

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Kimberly K. Hood, Executive Director  
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Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63G-3-402, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.utah.gov/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Digest* is available by E-mail or over the Internet. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

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## NOTICES OF PROPOSED RULES

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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 February 3, 2009, 12:00 a.m., and February 17, 2009, 11:59 p.m. are included in this, the March 1, 2009, 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 Rules being repealed are completely struck out.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 between paragraphs (. . . . .) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. 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 March 31, 2009. 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 63G-3-302 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 June 29, 2009, 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 seven calendar days after the close of the public comment period 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 Section 63G-3-301; and Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

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**The Proposed Rules Begin on the Following Page.**

Administrative Services, Fleet  
Operations, Surplus Property  
**R28-2-3**  
Procedures

**NOTICE OF PROPOSED RULE**

(Amendment)  
DAR FILE NO.: 32362  
FILED: 02/09/2009, 07:40

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change allows surplus property to transfer handguns to firearms dealers when certain conditions are met.

SUMMARY OF THE RULE OR CHANGE: This rule change allows surplus property to transfer handguns to firearms dealers if there is a change in the standard handgun and the agency is replacing more than half of its handguns.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-9-801

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This change allows handguns to be sold or exchanged with firearms dealers and will result in a savings to the state budget.
- ❖ LOCAL GOVERNMENTS: This change involves the transfer of state property to a firearms dealer and will result in no cost or savings to local government.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This change allows handguns to be sold or exchanged with firearms dealers. There may be a savings to small business firearms dealers who may be able to purchase handguns at a surplus price.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change allows handguns to be sold or exchanged with firearms dealers and will not create any compliance costs for these dealers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will allow the transfer of handguns to firearms dealers at a surplus rate. This will benefit these businesses. Kimberly Hood, Executive Director

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

ADMINISTRATIVE SERVICES  
FLEET OPERATIONS, SURPLUS PROPERTY  
Room 4120 STATE OFFICE BLDG  
450 N MAIN ST  
SALT LAKE CITY UT 84114-1201, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brian Fay at the above address, by phone at 801-538-3502, by FAX at 801-538-1773, or by Internet E-mail at bfay@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 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2009

AUTHORIZED BY: Margaret Chambers, Director

**R28. Administrative Services, Fleet Operations, Surplus Property.  
R28-2. Surplus Firearms.  
R28-2-3. Procedures.**

A. All state owned firearms shall be disposed of under the general provisions of Rule R28-1.

1. As an exception to the purchase priority listed in Section R28-1-5, the sale of firearms directly to the general public by the USASP is prohibited.

2. Hunting and sporting rifles meeting Federal Firearms regulations may be sold only to firearms dealers licensed by the Federal Bureau of Alcohol, Tobacco and Firearms. All sales will be accomplished by either auction or sealed bid.

3. Handguns may only ~~not~~ be transferred to a firearms dealer through sale or exchange when: ~~[sold to firearms dealers.]~~

a. There is a change in the standard handgun and;  
b. An agency is replacing more than half of the agency's handguns.

4. Handguns not purchased by legally constituted state law enforcement agencies and all firearms not meeting Federal Firearms regulations will either be transferred to the Utah State Public Safety Crime Lab for use or be destroyed.

B. A peace officer retiring from state service and desiring to retain his service firearm, may purchase his assigned firearm at one-half of its current replacement cost.

1. Proof of intent to retire shall be sent to the USASP along with a completed standard form SP-1 and shall be signed by an authorized agent of the owning agency.

2. The replacement cost shall be determined by the most recent state purchase order or other documentation for the specified firearm(s) and a copy shall accompany the completed standard form SP-1.

C. All firearms retained by the USASP shall be in accordance with Federal Firearms regulations pursuant to Sections 921(a)(19) and 922(s) of Title 18, United States Code.

1. Written certification that surplus firearms meet federal firearms regulations shall be provided by the owning agency or a qualified armorer.

D. All firearms retained by the USASP shall be in good working condition.

a. Written certification specifying the condition of surplus firearms shall be provided by the owning agency or a qualified armorer.

**KEY: firearms**

**Date of Enactment or Last Substantive Amendment: [~~November 1, 1999~~2009]**

**Notice of Continuation: February 7, 2006**  
**Authorizing, and Implemented or Interpreted Law: 63A-9-801**

◆ ————— ◆

## Commerce, Occupational and Professional Licensing **R156-22-102** Definitions

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32364

FILED: 02/09/2009, 14:13

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Division and the Professional Engineers and Professional Land Surveyors Licensing Board are proposing an amendment to address an issue that was raised in 2008 regarding the ability of the Utah Department of Transportation to continue their work in regards to the design and oversight of the construction and installation of highway, utility, or pedestrian bridges without their employees being licensed as structural engineers. As a result of a review of the governing statute, Title 58, Chapter 22, it has been determined that this proposed amendment will help clarify that this type of work does not require a structural engineering license.

**SUMMARY OF THE RULE OR CHANGE:** Subsection R156-22-102(6) is being added to indicate that the definition of professional structural engineering or the practice of structural engineering excludes the design and oversight of the construction and installation of highway, utility, or pedestrian bridges. The remaining subsections have been renumbered.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-22-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** As a result of this proposed amendment, no change in current operations of the Utah Department of Transportation will be needed and there will be no direct fiscal impact to their budget. The Division of Occupational and Professional Licensing will incur minimal costs of approximately \$50 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

❖ **LOCAL GOVERNMENTS:** The proposed amendment only applies to operations within the Utah Department of Transportation; therefore, the proposed amendment does not apply to local governments and no costs or savings are anticipated.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The proposed amendment only applies to operations within the Utah Department of Transportation. Since no change in current operations within the Utah Department of Transportation is needed as a result of the proposed

amendment, there will be no direct impact on small businesses and persons other than businesses.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No costs for affected persons are anticipated since the proposed amendment only applies to operations within the Utah Department of Transportation and no additional changes will need to be made within that Department as a result of the proposed amendment.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Pursuant to authority granted to the Division in Subsection 58-22-102(14), this rule filing clarifies the definition of "professional structural engineering or the practice of structural engineering" to exclude the design and oversight of the construction and installation of highway, utility, or pedestrian bridges. No fiscal impact to businesses is anticipated from such clarification. Francine A. Giani, 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:**

Dennis Meservy at the above address, by phone at 801-530-6375, by FAX at 801-530-6511, or by Internet E-mail at dmeservy@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 03/31/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 3/18/2009 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474 (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2009

AUTHORIZED BY: F. David Stanley, Director

—————

**R156. Commerce, Occupational and Professional Licensing.  
R156-22. Professional Engineers and Professional Land  
Surveyors Licensing Act Rule.  
R156-22-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1, 3a and 22, as used in Title 58, Chapters 1, 3a and 22, or this rule:

(1) "Complete and final" as used in Section 58-22-603 means "complete construction plans" as defined in Subsection 58-22-102(3).

(2) "Direct supervision" as used in Subsection 58-22-102(10) means "supervision" as defined in Subsection 58-22-102(16).

(3) "Employee, subordinate, associate, or drafter of a licensee" as used in Subsections 58-22-102(16), 58-22-603(1)(b) and this rule means one or more individuals not licensed under this chapter, who are working for, with, or providing professional engineering, professional structural engineering, or professional land surveying services directly to and under the supervision of a person licensed under this chapter.

(4) "Engineering surveys" as used in Subsection 58-22-102(9) include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, alignment of streets, and the dependent or independent surveys or resurveys of the public land survey system.

(5) "Incidental practice" means "architecture work as is incidental to the practice of engineering" as used in Subsection 58-22-102(9) and "engineering work as is incidental to the practice of architecture" as used in Subsection 58-3a-102(6), which:

(a) can be safely and competently performed by the licensee without jeopardizing the life, health, property and welfare of the public;

(b) is in an area where the licensee has demonstrated competence by adequate education, training and experience;

(c) arises from, and is directly related to, work performed in the licensed profession;

(d) is substantially less in scope and magnitude when compared to the work performed or to be performed by the licensee in the licensed profession; and

(e) is work in which the licensee is fully responsible for the incidental practice performed as provided in Subsections 58-3a-603(1) or 58-22-603(1).

(6) "Professional structural engineering or the practice of structural engineering", as defined in Subsection 58-22-102(14), is further defined to exclude the design and oversight of the construction and installation of highway, utility, or pedestrian bridges.

\_\_\_\_\_(~~16~~17) "Recognized jurisdiction" as used in Subsection 58-22-302(4)(d)(i), for licensure by endorsement, means any state, district or territory of the United States, or any foreign country who issues licenses for professional engineers, professional structural engineers, or professional land surveyors, and whose licensure requirements include:

(a) Professional Engineer.

(i) a bachelors or post graduate degree in engineering or equivalent education as determined by the Center for Professional Engineering Services (CPEES) and four years of full time engineering experience under supervision of one or more licensed engineers; and

(ii) passing the NCEES Principles and Practice of Engineering Examination (PE).

(b) Professional Structural Engineer.

(i) a bachelors or post graduate degree in engineering or equivalent education as determined by the Center for Professional Engineering Services (CPEES) and four years of full time engineering experience under supervision of one or more licensed engineers;

(ii) passing the NCEES Structural I and II Examination; and

(iii) three years of licensed experience in professional structural engineering.

(c) Professional Land Surveyor.

(i) a two or four year degree in land surveying or equivalent education as determined by the Center for Professional Engineering Services (CPEES) and four years of full time land surveying experience under supervision of one or more licensed professional land surveyors; or eight years of full time land surveying experience under supervision of one or more licensed professional land surveyors; and

(ii) passing the NCEES Principles and Practice of Land Surveying Examination (PLS) or passing a professional land surveying examination that is substantially equivalent to the NCEES Principles and Practice of Land Surveying Examination.

(~~7~~8) "Responsible charge" by a principal as used in Subsection 58-22-102(7) means that the licensee is assigned to and is personally accountable for the production of specified professional engineering, professional structural engineering or professional land surveying projects within an organization.

(~~8~~9) "TAC/ABET" means Technology Accreditation Commission/Accreditation Board for Engineering and Technology.

(~~9~~10) "Under the direction of the licensee" as used in Subsection 58-22-102(16), as part of the definition of "supervision of an employee, subordinate, associate, or drafter of a licensee", means that the unlicensed employee, subordinate, associate, or drafter of a person licensed under this chapter engages in the practice of professional engineering, professional structural engineering, or professional land surveying only on work initiated by a person licensed under this chapter, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of a person licensed under this chapter.

(~~10~~11) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 22, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-22-502.

**KEY: engineers, surveyors, professional land surveyors, professional engineers**

**Date of Enactment or Last Substantive Amendment: [~~October 23, 2008~~2009]**

**Notice of Continuation: November 15, 2007**

**Authorizing, and Implemented or Interpreted Law: 58-22-101; 58-1-106(1)(a); 58-1-202(1)(a)**



## Commerce, Real Estate **R162-204**

### Residential Mortgage Record Keeping Requirements

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32347

FILED: 02/03/2009, 09:25

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Utah's laws require record retention for records kept by mortgage licensees, but the laws do not address how to properly dispose of the records. Mortgage files contain highly sensitive personal information. Recently the Division has learned of



abandoned files in dumpsters, storage units, and empty offices. The Division needs to outline minimum guidelines for mortgage record disposal.

**SUMMARY OF THE RULE OR CHANGE:** The rule requires mortgage entities to dispose of records in a manner that safeguards personal information. Another rule amendment (Rule R162-205) makes it an unprofessional practice to dispose of records in violation of this rule change. (DAR NOTE: The proposed amendment to Rule R162-205 is under DAR No. 32348 in this issue, March 1, 2009, of the Bulletin.)

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 61-2c-103(3)(c)

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** The rule change will not impact the state budget since the Division already tracks the storage and retention of records.

