water Rights	26195	R655-5	5YR	04/29/2003	2003-10/149
weapons					
Human Services, Mental Health, State Hospital	26516	R525-6	5YR	07/30/2003	2003-16/53
weed control					
Agriculture and Food, Plant Industry	26387	R68-9	5YR	06/13/2003	2003-13/63
welfare					
Human Services, Recovery Services	25977	R527-3	AMD	03/19/2003	2003-4/26
wildlife					
Natural Resources, Wildlife Resources	26167	R657-3	5YR	04/15/2003	2003-9/135
	26166	R657-3	AMD	06/03/2003	2003-9/94
	25720	R657-5	AMD	01/15/2003	2002-24/29
	26241	R657-5	AMD	06/17/2003	2003-10/111
	26165	R657-5-70	AMD	06/03/2003	2003-9/103
	25360	R657-13	AMD	01/01/2003	2002-20/92
	25721	R657-17	AMD	01/15/2003	2002-24/46
	26576	R657-19	5YR	08/15/2003	2003-17/89
	25890	R657-23	AMD	02/16/2003	2003-2/41
	26169	R657-26-8	AMD	06/03/2003	2003-9/104

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	26056	R657-33-6	AMD	04/15/2003	2003-6/15
	26272	R657-34	AMD	07/02/2003	2003-11/41
	26274	R657-34	5YR	05/14/2003	2003-11/95
	26275	R657-37	5YR	05/14/2003	2003-11/96
	26271	R657-37	AMD	07/02/2003	2003-11/42
	25722	R657-38	AMD	01/15/2003	2002-24/48
	25723	R657-42	AMD	01/15/2003	2002-24/52
	26278	R657-42	5YR	05/14/2003	2003-11/97
	26277	R657-42	AMD	07/02/2003	2003-11/45
	26276	R657-44	AMD	07/02/2003	2003-11/46
	25894	R657-44	R&R	02/16/2003	2003-2/46
	26168	R657-53	NEW	06/03/2003	2003-9/107
wildlife conservation					
Natural Resources, Wildlife Resources	25722	R657-38	AMD	01/15/2003	2002-24/48
wildlife law					
Natural Resources, Wildlife Resources	25360	R657-13	AMD	01/01/2003	2002-20/92
	26273	R657-27	AMD	07/02/2003	2003-11/36
woodburning					
Environmental Quality, Air Quality	26360	R307-201	5YR	06/11/2003	2003-13/68
	26402	R307-302	5YR	06/19/2003	2003-14/95
workers' compensation					
Labor Commission, Industrial Accidents	26315	R612-2	5YR	05/28/2003	2003-12/75
	26286	R612-2-5	AMD	07/02/2003	2003-11/35
	26405	R612-2-22	EMR	06/20/2003	2003-14/90
	26316	R612-3	5YR	05/28/2003	2003-12/76
	26317	R612-5	5YR	05/28/2003	2003-12/76
	26314	R612-7	5YR	05/28/2003	2003-12/77
working toward employment					
Workforce Services, Employment Development	26216	R986-400	AMD	07/01/2003	2003-10/127
	25827	R986-400-404	AMD	02/06/2003	2003-1/43
x-ray					
Environmental Quality, Radiation Control	25786	R313-28	AMD	03/14/2003	2003-1/27
youth					
Human Services, Administration, Administrative Services, Licensing	25707	R501-8	AMD	01/17/2003	2002-24/19
	25978	R501-8	NSC	03/01/2003	Not Printed
	25703	R501-16	NSC	02/26/2003	Not Printed
	26055	R501-16	5YR	02/26/2003	2003-6/17
zoning					
Administrative Services, Facilities Construction and Management	25957	R23-9	5YR	01/15/2003	2003-3/63
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zoological animals					
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	26167	R657-3	5YR	04/15/2003	2003-9/135