❖ **LOCAL GOVERNMENTS:** The rule change will not impact local governments' budgets since they do not employ mortgage licensees who will have to comply with the rule.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The rule change shouldn't impact small businesses unless they are careless with their records. The majority of mortgage businesses already properly destroy records. Those who do not, will be required to do so. However, the rule permits internal disposition, such as shredding, so the cost should be minimal.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The rule change shouldn't impact affected persons unless they are careless with their records. The majority of mortgage businesses already properly destroy records. Those who do not, will be required to do so. However, the rule permits internal disposition, such as shredding, so the cost should be minimal.

Those who do not internally dispose of the records will have to pay for a document management company to destroy the records. However, individuals who are protected from identity theft due to this rule change will experience a significant cost savings when they are protected from the headaches of identity theft, occasioned by the abandonment of mortgage records.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule filing establishes standards regarding the proper disposal of records maintained by licensees. No fiscal impact to businesses is anticipated beyond those discussed in the rule summary. Francine Giani, Executive Director

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

COMMERCE  
REAL ESTATE  
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:**

Mark Steinagel at the above address, by phone at 801-530-6744, by FAX at 801-530-6749, or by Internet E-mail at msteinagel@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 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2009

AUTHORIZED BY: Mark Steinagel, Director

## **R162. Commerce, Real Estate.**

### **R162-204. Residential Mortgage Record Keeping Requirements.**

#### **R162-204-1. Residential Mortgage Record Keeping Requirements.**

204.1.1 Entity Requirements. An entity licensed under the Utah Residential Mortgage Practices Act ~~must~~ shall maintain for the period set forth in Utah Code Section 61-2c-302 the following records:

- (a) Application forms;
- (b) Disclosure forms;
- (c) Truth-in-Lending forms;
- (d) Credit reports and the explanations ~~therefor~~ to the credit reports;
- (e) Conversation logs;
- (f) Verifications of employment, paycheck stubs, and tax returns;
- (g) Proof of legal residency, if applicable;
- (h) Appraisals, appraisal addenda, and records of communications between the appraiser and the registrant or lender;
- (i) Underwriter denials;
- (j) Notices of adverse action;
- (k) Loan approval; and
- (l) All other records required by underwriters involved with the transaction.

204.1.2. Principal Lending Manager Requirements. Except as provided in Subsection 204.1.2.1, the principal lending manager of an entity ~~shall be~~ is responsible to make the records set forth in Section 204.1.1 available to the Division as provided in Utah Code Annotated Section 61-2c-302(3).

204.1.2.1. Defunct entity. If a licensed entity ceases doing business in Utah, ~~the owners and directors~~ an owner or director of the entity, ~~rather than the principal lending manager,~~ are ~~are~~ is responsible to make the records set forth in Section 204.1.1 available to the Division, ~~instead of the principal lending manager(s) who were affiliated with the entity during the period of time for which the records are sought.~~

204.1.3. Disposal of Records. If an entity licensed under the Utah Residential Mortgage Practices Act disposes of the records under this section after the end of the retention schedule in Utah Code Section 61-3c-302, the entity shall dispose of the records in a reasonable manner that safeguards any personal information, as defined in Utah Code Annotated Section 13-44-102.

**KEY: residential mortgage loan origination**

**Date of Enactment or Last Substantive Amendment: [~~October 2, 2007~~]2009**

**Notice of Continuation: December 13, 2006**

**Authorizing, and Implemented or Interpreted Law: 61-2c-302**

◆ ————— ◆

**Commerce, Real Estate**  
**R162-205-1**  
**Residential Mortgage Unprofessional**  
**Conduct**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 32348

FILED: 02/03/2009, 09:26

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Utah's laws require record retention for records kept by mortgage licensees, but the laws do not address how to properly dispose of records. Mortgage files contain highly sensitive personal information. Recently the Division has learned of abandoned files in dumpsters, storage units, and empty offices. The Division needs the authority to punish those who do not safeguard personal information.

SUMMARY OF THE RULE OR CHANGE: This rule change makes it an unprofessional practice to dispose of records in violation of administrative rule. An accompanying rule amendment (Rule R162-204) explains the proper disposal procedures. (DAR NOTE: The proposed amendment to Rule R162-204 is under DAR No. 32347 in this issue, March 1, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2c-103(3)(d)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The rule change will not impact the state budget since the Division already tracks the storage and retention of records.
- ❖ LOCAL GOVERNMENTS: The rule change will not impact local governments' budgets since they do not employ mortgage licensees.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The rule change shouldn't impact small businesses unless they are careless with their records. The majority of mortgage businesses already properly destroy records. Those who do not, will be required to do so and may be punished if they do not. However, the rule permits internal disposition, such as shredding, so the cost should be minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The rule change shouldn't impact affected persons unless they are careless with their records. The majority of mortgage businesses already properly destroy records. Those who do not, will be required to do so. However, the rule permits internal disposition, such as shredding, so the cost should be minimal. Those who do not internally dispose of the records will have to pay for a document management company to destroy the records. However, individuals who are protected from identity theft due to this rule change will experience a significant cost savings when they are protected from the headaches of identity theft, occasioned by the abandonment of mortgage records.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing establishes standards regarding the proper disposal of records maintained by licensees. No fiscal impact to businesses is anticipated beyond those discussed in the rule summary. Francine Giani, Executive Director

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

COMMERCE  
 REAL ESTATE  
 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:

Mark Steinagel at the above address, by phone at 801-530-6744, by FAX at 801-530-6749, or by Internet E-mail at msteinagel@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 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2009

AUTHORIZED BY: Mark Steinagel, Director

**R162. Commerce, Real Estate.**  
**R162-205. Residential Mortgage Unprofessional Conduct.**  
**R162-205-1. Residential Mortgage Unprofessional Conduct.**

205.1 Unprofessional conduct includes the following acts:

205.1.1 conducting the business of residential mortgage loans, including soliciting or marketing, in the licensee's individual name, the principal lending manager's individual name, or any name other than the name of the licensed mortgage entity with which the individual's principal lending manager is affiliated;

205.1.2 failing to remit to third party service providers the appraisal fees, inspection fees, credit reporting fees, insurance premiums, or other similar fees which have been collected from a borrower;

205.1.3 withholding payment owed, as determined by a court of competent jurisdiction to a third party service provider in connection with the business of residential mortgage loans;

205.1.4 charging for services not actually performed;

205.1.5 charging a borrower more for third party services than the actual cost of those services;

205.1.6 filling out or altering any Real Estate Purchase Contract or other contract for the sale of real property, or any addenda ~~thereto~~ to the contract;

205.1.7 making any alteration to any appraisal of real property;

205.1.8 unless acting as a real estate licensee and not as a mortgage licensee:

(a) providing a buyer or seller of real estate with comparative market analysis or otherwise assisting a buyer or seller to determine the offering price or sales price of real estate;

(b) representing or assisting a buyer or seller of real estate in negotiations concerning a possible sale of real estate, except that a mortgage licensee may advise a borrower about the consequences that the terms of a purchase agreement may have on the terms and availability of various mortgage products;

(c) performing any other acts that require a real estate license under Title 61, Chapter 2;

(d) advertising the sale of real estate by use of any advertising medium, except that a mortgage licensee may:

(i) advertise real estate owned by the licensee as a "for sale by owner";

(ii) provide advertising to a property owner who has not signed an agency agreement with a real estate licensee and is selling the real estate "for sale by owner", so long as the advertising provides clear and distinguishable identification, contact information, function and responsibility of both the property owner and the mortgage licensee; or

(iii) advertise in conjunction with a real estate brokerage, so long as the advertising provides clear and distinguishable identification, contact information, function and responsibility of both the real estate licensee and the mortgage licensee.

205.1.9 disposing of records in violation of R162-204.1.3

**KEY: residential mortgage loan origination**

**Date of Enactment or Last Substantive Amendment:** ~~December 27, 2007~~ 2009

**Notice of Continuation:** December 13, 2006

**Authorizing, and Implemented or Interpreted Law:** 61-2c-301(1)(k)



**Crime Victim Reparations,  
Administration  
R270-1-21  
Three Year Limitation**

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 32377  
FILED: 02/13/2009, 16:22

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment deletes unnecessary language.

SUMMARY OF THE RULE OR CHANGE: The amendment deletes language regarding notification to claimants of the implementation of this rule. Those notifications have been provided and the language is no longer necessary. The amendment also deletes language that provides that claims for permanent disability or loss of support are not subject to the three-year limitation rule. The permanent disability category of claims was removed from statute several years ago and the Office pays all loss of support claims within three years. Therefore, this language is also unnecessary.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63M-7-506(1)(c)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This amendment will have no impact on the state budget because it will not impact any payment practices. Payments will not increase or decrease as a result of deleting the unnecessary language.

❖ LOCAL GOVERNMENTS: This amendment will have no fiscal impact on local government because it will not impact any payment practices. Payments will not increase or decrease as a result of deleting the unnecessary language.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: This amendment will have no fiscal impact on small businesses because it will not impact any payment practices. Payments will not increase or decrease as a result of deleting the unnecessary language.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the amendment only deletes unnecessary language and does not change any payment practices or procedures, there will be no affected persons and no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment simply removes language that is no longer necessary. It will have no impact on payments or procedures and will therefore have no fiscal impact on businesses. Robert Yeates, Executive Director, Commission on Criminal and Juvenile Justice

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

CRIME VICTIM REPARATIONS  
ADMINISTRATION  
Room 200  
350 E 500 S  
SALT LAKE CITY UT 84111-3347, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ronald B Gordon at the above address, by phone at 801-238-2367, by FAX at 801-533-4127, or by Internet E-mail at [rbgordon@utah.gov](mailto:rbgordon@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 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2009

AUTHORIZED BY: Ronald B Gordon, Director

**R270. Crime Victim Reparations, Administration.  
R270-1. Award and Reparation Standards.  
R270-1-21. Three Year Limitation.**

Pursuant to Subsections 63M-7-506(1)(c) and 63M-7-525(2) a claim for benefits expires and no further payments will be made with regard to the claim after three years have elapsed from the date of application with the CVR office. ~~[All claimants who have filed a claim for benefits with the CVR office prior to the effective date of this rule shall be notified in writing of the three year limitation for payment of benefits. Any claimant who filed a claim for benefits more than two~~

~~and one-half years prior to the effective date of this rule, other than a claim for benefits for permanent disability or loss of support, shall be notified in writing that they have six months in which to submit any remaining expenses before the three year limitation is imposed and the claim is closed. Claims for benefits for permanent disability or loss of support filed prior to the effective date of this rule shall not be subject to the three year limitation. The Crime Victim-]Reparations Officers may extend[review extenuating circumstances on] claims that have been closed because of the Three Year Limitation rule if extenuating circumstances exist.~~

**KEY: victim compensation, victims of crimes**

**Date of Enactment or Last Substantive Amendment: [January 21], 2009**

**Notice of Continuation: July 3, 2006**

**Authorizing, and Implemented or Interpreted Law: 63M-7-501 et seq.**



## Environmental Quality, Air Quality **R307-101-3** Version of Code of Federal Regulations Incorporated by Reference

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32351

FILED: 02/03/2009, 16:25

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R307-101-3 incorporates by reference the current Code of Federal Regulations (CFR) used in a majority of rules adopted by the Air Quality Board (AQB). This allows rules that reference Section R307-101-3 to update the incorporation date with only one rule amendment. The most current version of the CFR for environmental regulations has been updated from 07/01/2007 to 07/01/2008; therefore it is necessary to change Section R307-101-3.

SUMMARY OF THE RULE OR CHANGE: Below is a list of changes to 40 CFR from 07/01/2007 to 07/01/2008 that affect rules which reference Section R307-101-3. 09/07/2007 (Volume 72, Number 173): Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Several Amendments to Related Mercury Monitoring Provisions. This action approved two optional mercury (Hg) emissions test methods for potential use in conjunction with an existing regulatory requirement for Hg emissions monitoring, as well as several revisions to the Hg monitoring provisions themselves. This action was in regard to the testing and monitoring requirements for Hg specified in the Federal Register on 05/18/2005. This action allowed the use of these two optional methods entirely at the discretion of the owner or operator of an affected emission source in place of the two currently specified methods. This direct final rule also amended Performance Specification 12A by adding Methods 30A and

30B to the list of reference methods acceptable for measuring Hg concentration and the Hg monitoring provisions of 05/18/2005, to reflect technical insights since gained by EPA which will help to facilitate implementation including clarification and increased regulatory flexibility for affected sources. The definition of "sorber trap monitoring system" in Section 72.2 was revised. 09/28/2007 (Volume 72, Number 188): Correction of Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Several Amendments to Related Mercury Monitoring Provisions. This action corrected minor errors in a final rule published 09/07/2007 (Volume 72, Number 173, Page 51501). 05/22/2008 (Volume 73, Number 100): Update of Continuous Instrumental Test Methods: Technical Amendments. This action corrected errors in a final rule published 05/15/2006 which updated five continuous instrumental test methods. As published, the rule contained errors and provisions that needed to be clarified. EPA published a direct final rule with a parallel proposed rule on 09/07/2007 to correct the errors and add clarifying language. However, adverse comments were received on the direct final rule and it was withdrawn on 11/05/2007. This action finalized the parallel proposal. In this final rule, EPA corrected errors, clarified certain provisions, and responded to the adverse comments received on the direct final rule published on 09/07/2007. 10/19/2007 (Vol. 72, No. 202): Revisions to Definition of Cogeneration Unit in Clean Air Interstate Rule (CAIR), CAIR Federal Implementation Plans, Clean Air Mercury Rule (CAMR); and Technical Corrections to CAIR, CAIR FIPs, CAMR, and Acid Rain Program Rules. Section 60.4102 was amended as follows: a. Added, in alphabetical order, a new definition of "Biomass"; b. In the definition of "Cogeneration unit," removed the period at the end of paragraph (2)(ii) and added in its place a semicolon and added a new paragraph (3); and c. Added a sentence at the end of the definition of "Total energy input." The authority citation for Part 72 was revised to read as follows: Authority: 42 U.S.C. 7601 and 7651 et seq. Section 72.24 was amended in paragraph (a)(9), introductory text, by removing the words "life-of-the-unit, firm power contractual arrangements" and adding in their place the words "a life-of-the-unit, firm power contractual arrangement." 01/24/2008 (Vol. 73, No. 16): Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NOX Budget Trading Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule. EPA finalized rule revisions that modified existing requirements for sources affected by the federally administered emission trading programs including the NOX Budget Trading Program, the Acid Rain Program, the Clean Air Interstate Rule, and the Clean Air Mercury Rule. The revisions were prompted primarily by changes being implemented by EPA's Clean Air Markets Division in its data systems in order to utilize the latest modern technology for the submittal of data by affected sources. Other revisions addressed issues that were raised during program implementation, fixed specific inconsistencies in rule provisions, or updated sources incorporated by reference. These revisions did not impose significant new requirements on sources with regard to monitoring or quality assurance activities. Section 93.101 was amended as follows: a. Revised the definitions for "Metropolitan planning organization

(MPO)" and "Transportation improvement program (TIP)"; and b. Revised the first sentence of the definition for "Transportation control measure (TCM)." Section 72.2 was amended as follows: a. Revised the definition of "Capacity factor;" b. In the definition of "Diluent cap", removed the words "CO2 mass emission rate, or heat input rate" after the words "NOX emission rate"; c. In the definition of "EPA protocol gas", added a new sentence to the end of the definition; d. Revised the definition of "Excepted monitoring system"; e. Added the new definitions in alphabetical order for "Air Emission Testing Body (AETB)", "EPA Protocol Gas Verification Program", "Long-term cold storage", "NIST traceable elemental Hg standards", "NIST traceable source of oxidized Hg", "Qualified Individual", and "Specialty gas producer"; and f. Removed the definition for "Research gas material (RGM)". 02/13/2008 (Vol. 73, No. 30): Correction: Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NOX Budget Trading Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule. Part 75 Appendix F Eq. (F-8) was corrected.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR, July 1, 2008, edition

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ LOCAL GOVERNMENTS: Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Small Businesses: Because this revision does not create new requirements, no change in costs is expected for small businesses. Other Persons: Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Bill Sinclair, Acting Executive Director

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:

Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at [kkreykes@utah.gov](mailto:kkreykes@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 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/06/2009

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

### **R307. Environmental Quality, Air Quality.**

#### **R307-101. General Requirements.**

#### **R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.**

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 200[7]8.

**KEY:** air pollution, definitions

**Date of Enactment or Last Substantive Amendment:** [~~February 8, 2008~~2009]

**Notice of Continuation:** February 8, 2008

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)(a)

## Environmental Quality, Air Quality **R307-840** Lead-Based Paint Accreditation, Certification and Work Practice Standards

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32350

FILED: 02/03/2009, 16:24

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R307-101-3 contains the incorporation date for many of Utah's Division of Air Quality (UDAQ) rules. Rule R307-840 references Section R307-101-3 for its incorporation date of 40 CFR (Code of Federal Regulations). Due to issues with the 07/01/2008, version of 40 CFR, the effective date of the document incorporated by reference needs to remain 07/01/2007. (DAR NOTE: the proposed amendment to Section R307-101-3 is under DAR No. 32351 in this issue, March 1, 2008, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This action removes the references to Section R307-101-3 for Rule R307-840's incorporation date of 40 CFR, and replaces them with 07/01/2007.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(i)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR, July 1, 2007, edition

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ LOCAL GOVERNMENTS: Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Small Businesses: Because this revision does not create new requirements, no change in costs is expected for small businesses. Other Persons: Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Bill Sinclair, Acting Executive Director

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:

Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at [kkreykes@utah.gov](mailto:kkreykes@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 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/06/2009

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

### **R307. Environmental Quality, Air Quality.**

#### **R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards.**

##### **R307-840-2. Definitions.**

(1) Definitions found in 40 CFR 745.63, 40 CFR 745.83, and 40 CFR 745.223, effective as of July 1, 2007~~[the date referenced in R307-401-3]~~, are hereby adopted and incorporated by reference, with the substitutions found in (2) below and the modifications found in (3) below.

(2) Substitutions.

(a) Substitute "the Executive Secretary" for all references to "EPA" except in the definition of "Pamphlet" found in 40 CFR 745.83 and in the definition of "Recognized laboratory" found in 40 CFR 745.223.

(b) Substitute "the Executive Secretary" for all references to "Administrator".

(3) Modifications.

(a) Delete the definition of "Administrator" found in 40 CFR 745.83.

(b) Modify the definition of "Pamphlet" found in Sec. 745.83 by deleting ", or any State or Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the same purpose".

(c) Delete the definition of "Lead-based paint hazard" found in 40 CFR 745.223.

(d) Modify the definition of "Business day" found in Sec. 745.223 by including "and State of Utah" before "holidays".

##### **R307-840-3. Accreditation, Certification and Work Standards: Target Housing and Child-Occupied Facilities.**

(1) The following requirements, effective as of July 1, 2007~~[date referenced in R307-101-3]~~, are hereby adopted and incorporated by reference, with the substitutions found in (2) below and the modifications found in (3) below:

(a) 40 CFR 745.61, 745.65, 745.80, 745.81, 745.82, 745.85, 745.86, 745.88, 745.225(a) through (g) and (i), 745.226 (a) through (h), 745.227, and 745.233.

(2) Substitutions.

(a) Substitute "the Executive Secretary" for all references to "EPA" with the following exceptions:

(i) Sec. 745.65(d).

(ii) Sec. 745.86(b)(1).

(iii) Sec. 745.225(b)(1)(iii), Sec. 745.225(b)(1)(iv), Sec. 745.225(c)(2)(ii), Sec. 745.225(c)(10), Sec. 745.225(e)(5)(iii), and Sec. 745.225(e)(5)(iv).

(iv) The last reference to EPA in Sec. 745.226(a)(1)(ii) and the second reference to EPA in Sec. 745.226(d)(1).

(v) The first three references to EPA in Sec. 745.227(a)(3), and the reference to EPA in Sec. 745.227(a)(4), Sec. 745.227(e)(4)(vi)(D), Sec. 745.227(e)(4)(vi)(I), and Sec. 745.227(f)(2).

(b) Substitute "the Executive Secretary or the Executive Secretary's authorized representative" for references to "EPA" in Sec. 745.225(c)(12), Sec. 745.225(f)(4), and Sec. 745.225(i)(1).

(c) Substitute "the Executive Secretary" for all references to "Administrator".

(d) Substitute "R307-840" for "either Federal regulations at Sec. 745.226 or a State or Tribal certification program authorized pursuant to Sec. 745.324" in Sec. 745.82(b)(3).

(e) Substitute "R307-840" for "either Federal regulations at Sec. 745.226 or an EPA-authorized State or Tribal certification program" in Sec. 745.86(b)(1).

(f) Substitute "Sec. 745.82(b)(3)" for "Sec. 745.82(b)(iv)" in 40 CFR 745.86(b)(1).

(g) Substitute sample certification language found in Sec. 745.88(b)(2)(ii) with that found in Sec. 745.88(b)(2)(i).

(h) Substitute sample certification language found in Sec. 745.88(b)(2)(i) with that found in Sec. 745.88(b)(2)(ii).

(i) Substitute "the current Department of Environmental Quality Fee Schedule" for references to "Sec. 745.238" in Sec. 745.225(b)(4), Sec. 745.225(f)(3)(v), Sec. 745.226(a)(6), Sec. 745.226(e)(3), Sec. 745.226(f)(6), and Sec. 745.226(f)(7).

(j) Substitute "Utah Division of Air Quality electronic notification system" for "Agency's central data exchange (CDX)" in Sec. 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii), and Sec. 745.227(e)(4)(vii).

(k) Substitute "Notification Form" for "Schedule" in Sec. 745.225(c)(13)(vi).

(l) Substitute "Utah Division of Air Quality Lead-Based Paint Program web site" for "NLIC at 1-800-424-LEAD(5323), or on the Internet at <http://www.epa.gov/lead>" in Sec. 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii), and Sec. 745.227(e)(4)(vii).

(m) Substitute "Verification Form" for "Course Follow-up" in Sec. 745.225(c)(14)(iii).

(n) Substitute "Utah lead-based paint firm" for "EPA" in Sec. 745.227(e)(4)(vi)(D).

(o) Substitute "Utah lead-based paint individual" for "EPA" in Sec. 745.227(e)(4)(vi)(I).

(p) Substitute "Lead-Based Paint Abatement Project Notification" for "Notification of Lead-Based Paint Abatement Activities" in Sec. 745.227(e)(4)(vii).

(q) Substitute "Sec 745.65(b)" for "Sec 745.227(b)" in 40 CFR 745.227(h)(2)(i).

(3) Modifications.

(a) Change the date in Sec. 745.81 to October 1, 2005.

(b) Change the date in Sec. 745.226(a)(5), Sec. 745.226(d)(2), Sec. 745.226(f)(1), and Sec. 745.227(a)(1) to August 30, 1999.

(c) Modify Sec. 745.225(b)(1)(iii) by deleting "or training materials approved by a State or Indian Tribe that has been authorized by EPA under subpart Q of this part,".

(d) Modify Sec. 745.225(b)(1)(iv) by deleting "or training materials approved by an authorized State or Indian Tribe".

(e) Modify Sec. 745.225(c)(2)(ii) by including "Executive Secretary-accredited," before "EPA-accredited".

(f) Modify Sec. 745.225(c)(13)(v)(B) and Sec. 745.225(c)(14)(ii)(A) by deleting "EPA accreditation number,".

(g) Modify Sec. 745.225(c)(14)(ii)(F) to include "Utah Division of Air Quality Lead-Based Paint Program training verification statement".

(h) Modify Sec. 745.225(e)(5)(iii) by deleting "or training materials approved by a State or Indian Tribe that has been authorized by EPA under Sec. 745.324 to develop its refresher training course materials,".

(i) Modify Sec. 745.225 (e)(5)(iv) by deleting "or training materials approved by an authorized State or Indian Tribe".

(j) Modify Sec. 745.226 (a)(1)(ii) by including "EPA or" after the word "from".

(k) Modify Sec. 745.226(f)(7) by deleting "every 3 years".

(l) Modify Sec. 745.227 (a)(3) by deleting "Regulations, guidance, methods, or protocols issued by States and Indian Tribes that have been authorized by EPA;".

**KEY: air pollution, paint, lead-based paint**

**Date of Enactment or Last Substantive Amendment:** ~~February 8, 2008~~ **2009**

**Notice of Continuation:** February 8, 2008

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)(i)



## Environmental Quality, Water Quality R317-1 Definitions and General Requirements

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32380

FILED: 02/17/2009, 13:46

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed amendments implement the new operating permit program authorized by H.B. 222 (2008 General Session), amending the powers and duties of the Water Quality Board to include the authority to issue operating permits for wastewater treatment works. (DAR NOTE: H.B. 222 (2008) is found at Chapter 336, Laws of Utah 2008, and was effective 05/05/2008.)

**SUMMARY OF THE RULE OR CHANGE:** The proposed revisions to Rule R317-1 copy the existing requirement for a body politic from Rule R317-3 into Rule R317-1 to stress this requirement, reorganize Section R317-1-2 to make it more user-friendly and to stress the requirement for a permit prior to construction of any wastewater facilities, and modify the exception for facilities connecting to an existing sewer system to remove the loophole that previously appeared to allow a private sewer system to connect to a public sewer system without a construction permit or sponsorship by a body politic. It is not envisioned that the proposed revisions to Rule R317-1 will result in any change in the way the Division conducts its business, but are purely for the purposes of clarification and to remove an apparent loophole. Also included in the proposed rule revision to Rule R317-1 are a number of revisions to the definitions including renumbering the definitions in alphabetical order, deleting definitions that are solely appurtenant to other parts of the rules, and adding these definitions related to operating permits: 1) defining chemical oxygen demand (COD) as a parameter; 2) defining the scope of the operating permit program; 3) eliminating the definition of Polished Secondary Treatment; and 4) defining total suspended solids (TSS) as a parameter.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 19-5-104 and 19-5-105

## ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated impacts to the state budget. The proposed rule will be implemented using existing resources.

❖ LOCAL GOVERNMENTS: Approximately 117 wastewater facilities addressed by this rule are operated by local governments. Local governments which operate one of the wastewater facilities required to obtain an operating permit under this rule may incur some additional monitoring and costs. Such costs vary from facility to facility, but are estimated at approximately \$200 per facility per year. The operating permit may slightly increase a facility's administrative burden, however, the Division anticipates that these requirements can be addressed using existing resources.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Approximately 90 wastewater facilities addressed by this rule are operated by small business or other persons. Small businesses or other persons which operate one of the wastewater facilities required to obtain an operating permit under this rule may incur some additional monitoring and costs. Such costs vary from facility to facility, but are estimated at approximately \$200 per facility per year. The operating permit may slightly increase a facility's administrative burden, however we anticipate that these requirements can be addressed using existing resources.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for affected persons will vary from facility to facility but are estimated at approximately \$200 per year. The operating permit may slightly increase a facility's administrative burden, however, the Division anticipates that these requirements can be addressed using existing resources.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Approximately 90 of the wastewater facilities addressed by this rule are operated by businesses. Businesses which operate one of the wastewater facilities required to obtain an operating permit under this rule may incur some additional monitoring and costs. Such costs vary from facility to facility, but are estimated at approximately \$200 per facility per year. The operating permit may slightly increase a facility's administrative burden, however, the Division anticipates that these requirements can be addressed using existing resources. Bill Sinclair, Acting Executive Director

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

ENVIRONMENTAL QUALITY  
WATER QUALITY  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY UT 84116-3231, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at [dwham@utah.gov](mailto:dwham@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 03/31/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 3/06/2009 at 9:45 AM, Dixie Center, Ballroom C/D, St George, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2009

AUTHORIZED BY: Walter Baker, Director

**R317. Environmental Quality, Water Quality.****R317-1. Definitions and General Requirements.****R317-1-1. Definitions.**

~~1.1~~ "Absorption system" means a device constructed under the ground surface to receive and to distribute effluent in such a manner that the effluent is effectively filtered and retained below ground surface.

~~1.2~~ 1.1 "Board" means the Utah Water Quality Board.

~~1.3~~ 1.2 "BOD" means 5-day, 20 degrees C. biochemical oxygen demand.

~~1.4~~ 1.3 "Body Politic" means the State or its agencies or any political subdivision of the State to include a county, city, town, improvement district, taxing district or any other governmental subdivision or public corporation of the State.

~~1.5~~ 1.4 "Building sewer" means the pipe which carries wastewater from the building drain to a public sewer, a wastewater disposal system or other point of disposal. It is synonymous with "house sewer".

~~1.6~~ 1.5 "CBOD" means 5-day, 20 degrees C., carbonaceous biochemical oxygen demand.

1.6 "COD" means chemical oxygen demand.

1.7 "Deep well" means a drinking water supply source which complies with all the applicable provisions of the State of Utah Public Drinking Water Regulations.

1.8 "Digested sludge" means sludge in which the volatile solids content has been reduced to about 50% by a suitable biological treatment process.

1.9 "Division" means the Utah State Division of Water Quality.

1.10 "Domestic wastewater" means a combination of the liquid or water-carried wastes from residences, business buildings, institutions, and other establishments with installed plumbing facilities, together with those from industrial establishments, and with such ground water, surface water, and storm water as may be present. It is synonymous with the term "sewage".

1.11 "Effluent" means the liquid discharge from any unit of a wastewater treatment works, including a septic tank.

1.12 "Human pathogens" means specific causative agents of disease in humans such as bacteria or viruses.

~~1.13~~ "Onsite wastewater system" means an underground wastewater disposal system for domestic wastewater which is designed for a capacity of 5,000 gallons per day or less and is not designed to serve multiple dwelling units which are owned by separate owners except condominiums and twin homes. It usually consists of a building sewer, a septic tank and an absorption system.

~~1.14~~ 1.13 "Industrial wastes" means the liquid wastes from industrial processes as distinct from wastes derived principally from



dwellings, business buildings, institutions and the like. It is synonymous with the term "industrial wastewater".

~~[4-15]~~ 1.14 "Influent" means the total wastewater flow entering a wastewater treatment works.

~~[4-16]~~ 1.15 "Large underground wastewater disposal system" means the same type of device as ~~[described under 1.1.13 above]~~, an onsite wastewater system except that it is designed to handle more than 5,000 gallons per day of domestic wastewater, or wastewater that ~~[which]~~ originates in multiple dwellings, commercial establishments, recreational facilities, schools, or any other underground wastewater disposal system not covered under the definition of an onsite wastewater system ~~[in 1.1.13 above]~~. The Board controls the installation of such systems.

1.16 "Onsite wastewater system" means an underground wastewater disposal system for domestic wastewater which is designed for a capacity of 5,000 gallons per day or less and is not designed to serve multiple dwelling units which are owned by separate owners except condominiums and twin homes. It usually consists of a building sewer, a septic tank and an absorption system.

1.17 "Operating Permit" is a State issued permit issued to any wastewater treatment works covered under R317-3 or R317-5 with the following exceptions:

A. Any wastewater treatment permitted under Ground Water Quality Protection R317-6.

B. Any wastewater treatment permitted under Underground Injection Control (UIC) Program R317-7.

C. Any wastewater treatment permitted under Utah Pollutant Discharge Elimination System (UPDES) R317-8.

D. Any wastewater treatment permitted under Approvals and Permits for a Water Reuse Project R317-13.

E. Any wastewater treatment permitted by a Local Health Department under Onsite Wastewater Systems R317-4.

~~[4-17]~~ 1.18 "Person" means any individual, corporation, partnership, association, company, or body politic, including any agency or instrumentality of the United States government (Section 19-1-103).

~~[4-18]~~ 1.19 "Point source" means any discernible, confined and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flow from irrigated agriculture.

~~[4-19]~~ "Polished Secondary Treatment" means a treatment process that can produce an effluent meeting or exceeding the following standards:

~~— A. The arithmetic mean of BOD values determined on effluent samples collected during any 30 day period shall not exceed 15 mg/l, nor shall the arithmetic mean exceed 20 mg/l during any 7 day period.~~

~~— B. The arithmetic mean of SS values determined on effluent samples collected during any 30 day period shall not exceed 10 mg/l, nor shall the arithmetic mean exceed 12 mg/l during any 7 day period.~~

~~— C. The geometric mean of total coliform and fecal coliform bacteria in effluent samples collected during any 30 day period shall not exceed either 200 per 100 ml or 20 per 100 ml respectively, nor shall the geometric mean exceed 250 per 100 ml or 25 per 100 ml respectively during any 7 day period; or, the geometric mean of E. coli bacteria in effluent samples collected during any 30 day period shall not exceed 13 per 100 ml nor shall the geometric mean exceed 16 per 100 ml during any 7 day period.~~

~~— D. The effluent pH values shall be maintained within the limits of 6.5 to 9.0.~~

~~—~~ 1.20 "Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, or such discharge of any liquid, gaseous or solid substance into any waters of the state as will create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

1.21 "Sewage" is synonymous with the term "domestic wastewater".

~~[4-21]~~ "Seepage trench" means a modified seepage pit, an absorption system consisting of trenches filled with coarse filter material into which septic tank effluent is discharged.

~~—~~ 1.22 "Seepage pit" means an absorption system consisting of a covered pit into which effluent is discharged.

~~—~~ 1.23 "Septic tank" means a water-tight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through an underground absorption system meeting the requirements of these regulations.

~~—~~ 1.24 1.22 "Shallow well" means a well providing a source of drinking water which does not meet the requirements of a "deep well".

~~[4-25]~~ 1.23 "Sludge" means the accumulation of solids which have settled from wastewater. As initially accumulated, and prior to treatment, it is known as "raw sludge".

~~[4-26]~~ 1.24 "SS" means suspended solids.

~~[4-27]~~ 1.25 Total Maximum Daily Load (TMDL) means the maximum amount of a particular pollutant that a waterbody can receive and still meet state water quality standards, and an allocation of that amount to the pollutant's sources.

~~[4-28]~~ 1.26 "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, incinerator, or other works used for the purpose of treating, stabilizing or holding wastes. (Section 19-5-102).

1.27 "TSS" means total suspended solids.

1.28 "Underground Wastewater Disposal System" means a system for underground disposal of domestic wastewater. It includes onsite wastewater systems and large underground wastewater disposal systems.

1.29 "Wastes" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. (Section 19-5-102).

1.30 "Wastewater" means sewage, industrial waste or other liquid substances which might cause pollution of waters of the state. Intercepted ground water which is uncontaminated by wastes is not included.

1.31 "Waters of the state" means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (Section 19-5-102).[

~~—~~ 1.32 "Underground Wastewater Disposal System" means a system for underground disposal of domestic wastewater. It usually consists of a building sewer, a septic tank, and an absorption system. It

includes onsite wastewater systems and large underground wastewater disposal systems.]

### R317-1-2. General Requirements.

2.1 Water Pollution Prohibited. No person shall discharge wastewater or deposit wastes or other substances in violation of the requirements of these rules[regulations].

2.2 Construction Permit. No person shall make or construct any device for treatment or discharge of wastewater (including storm sewers)[, except to an existing sewer system,] without first receiving a permit to do so from the Board or its authorized representative, except as provided herein.~~[in R317-1-2.5. Issuance of such permit shall be construed as approval of plans for the purposes of authorizing release of federal or state funds allocated for planning or construction purposes. Construction permits shall expire one year after date of issuance unless substantial and continuous construction is under way. Upon application, construction permits may be extended on an individual basis provided application for such extension is made prior to the permit expiration date.]~~

A. Body Politic Required. A permit for construction of a new treatment works or a sewerage system, or modifications to an existing treatment works or sewerage system for multiple units under separate ownership will be issued only if the treatment works or sewerage system are under the sponsorship of a body politic as defined in R317-1-1.

[2-3]B. Submission of Plans. Any person desiring a permit [as required by R317-1-2.2,] shall submit complete plans, specifications, and other pertinent documents covering the proposed construction to the Division for review. Liquid waste storage facilities at animal feeding operations must be designed and constructed in accordance with Table 2a - Criteria for Siting, Investigation, and Design of Liquid Waste Storage Facilities with a water depth greater than 2 feet; Table 2b - Criteria for Siting, Investigation, and Design of Liquid Waste Storage Facilities with a water depth of 2 feet or less; and Table 2c - Criteria for runoff ponds with a water depth of 2 feet or less and a storage period less than 90 days annually, contained in the U.S.D.A. Natural Resource Conservation Service (NRCS) Conservation Practice Standard, Waste Storage Facility, Code 313, dated August 2006. This rule incorporates by reference Tables 2a, 2b, and 2c in the August 2006 U.S.D.A. NRCS Conservation Practice Standard, Waste Storage Facility, Code 313.

[2-4]C. Review of Plans. The Division shall review said plans and specifications as to their adequacy of design for the intended purpose and shall require such changes as are found necessary to assure compliance with pertinent parts of these rules[regulations].

D. Approval of Plans. Issuance of a construction permit shall be construed as approval of plans for the purposes of authorizing release of federal or state funds allocated for planning or construction purposes.

E. Permit Expiration. Construction permits shall expire one year after date of issuance unless substantial and continuous construction is under way. Upon application, construction permits may be extended on an individual basis provided application for such extension is made prior to the permit expiration date.

[2-5]F. Exceptions.

1. Wastewater facilities that discharge to an existing sewer system and serve only units that are under single ownership, or serve multiple units under separate ownership where the wastewater facilities are under the sponsorship of the public sewer system to which they discharge. This exception does not apply to pumping stations having the installed capacity in excess of 1 million gallons per day (3.785 cubic meters per day).

~~\_\_\_\_[A-]2. Onsite Wastewater Disposal Systems. Construction plans and specifications for onsite wastewater disposal systems shall be submitted to the local health authority having jurisdiction and need not be submitted to the Division. Such devices, in any case, shall be constructed in accordance with rules[regulations] for onsite wastewater disposal systems adopted by the Water Quality Board. Compliance with the rules[regulations] shall be determined by an on-site inspection by the appropriate health authority.~~

~~[B-]3. Small Animal Waste (Manure) Lagoons and Runoff Ponds. Construction plans and specifications for small animal waste lagoons as defined in R317-6 (permitted by rule for ground water permits) need not be submitted to the Division if the design is prepared or certified by the U.S.D.A. Natural Resources Conservation Service (NRCS) in accordance with criteria provided for in the Memorandum of Agreement between the Division and the NRCS, and the construction is inspected by the NRCS. Compliance with these rules shall be determined by on-site inspection by the NRCS.~~

~~[2-6]2.3 Compliance with Water Quality Standards. No person shall discharge wastes into waters of the state except in compliance with these rules[regulations] and under circumstances which assure compliance with water quality standards in R317-2.~~

~~[2-7]2.4 Operation of Wastewater Treatment Works. Wastewater treatment works shall be so operated at all times as to produce effluents meeting all requirements of these rules[regulations] and otherwise in a manner consistent with adequate protection of public health and welfare. Complete daily records shall be kept of the operation of wastewater treatment works covered under R317-3 on forms approved by the Division and a copy of such records shall be forwarded to the Division at monthly intervals.~~

**KEY: water pollution, waste disposal, industrial waste, effluent standards**

**Date of Enactment or Last Substantive Amendment: [February 4, 2008]2009**

**Notice of Continuation: October 2, 2007**

**Authorizing, and Implemented or Interpreted Law: 19-5**



## Environmental Quality, Water Quality R317-1-7 TMDL

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32379

FILED: 02/17/2009, 13:45

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to incorporate by reference four completed and recently approved Environmental Protection Agency (EPA) Total Maximum Daily Load (TMDL) water quality determinations into the rule.

SUMMARY OF THE RULE OR CHANGE: This section incorporates by reference the following completed and approved TMDLs into the rule: Brough Reservoir, Steinaker Reservoir, Red Fleet Reservoir, and Newcastle Reservoir. Each TMDL

document has gone through an individual public review process, has been approved by the EPA and is adopted by the Water Quality Board.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated impacts to the state budget. The proposed amendments will be addressed using existing resources.

❖ LOCAL GOVERNMENTS: No cost impacts to local governments are anticipated. However, individual TMDLs may or may not result in capital construction costs or costs associated with changes in management strategies to address point sources and nonpoint source pollution problems. If increased compliance costs to local governments are identified as a result of a TMDL, they are presented to the public for comment and discussion prior to the adoption of the TMDL.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: No cost impacts to small businesses or other persons are anticipated. However, individual TMDLs may or may not result in capital construction costs or costs associated with changes in management strategies to address point sources and nonpoint source pollution problems. If increased compliance costs to local governments are identified as a result of a TMDL, they are presented to the public for comment and discussion prior to the adoption of the TMDL.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Individual TMDLs may or may not result in capital construction costs or costs associated with changes in management strategies to address point sources and nonpoint source pollution problems. If increased compliance costs to local governments are identified as a result of a TMDL, they are presented to the public for comment and discussion prior to the adoption of the TMDL.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Each state is required under Section 303 of the federal Clean Water Act to establish TMDLs for waters identified as impaired, i.e., those waters included on the 303(d) list. States must complete and implement TMDLs. Fiscal impacts to businesses that may result from TMDL implementation, if any, will be declared in public forums during the development of individual TMDLs. Bill Sinclair, Acting Executive Director

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

ENVIRONMENTAL QUALITY  
WATER QUALITY  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY UT 84116-3231, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at [dwham@utah.gov](mailto:dwham@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 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2009

AUTHORIZED BY: Walter Baker, Director

**R317. Environmental Quality, Water Quality.**  
**R317-1. Definitions and General Requirements.**  
**R317-1-7. TMDLs.**

The following TMDLs are approved by the Board and hereby incorporated by reference into these rules:

- 7.1 Bear River -- December 23, 1997
- 7.2 Chalk Creek -- December 23, 1997
- 7.3 Otter Creek -- December 23, 1997
- 7.4 Little Bear River -- May 23, 2000
- 7.5 Mantua Reservoir -- May 23, 2000
- 7.6 East Canyon Creek -- September 1, 2000
- 7.7 East Canyon Reservoir -- September 1, 2000
- 7.8 Kents Lake -- September 1, 2000
- 7.9 LaBaron Reservoir -- September 1, 2000
- 7.10 Minersville Reservoir -- September 1, 2000
- 7.11 Puffer Lake -- September 1, 2000
- 7.12 Scofield Reservoir -- September 1, 2000
- 7.13 Onion Creek (near Moab) -- July 25, 2002
- 7.14 Cottonwood Wash -- September 9, 2002
- 7.15 Deer Creek Reservoir -- September 9, 2002
- 7.16 Hyrum Reservoir -- September 9, 2002
- 7.17 Little Cottonwood Creek -- September 9, 2002
- 7.18 Lower Bear River -- September 9, 2002
- 7.19 Malad River -- September 9, 2002
- 7.20 Mill Creek (near Moab) -- September 9, 2002
- 7.21 Spring Creek -- September 9, 2002
- 7.22 Forsyth Reservoir -- September 27, 2002
- 7.23 Johnson Valley Reservoir -- September 27, 2002
- 7.24 Lower Fremont River -- September 27, 2002
- 7.25 Mill Meadow Reservoir -- September 27, 2002
- 7.26 UM Creek -- September 27, 2002
- 7.27 Upper Fremont River -- September 27, 2002
- 7.28 Deep Creek -- October 9, 2002
- 7.29 Uinta River -- October 9, 2002
- 7.30 Pineview Reservoir -- December 9, 2002
- 7.31 Browne Lake -- February 19, 2003
- 7.32 San Pitch River -- November 18, 2003
- 7.33 Newton Creek -- June 24, 2004
- 7.34 Panguitch Lake -- June 24, 2004
- 7.35 West Colorado -- August 4, 2004
- 7.36 Silver Creek -- August 4, 2004
- 7.37 Upper Sevier River -- August 4, 2004
- 7.38 Lower and Middle Sevier River -- August 17, 2004

- 7.39 Lower Colorado River -- September 20, 2004  
 7.40 Upper Bear River -- August 4, 2006  
 7.41 Echo Creek -- August 4, 2006  
 7.42 Soldier Creek -- August 4, 2006  
 7.43 East Fork Sevier River -- August 4, 2006  
 7.44 Koosharem Reservoir -- August 4, 2006  
 7.45 Lower Box Creek Reservoir -- August 4, 2006  
 7.46 Otter Creek Reservoir -- August 4, 2006  
 7.47 Thistle Creek -- July 9, 2007  
 7.48 Strawberry Reservoir -- July 9, 2007  
 7.49 Matt Warner Reservoir -- July 9, 2007  
 7.50 Calder Reservoir -- July 9, 2007  
 7.51 Lower Duchesne River -- July 9, 2007  
 7.52 Lake Fork River -- July 9, 2007  
 7.53 Brough Reservoir -- August 22, 2008  
 7.54 Steinaker Reservoir -- August 22, 2008  
 7.55 Red Fleet Reservoir -- August 22, 2008  
 7.56 Newcastle Reservoir -- August 22, 2008

**KEY: water pollution, waste disposal, industrial waste, effluent standards**

**Date of Enactment or Last Substantive Amendment:** [~~February 4, 2008~~]**2009**

**Notice of Continuation:** October 2, 2007

**Authorizing, and Implemented or Interpreted Law:** 19-5

◆ ————— ◆

## Environmental Quality, Water Quality

# R317-5-1

### General

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32381

FILED: 02/17/2009, 13:47

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** These amendments are being adopted to implement the new operating permit program under the new duties of the Water Quality Board authorized by passage of H.B. 222 (2008 General Session). (DAR NOTE: H.B. 222 (2008) is found at Chapter 336, Laws of Utah 2008, and was effective 05/05/2008.)

**SUMMARY OF THE RULE OR CHANGE:** The changes: 1) incorporate operating permit requirements in these rules; 2) allow local health departments to have more involvement in the approval of large underground wastewater systems; and 3) expand components of a large wastewater system to include technologies that are considered to be alternative pursuant to Rule R317-4.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 19-5-104 and 19-5-105

#### ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated impacts to the state budget. The proposed changes will be implemented using existing resources.

❖ **LOCAL GOVERNMENTS:** Local Health Departments wishing to voluntarily administer the operating permit program or the pre-plan review of larger systems under this rule may incur some additional administrative costs. However, they can cover whatever extra costs are incurred by requiring application/administration fees within their jurisdiction. Local governments which operate one of the wastewater facilities required to obtain an operating permit (approximately 117 facilities) under this rule may incur some additional monitoring and costs. Such costs vary from facility to facility, but are estimated at approximately \$200 per facility per year. The operating permit may slightly increase a facility's administrative burden, however, the Division anticipates that these requirements can be addressed using existing resources.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Small businesses and other persons which operate one of the wastewater facilities required to obtain an operating permit under this rule (approximately 90 facilities) may incur some additional monitoring and costs. Such costs vary from facility to facility, but are estimated at approximately \$200 per facility per year. The operating permit may slightly increase a facility's administrative burden, however, the Division anticipates that these requirements can be addressed using existing resources.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Persons which operate one of the wastewater facilities required to obtain an operating permit under this rule may incur some additional monitoring and analysis costs. Such costs vary from facility to facility, but are estimated at approximately \$200 per facility per year. The operating permit may slightly increase a facility's administrative burden, however, the Division anticipates that these requirements can be addressed using existing resources.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Businesses which operate one of the wastewater facilities required to obtain an operating permit under this rule (approximately 90 facilities) may incur some additional monitoring and costs. Such costs vary from facility to facility, but are estimated at approximately \$200 per facility per year. The operating permit may slightly increase a facility's administrative burden, however, the Division anticipates that these requirements can be addressed using existing resources. Bill Sinclair, Acting Executive Director

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

ENVIRONMENTAL QUALITY  
 WATER QUALITY  
 CANNON HEALTH BLDG  
 288 N 1460 W  
 SALT LAKE CITY UT 84116-3231, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at [dwham@utah.gov](mailto:dwham@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 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2009

AUTHORIZED BY: Walter Baker, Director

### **R317. Environmental Quality, Water Quality.**

#### **R317-5. Large Underground Wastewater Disposal Systems.**

##### **R317-5-1. General.**

1.1 SCOPE: These regulations shall apply to large underground disposal systems for domestic wastewater discharges which exceed 5,000 gallons per day (gpd) and all other domestic wastewater discharges not covered under the definition of an "Onsite wastewater disposal system" in R317-1-1.13. Usually these systems should not be designed for over 15,000 gpd. In general, it is not acceptable to dispose of industrial wastewater in an underground disposal system.

1.2 ENGINEERING REPORT: An engineering report shall be submitted which shall contain design criteria along with all other information necessary to clearly describe the proposed project and demonstrate project feasibility.

1.3 SUBMISSION OF PLANS FOR REVIEW: Plans for new large underground wastewater disposal systems or extensions of existing systems shall be submitted to the Department for review as required by R317-1. All designs shall be prepared and submitted under the supervision of a registered professional engineer licensed to practice in the State of Utah and certified pursuant to R317-11. A construction permit must be issued by the Utah Water Quality Board [~~Pollution Control Committee~~] prior to construction of the wastewater disposal system or the building(s) to be served by the wastewater system. [~~After January 1, 2002, the design must be prepared by a person certified pursuant to R317-11, and t~~]The system designer must, following construction of the system, certify in writing that the system was installed in accordance with the approved plans and specifications.

A. Local Health Department Requirements - it is the applicant's responsibility to ensure that the Large Underground Wastewater Disposal System (LUWDS) application to the Division is in compliance with local health department requirements regarding the location, design, construction and maintenance of an LUWDS prior to the applicant submitting a request for a construction permit to the Division of Water Quality (DWQ). Local Health Departments may petition the Division to require local review for compliance with local requirements prior to DWQ initiating its review. Where the petition has been approved by the Executive Secretary, the applicant is required to submit documentation that the local health department has approved the proposed LUWDS prior to issuance of a construction permit.

1.4 OPERATION AND MAINTENANCE: Operation and maintenance shall be provided by the owner to [~~insure~~]ensure the disposal system is functioning properly at all times. [~~A written operation and maintenance document describing the treatment and disposal system and outlining routine maintenance procedures, including checklists and maintenance logs needed for proper operation of the system, shall be required. The document must be available at the~~

~~time of final inspection.~~ An operating permit will be required for all large underground wastewater disposal systems to monitor that proper operation and maintenance is occurring for the protection of the environment and public health. The operating permit shall be issued by the Division of Water Quality or, by delegated authority, by the local health department having jurisdiction, and shall be effective for a period not to exceed 5 years from the issuance date.

A. Operating Permit Required: The owner of a large underground wastewater disposal system shall provide a written notice of intent (NOI) to the Division of Water Quality and the local health department having jurisdiction of its intent to operate a large underground wastewater disposal facility. Those systems currently in operation must submit the NOI no later than January 1, 2010. New systems permitted under this rule must submit the NOI prior to final inspection. The notice of intent shall be specific for the operating permit and shall include the following information:

1. Facility name and address; owner name, address, and phone number.

2. List of Facility Components, e.g., septic tank, pump tank, gravel drainfield trench, gravelless chambers, pressure drainfield, etc.

3. Design flow (gallons per day) and number and type of connections.

4. Type of waste treated and disposed, i.e., residential, restaurant, other commercial establishment, etc.

5. Sketch plan of existing system showing major facility components.

B. Local Health Department Authority to Issue Operating Permits:

1. A local health department that currently has approval from the Division of Water Quality to administer an alternative systems program may obtain authority within its jurisdiction to administer operating permits for large underground wastewater disposal systems by submitting a written request to administer this program. The request must include an agreement to implement and enforce inspection, servicing, monitoring, and reporting requirements of this rule.

2. Local health departments that have been delegated authority to administer the operating permit program must submit an annual report on or before September 1 of the calendar year, to the Division of Water Quality containing:

(a) A list of LUWD systems under delegation.

(b) A summary listing the compliance status of each system, showing those systems that are currently failing, and those systems that have been repaired.

(c) A summary of any enforcement actions taken, identifying those actions that are still pending, and those that have been resolved.

C. Annual Report. The owner shall submit an annual covering the period of July 1 to June 30 (the "reporting year") to the permitting agency no later than August 1 of each year. In this report, the owner shall report the following items:

1. All information required to be submitted in the NOI.

2. Checklist of inspections performed including the date of the inspection and a list of findings.

3. Packed Bed media system sampling results.

4. Signature of owner or certified operator, and date.

D. Owner Responsibility to Maintain System: The owner is responsible for maintaining its large underground wastewater disposal system and for performing periodic inspections and servicing of its system. Inspections of conventional systems (gravity, or pump to gravity) shall be not less than once each reporting year, and inspections of at-grade, pressure, mound and packed bed media systems shall be not less than twice each reporting year. At a minimum, the owner is

responsible for inspecting these components of the various type of system:

1. Community septic tank or treatment unit - measure sludge and scum levels, and pump when necessary.
2. Effluent filter - clean when necessary.
3. Inspect distribution box.
4. Inspect pump, floats, alarm and control panel, and record flow or hour meter reading.
5. Disposal field - inspect for ponding or surfacing in disposal area. Flush, clean, re-adjust to equal pressure in laterals.

E. Operation and Maintenance Manual Required: New systems must have a written operation and maintenance document describing the treatment and disposal system and outlining routine maintenance procedures, including checklists and maintenance logs needed for proper operation of the system. This document must be available at the time of the final inspection on all new systems.

F. Packed Bed Media System Sampling and Monitoring Requirements:

The owner of a packed bed media system is responsible for sampling and monitoring for COD (Chemical Oxygen Demand), TSS (Total Suspended Solids) and TIN (Total Inorganic Nitrogen) at an interval not exceeding six calendar months. Additional sampling and monitoring may be required if it has been determined that there is a potential for groundwater impacts. Effluent quality of a grab sample, before discharge to a disposal method, shall not exceed 75 mg/L COD or 25 mg/L TSS.

1. Effluent COD exceeding 75 mg/L or TSS exceeding 25 mg/L shall be followed up with weekly sampling commencing within 30 days until such time as two successive results are obtained that are within these limits. Any two successive samples resulting in exceedence of either 75 mg/L COD or 25 mg/L TSS shall result in the system being deemed non-compliant requiring further evaluation and a corrective action plan.

2. For non-complying systems, the permitting agency shall require the order:

(a) all necessary steps such as maintenance servicing, repairs, and/or replacement of system components to correct the system;

(b) effluent quality testing for COD and TSS shall continue every week until two successive samples of COD and TSS are found to be in compliance;

(c) payment of fees for additional inspections, reviews and testing;

(d) evaluation of the system design including non-approved changes to the system, the wastewater flow, and biological and chemical loading to the system;

(e) investigation of household practices related to the discharge of chemicals into the system, such as photo-finishing chemicals, laboratory chemicals, excessive amount of cleaners or detergents, etc.; and

(f) additional tests or samples to troubleshoot the system malfunction.

#### 1.5 LARGE UNDERGROUND WASTEWATER DISPOSAL SYSTEM REQUIRED:

The drainage system of any building or establishment covered herein shall receive all wastewater as required by R309-100, the Utah Plumbing Code and shall have a connection to a public sewer except when such sewer is not available for use, in which case connection shall be made as follows:

A. To an underground wastewater disposal system found to be adequate and constructed in accordance with requirements stated herein.

B. To any other type of disposal system acceptable under R317-3.

#### 1.6 MULTIPLE UNITS UNDER SEPARATE OWNERSHIP:

Multiple Units Under Separate Ownership shall not be served by a common large underground disposal system except when, based upon sound engineering judgment, other alternatives are determined infeasible. In such cases, a common subsurface system may be used provided the following requirements are met:

A. The common subsurface disposal system and conveyance sewers shall be under the sponsorship of a body politic.

B. The subsurface absorption system shall be designed and constructed to provide duplicate capacity (two independent systems). Each system shall be designed to accommodate the total anticipated maximum daily flow. The duplicate systems shall be designed with appropriate valving, etc., to allow for periodic alternation of the use of each system.

C. Sufficient land area with suitable characteristics shall be available to provide for a third absorption system capable of handling the total maximum daily wastewater flow. This area shall be kept free of permanent structures, traffic or soil modification (See Section R317-5-3.1(L)).

D. The subsurface absorption system should be used only until a more permanent system becomes available.

#### 1.7 NEW PROCESSES AND METHODS OF DISPOSAL:

Where unusual conditions exist, other methods of disposal not described herein may be employed if approved by the Utah Water Pollution Control Committee and by the local health authority having jurisdiction. The approval will be based on evidence of adequacy to meet water quality standards and other requirements of the Code.

1.8 UNITS REQUIRED IN A LARGE UNDERGROUND WASTEWATER DISPOSAL SYSTEM: The large underground wastewater disposal system shall typically consist of the following:

A. ~~A [wastewater drainage line or] building sewer with cleanout.~~

B. A septic tank.

C. ~~[A subsurface absorption system. This may be an absorption field, seepage pits, seepage trenches or an absorption bed, depending on location, topography, soil conditions and maximum ground water level.] An effluent filter.~~

D. ~~A pressurized subsurface disposal system. This may be an absorption field, deep wall trenches, absorption beds, or, for packed bed media applications, drip irrigation dispersal, depending on location, topography, soil conditions and maximum ground water level.~~

E. ~~Accessibility components to insure proper maintenance and servicing. These may include risers on tanks to the surface of the ground, with firmly secured lids; and absorption field inspection ports.~~

F. ~~Pressurized systems typically require a dosing chamber or dosing tank and cleanouts at the end of pressurized laterals.~~

G. ~~Additional components may also be required depending on the waste stream characteristics and the need to provide adequate protection to groundwater. These components may include pretreatment devices such as grease traps, or may involve secondary treatment using packed bed media systems.~~

#### 1.9 LOCATION AND INSTALLATION:

Location and installation of the wastewater disposal system shall be such that with reasonable maintenance it will function properly and will not create a nuisance, health hazard or endanger the quality of any waters of the State. Due consideration shall be given to the size and shape of the area in which the system is installed, slope of natural and finished grade, soil characteristics, maximum ground water elevation, proximity of existing or future water supplies or water courses, possible flooding and expansion potential of the disposal system.

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**KEY: water pollution, sewerage**  
**Date of Enactment or Last Substantive Amendment: [~~August 28, 2004~~2009]**  
**Notice of Continuation: October 2, 2007**  
**Authorizing, and Implemented or Interpreted Law: 19-5**



## Natural Resources, Wildlife Resources

# R657-42-4

### Surrenders

#### NOTICE OF PROPOSED RULE

(Amendment)  
 DAR FILE NO.: 32371  
 FILED: 02/12/2009, 12:32

#### 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 of Wildlife Resource's (DWR) rule pursuant to fees, exchanges, surrenders refunds, and reallocation of permits and other documents.

**SUMMARY OF THE RULE OR CHANGE:** The proposed revisions to this rule require all limited-entry, premium limited-entry, and once-in-a-lifetime permits that are obtained through a group application in the Bucks, Bulls and Once-in-a-Lifetime drawing meet certain conditions in order to have the hunter's bonus or preference points re-instated if the permit is surrendered.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 23-19-1 and 23-19-38

#### ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This rule amendment requires certain conditions be met in order for a permit holder to surrender his permit and have his bonus or preference points reinstated. It requires small programming changes and can be implemented with the Division's current budget. Therefore, DWR determines that these amendments will not create any cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

❖ **LOCAL GOVERNMENTS:** Since the amendment sets the criteria for surrendering a hunting permit and would impact only individual permit holders, this filing does not create any direct cost or savings impact to local governments since 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.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This amendment sets criteria for hunters wishing to surrender a permit received through a group application in the Bucks, Bulls, and Once-in-a-Lifetime drawing. While this amendment impacts the accrual of bonus and preference points, it does

not have an additional financial requirement on persons who wish to surrender a permit, and would not generate a cost or saving impact to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** DWR determines that these amendments will not create additional costs for hunters who wish to surrender a permit received through a group application. Participation is voluntary and the rule amendments do not create a cost or savings impact to individuals who participate in hunting in Utah.

**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. Michael R. Styler, Executive Director

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:

Staci Coons at the above address, by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@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 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2009

AUTHORIZED BY: James F Karpowitz, Director

#### **R657. Natural Resources, Wildlife Resources.**

#### **R657-42. Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents.**

#### **R657-42-4. Surrenders.**

(1) Any person who has obtained a wildlife document and decides not to use it, may surrender the wildlife document to any division office.

(2) Any person who has obtained a wildlife document may surrender the wildlife document prior to the season opening date of the wildlife document for the purpose of:

(a) waiving the waiting period normally assessed and reinstating the number of bonus points, including a bonus point for the current year as if a permit had not been drawn, if applicable;

(b) reinstating the number of preference points, including a preference point for the current year as if a permit had not been drawn, if applicable; or

(c) purchasing a reallocated permit or any other permit available for which the person is eligible.

(3) A CWMU permit must be surrendered prior to the applicable season opening date provided by the CWMU operator, except as provided in Section R657-42-11.

(4) Dedicated hunter participants must surrender their permits prior to the general archery deer season, except as provided in Section R657-38-6.

(5) A person may surrender a limited-entry, premium limited-entry or once-in-a-lifetime permit received through a group application in the Bucks, Bulls and Once-in-a-Lifetime drawing and have their bonus points for that permit species reinstated, provided:

(a) all group members surrender their permits; and  
(b) all permits are surrendered to the division more than 30 days before the start of the season for which the permit is valid.

(6) A person may surrender a general season permit received through a group application in the Bucks, Bulls and Once-in-a-Lifetime drawing and have their preference points reinstated, provided;

(a) all members of the group surrender their permits to the division prior to the start of the season for which the permit is valid.

(7) Notwithstanding Subsections (5)(b) and (6)(a), a person who obtains a permit through a group application in the Bucks, Bulls and Once-in-a-Lifetime drawing may surrender that permit after the opening date of the applicable hunting season and have the bonus points for the permit species restored, provided the person;

(a) is a member of United States Armed Forces or public health or public safety organization and is deployed or mobilized in the interest of national defense or national emergency;

(b) surrenders the permit to the division, with the tag attached and intact, or signs an affidavit verifying the permit is no longer in their possession within one year of the end of hunting season authorized by the permit; and

(c) satisfies the requirements for receiving a refund in R657-42-5(3)(c) and (d).

(8) The division may not issue a refund, except as provided in Section R657-42-5.

**KEY: wildlife, permits**

**Date of Enactment or Last Substantive Amendment: ~~May 8, 2008~~2009**

**Notice of Continuation: May 8, 2008**

**Authorizing, and Implemented or Interpreted Law: 23-19-1; 23-19-38; 23-19-38.2**

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**End of the Notices of Proposed Rules Section**



## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN 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 CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [~~example~~]). A row of dots in the text between paragraphs (. . . . .) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends March 31, 2009. At its option, the agency may hold public hearings.

From the end of the waiting period through June 29, 2009, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303; and Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

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**The Changes in Proposed Rules Begin on the Following Page.**

**Health, Health Care Financing,  
Coverage and Reimbursement Policy  
R414-27  
Medicaid Certification of Nursing Care  
Facilities**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR File No.: 32064  
Filed: 02/05/2009, 14:45

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this change is to implement some suggestions made through public comment. This change implements Medicaid certification requirements for nursing care facilities in accordance with H.B. 366 (2008 General Session). H.B. 366 does not allow, in most cases, any increase in bed capacity for Medicaid-certified nursing care facilities. (DAR NOTE: H.B. 366 (2008) is found at Chapter 347, Laws of Utah 2008, and was effective 03/18/2008.)

**SUMMARY OF THE RULE OR CHANGE:** This change implements some suggestions made through public comment and specifies Medicaid certification requirements for nursing care facilities. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the November 1, 2008, issue of the Utah State Bulletin, on page 54. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 26-18-3 and 26-18-503

**ANTICIPATED COST OR SAVINGS TO:**

❖ **THE STATE BUDGET:** Over time, there may be a savings to the state budget due to this rule change. Underutilized nursing facility beds add unnecessary costs to the system. These costs are reflected in nursing facility reimbursement rates. There might be a few exceptions allowing an increase in capacity, but in the vast majority of cases, facilities are not allowed to expand. Restricting unnecessary expansion will reduce upward pressure on nursing home reimbursement. The exact amount cannot be quantified.

❖ **LOCAL GOVERNMENTS:** Local governments would be minimally affected by this rule. Of the 77 nursing care facilities in the state, only 3 are owned by local governments. They would be impacted in the same manner as non-publicly owned facilities.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Nursing care facilities are not allowed to expand. This could have a negative impact on an individual facility's revenue if it has the potential to expand beds and attract more clients. However, the number of its occupied beds may increase as

overall bed capacity in the system is stabilized. If so, the fiscal impact of the rule would be positive as facility fixed costs are spread over more resident patient days. The exact amount cannot be quantified.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This change benefits the nursing care facility industry, as a whole, in that it limits additional beds in the system and allows occupancy rates to rise due to less bed availability. As occupancy rises, efficiency increases and costs are spread across an increased number of resident patient days. The exact cost cannot be quantified.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** In response to public comment, this rule eliminates several proposed definitions that businesses felt would create problems. David N. Sundwall, MD, Executive Director

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

HEALTH  
HEALTH CARE FINANCING,  
COVERAGE AND REIMBURSEMENT POLICY  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY UT 84116-3231, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@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 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 04/07/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

**R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**

**R414-27. Medicaid Certification of Nursing Care Facilities.**

**~~[R414-27-2. Definitions.~~**

~~—"Third party owner" means any one of or combination of the following:~~

~~—(1) the owner of a building from which a nursing care facility operates;~~

~~—(2) the owner of land on which a nursing care facility operates;~~

~~—(3) the owner of a nursing care facility program licensed by the Department pursuant to the Utah Health Facility Licensing Act;~~

~~—(4) the holder of a Medicaid certification for a nursing care facility;~~

~~—(5) the lessor of the building from which a nursing care facility operates;~~

~~—(6) the lessor of the land on which a nursing care facility operates;~~

~~— (7) the mortgagor of the building from which a nursing care facility operates;~~  
~~— (8) the mortgagor of the land on which a nursing care facility operates;~~  
~~— (9) the management team responsible for executing the operations of a nursing care facility;~~  
~~— (10) a lien security interest holder in the land on which a nursing care facility operates;~~  
~~— (11) a lien security interest in the building from which a nursing care facility operates; and~~  
~~— (12) a lien security interest holder in the nursing facility business operation.~~

**R414-27-[3]2. Medicaid Certification Requirements.**

(1) The director of the Division of Health Care Financing (DHCF) within the Department of Health may authorize Medicaid certification for a nursing care facility that:

(a) is in compliance with 42 CFR Part 483 or has a plan of correction approved by the Department to remedy areas of noncompliance;

(b) is in compliance with the Health Care Facility Licensing and Inspection Act, Title 26, Chapter 21, and the rules applicable to nursing homes made pursuant to that act or has a plan of correction approved by the Department to remedy areas of noncompliance;

(c) has not increased its certified bed capacity by more than 30 percent annually after March 31, 2004, except as authorized in Subsection 26-18-503(5);

(d) is Medicare-certified by the Centers for Medicare & Medicaid Services to provide care for Medicare clients;

(e) since March 18, 2008, has not increased its licensed bed capacity except in conjunction with an increase in certified bed capacity as authorized in Subsection 26-18-503(5) or for which the DHCF Director has approved the increase in the nursing care facility program's certified bed capacity expansion before October 15, 2007; and

(f) since March 18, 2008, has not increased its certified bed capacity except as authorized in Subsection 26-18-503(5).

(2) The "independent analysis" referred to in Subsection 26-18-503(5)(b) must be performed by unrelated certified public accountants in accordance with generally accepted accounting principles.

(3) A nursing care facility is not eligible for Medicaid certification if it expands bed capacity without prior approval from the DHCF Director as authorized in this section, except as outlined in Section 26-18-505.

**R414-27-[4]3. Medicaid Certification Subsequent to Change of Ownership.**

(1) The owner of a nursing care facility program may transfer ownership to another person. The transferred nursing care facility may become Medicaid certified if:

(a) the nursing care facility is in compliance with Section R414-27-[3]2 at the time of transfer;

(b) the transferee operates the nursing care facility at the same physical location as the previous Medicaid-certified program;

(c) the transferee agrees to pay the Department's litigation costs if any third party asserts a right to operate the transferred Medicaid-certified nursing care facility;

(d) the transferee certifies that bed capacity will not expand through a third party owner with a legitimate claim to operate the transferred Medicaid-certified nursing care facility;

(e) the transferee applies for and takes all necessary steps to become Medicaid-certified within one year of the date the previously certified nursing care facility ceased to provide medical assistance to a Medicaid client;

(2) If a third party is found, by final agency action of the Department after exhaustion of all administrative and judicial appeal rights, to be entitled to operate a certified program at the physical facility, the transferee shall voluntarily comply with Subsection 26-18-503(4)(b). The Department of Health may revoke Medicaid certification if the transferee does not comply with Subsection 26-18-503(4)(b).

(3) the transferee that receives Medicaid certification after taking ownership under the provisions of Subsection R414-27-[4]3(1) does not assume the Medicaid liabilities of the previous nursing care facility program if the transferee is not a third party owner in whole or in part of the previous nursing care facility program.

**R414-27-[5]4. Medicaid Certification Subsequent to Renovation or Construction of a New Physical Facility.**

A nursing care facility operating in a new or renovated facility is eligible for re-certification if the nursing care facility:

(1) was certified at the time of renovation or new construction;

(2) was in compliance with Sections R414-27-[3]2 and R414-27-[4]3 when it ceased providing care to Medicaid clients at the prior location or before beginning renovations;

(3) is in the same county or within a five[-] mile[-, paved public road] radius of the original facility;

(4) the construction is completed no later than three years after the date the nursing care facility ceased to operate in the original facility; and

(5) notifies DHCF no later than 90 days after the date outlined in Subsection R414-27-[5]4(1)[(a)] of its intent to retain its Medicaid certification.

**KEY: Medicaid**

**Date of Enactment or Last Substantive Amendment: 2009**

**Notice of Continuation: January 17, 2008**

**Authorizing, Implemented or Interpreted Law: 26-1-5; 26-18-3; 26-18-503**



# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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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 Section 63G-3-305.

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## Commerce, Consumer Protection **R152-21** Credit Services Organizations Act Rules

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32382  
FILED: 02/17/2009, 14:44

### 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 13-2-5(1) authorizes the Director of the Division of Consumer Protection to issue rules to administer and enforce, inter alia, the Credit Services Organizations Act, Title 13, Chapter 21. The Credit Services Organizations Act Rules provide clarification on some of the mandates and prohibitions set forth in Section 13-21-3.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since these rules were last reviewed, the Division has received no written comments with respect to the rules.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Credit Services Organizations Act prohibits disputing an entry in a credit report without both a factual basis and a written statement from the consumer indicating "the entry contains a material error or omission, outdated information, inaccurate information, or unverifiable information." The Credit Services Organizations Act Rules provide guidance to help a credit services organization ensure compliance with the statute. The Credit Services Organizations Act Rules define some terms that the statute does not. The Credit Services Organizations Act Rules provide a safe harbor for credit services organizations with respect to statutory requirements; if a credit services organization avoids fraudulent practices and follows the

process outlined in the rules, the credit services organization may rely on those rules as evidence that the organization is in compliance. Therefore, this rule should be continued.

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

COMMERCE  
CONSUMER PROTECTION  
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:

Angela Hendricks at the above address, by phone at 801-530-6035, by FAX at 801-538-6001, or by Internet E-mail at [ahendricks@utah.gov](mailto:ahendricks@utah.gov)

AUTHORIZED BY: Kevin V Olsen, Director

EFFECTIVE: 02/17/2009

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## Commerce, Occupational and Professional Licensing **R156-44a** Nurse Midwife Practice Act Rules

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32356  
FILED: 02/05/2009, 11:22

### 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: Title 58, Chapter 44a, provides for the licensure of certified nurse midwives. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-44a-201(3) provides that the Certified Nurse Midwife Board's

duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 44a, with respect to certified nurse midwives.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was last reviewed in June 2004, it has been amended once in January 2006. The Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 44a, with respect to certified nurse midwives. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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

AUTHORIZED BY: F. David Stanley, Director

EFFECTIVE: 02/05/2009



**Commerce, Occupational and  
Professional Licensing  
R156-61  
Psychologist Licensing Act Rule**

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 32366  
FILED: 02/10/2009, 08:00

**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: Title 58, Chapter 61, provides for the licensure of psychologists and certified psychology residents. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-61-201(3) provides that the Psychologist Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 61, with respect to psychologists and certified psychology residents.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was last reviewed in June 2004, it has been amended two times, once in January 2005 and once in May 2008. The Division received the following written comments with respect to the proposed rule amendments filed in early 2008: a 01/19/2008 email from Navina Forsythe regarding Section R156-61-302b and the proposed amendments regarding experience requirements. Ms. Forsythe provided some suggested wording changes to the Division in her email; a 01/21/2008 letter from the Utah Psychological Association in which they suggested various changes to the proposed rule amendments; a 02/11/2008 email from Hunter Finch, Governor's Office of Planning and Budget, notifying the Division of some statutory citation corrections; and an 04/28/2008 letter from Frances N. Harris, Ph.D. commenting on the proposed experience requirements.

As a result of comments offered during a 02/06/2008 rule hearing and the written comments received by the Division, a change in proposed rule filing was filed whereby some of the suggested changes were incorporated. The Division has received no other written comments with respect to this rule beyond those identified above.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 61, with respect to psychologists and certified psychology residents. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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:

Rich Oborn at the above address, by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@utah.gov

AUTHORIZED BY: F. David Stanley, Director

EFFECTIVE: 02/10/2009



Education, Administration  
**R277-102**  
 Adjudicative Proceedings

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 32372  
 FILED: 02/13/2009, 11:07

**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 63G-4-203 directs agencies to make rules regarding adjudicative proceedings following the general designation of Board hearings as informal.

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: This rule is still required by state law as it provides procedures for informal adjudicative proceedings. Therefore, this rule should be continued.

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

EDUCATION  
 ADMINISTRATION  
 250 E 500 S  
 SALT LAKE CITY UT 84111-3272, 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 carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 02/13/2009



Education, Administration  
**R277-413**  
 Accreditation of Secondary Schools

**FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 32373  
 FILED: 02/13/2009, 11:07

**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-1-402(1) directs the Utah State Board of Education to establish rules and minimum standards for school accreditation for public schools.

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: This rule continues to be required by state law and provides necessary standards for school accreditation. Therefore, this rule should be continued.

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

EDUCATION  
 ADMINISTRATION  
 250 E 500 S  
 SALT LAKE CITY UT 84111-3272, 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 carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 02/13/2009



Education, Administration  
**R277-425**  
 Budgeting, Accounting, and Auditing for Utah School Districts

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR File No.: 32374  
FILED: 02/13/2009, 11:07

**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-1-402(1) directs the Utah State Board of Education to establish rules and minimum standards for financial, statistical, and student accounting requirements for public schools.

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: This rule continues to be required by state law and provides necessary standards for financial, statistical, and student accounting requirements. Therefore, this rule should be continued.

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

EDUCATION  
ADMINISTRATION  
250 E 500 S  
SALT LAKE CITY UT 84111-3272, 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 carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 02/13/2009

Education, Administration  
**R277-601**

Standards for Utah School Buses and  
Operations

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR File No.: 32375  
FILED: 02/13/2009, 11:07

**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-1-401(1)(d) directs the Utah State Board of Education to establish rules and minimum standards for state reimbursed bus routes, bus safety, operational requirements, and other transportation needs for public schools.

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: This rule continues to be required by state law and provides necessary standards for state reimbursed bus routes, bus safety, operational, and other transportation options and requirements. Therefore, this rule should be continued.

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

EDUCATION  
ADMINISTRATION  
250 E 500 S  
SALT LAKE CITY UT 84111-3272, 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 carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 02/13/2009

Education, Administration  
**R277-712**  
Advanced Placement Programs

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR File No.: 32376  
FILED: 02/13/2009, 11:07

**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 53A-17a-120 directs the Utah State Board of Education to adopt rules for the

expenditure of funds appropriated for accelerated learning programs.

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: This rule continues to be required by state law and provides necessary procedures for expenditure of funds for accelerated learning programs. Therefore, this rule should be continued.

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

EDUCATION  
ADMINISTRATION  
250 E 500 S  
SALT LAKE CITY UT 84111-3272, 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 carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 02/13/2009

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## Environmental Quality, Air Quality **R307-150** Emission Inventories

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32353  
FILED: 02/05/2009, 09:19

### 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 19-2-104(1)(c) allows the Air Quality Board to make rules "...requiring persons engaged in operations which result in air pollution to...file periodic reports containing information relating to the rate, period of emission, and composition of the air contaminant...." Rule R307-150 implements that statute by specifying the sources that must submit information, the information that must be submitted, and the due date for submissions. Rule R307-150 meets the requirements of the federal Consolidated Emissions Reporting Rule, 40 CFR 51.30(e) (67 FR 39602).

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 R307-150 was amended once since the last five-year review, September 2008 under DAR No. 31558. No comments were received on this amendment. No comments have been received since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The State of Utah is required under the federal Consolidated Emissions Reporting Rule, 40 CFR 51.30(e), to submit inventories of emissions from a variety of sources to the federal Environmental Protection Agency on a schedule specified in the federal rule. Rule R307-150 specifies the kinds of sources that must submit inventory information to the State in order to fulfill the State's responsibilities. In addition, the inventory information is required in order to determine the fees paid by sources subject to 40 CFR Part 70 and Rule R307-415, the Operating Permit Program, and for determining where emission reductions can be achieved if needed for Utah to remain in attainment of the federal health standards for air quality. Therefore, 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:

Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at kkreykes@utah.gov

AUTHORIZED BY: Cheryl Heying, Director

EFFECTIVE: 02/05/2009

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## Environmental Quality, Air Quality **R307-405** Permits: Major Sources in Attainment or Unclassified Areas (PSD)

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32354  
FILED: 02/05/2009, 09:24

### 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: Section 19-2-108 states that



"The board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-405 implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. Subsection 19-2-104(3)(q) states that the Air Quality Board may meet the requirements of federal laws. Rule R307-405 is also required by Section VIII, Prevention of Significant Deterioration of the State Implementation Plan. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.166.

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 since its last review under DAR No. 32042. No comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-405 is required by Section 19-2-108. Rule R307-405 is also required by Section VIII, Prevention of Significant Deterioration (PSD) of the State Implementation Plan (SIP), which is incorporated by reference under Rule R307-110. This plan is required under the Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.166. Without this plan, EPA would be required to impose a federal implementation plan. 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:

Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at [kkreykes@utah.gov](mailto:kkreykes@utah.gov)

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

EFFECTIVE: 02/05/2009

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## Environmental Quality, Solid and Hazardous Waste **R315-320** Waste Tire Transporter and Recycler Requirements

### FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32378  
FILED: 02/17/2009, 10:02

### 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: The rule is enacted under Section 19-6-819 of the Waste Tire Recycling Act and Section 19-6-105. Section 19-6-819 states that the Board shall make rules for tire transporter and recycler registration, liability insurance, reporting and tracking waste tires, and other aspects of the waste tire program. Section 19-6-105 allows the Board to make rules governing the disposal or placing waste on the ground.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Changes to Rule R315-320 proposed in 2006 received the following comments. One commenter expressed concern that the Division was changing the rules and discouraging recycling. The commenter was contacted by phone and after discussion, it was determined that the commenter was concerned that the changes proposed in the rule change would require that a waste tire recycler make a demonstration of his ability to recycle with each registration renewal. The following response was made to the comment: The intent of the rule changes is to make sure a recycler that is applying for the initial registration has the ability to conduct the proposed recycling operation. The rule language has been changed to reflect the intent as stated. Another commenter wrote "there appear to be cite errors in your amendments to Rules R315-311 and R315-320. Please review R315-320-4(3)(c) wherein the cite 'R315-32-4(9)' is used. I cannot locate that cite either. I think you left out a number - meaning to cite '320' rather than '32'." In response to the comment, the error was corrected.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Waste Tire Recycling Act requires that the Board make rules to administer the waste tire program in Utah. Rule R315-320 is one of the rules that was made to meet the requirements of the Waste Tire Recycling Act and is required to properly administer the waste tire recycling program. Therefore, this rule should be continued.

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:

Ralph Bohn at the above address, by phone at 801-538-6794, by FAX at 801-538-6715, or by Internet E-mail at Rbohn@utah.gov

AUTHORIZED BY: Dennis Downs, Director

EFFECTIVE: 02/17/2009



Health, Epidemiology and Laboratory  
Services, Environmental Services  
**R392-101**  
Food Safety Manager Certification

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 32370  
FILED: 02/12/2009, 12:22

**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 authorized by Subsection 26-1-30(2) and Title 26, Chapter 15a. Subsection 26-1-30(2)(u) authorizes the Department to adopt rules and enforce minimum sanitary standards for the operation and maintenance of restaurants and all other places where food is handled for commercial purposes, sold, or served to the public. Title 26, Chapter 15a, outlines the Food Safety Manager Certification Act, authorizing the Department to establish and enforce, or provide for the enforcement of the minimum rules regarding the definitions, duties, requirements, and exemptions of Food Safety Manager Certification.

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 Bureau of Epidemiology has not received comments opposing the rule. The Bureau has received comments from Local Health Departments and the food code revision work group regarding different aspects of the rule. The Bureau has responded to these comments as part of our process to develop future modifications to the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is the statewide rule for the Food Safety Manager Certification, and is enforced

by the local health departments. This rule is the basis for consistent enforcement of the Food Safety Manager Certification Act (Title 26, Chapter 15a) across all areas of the state. The purpose of the rule is to prevent food-borne illness.

Therefore, this rule should be continued. The Food and Drug Administration (FDA) has concluded that food-borne illness in the United States is a major cause of personal distress, preventable death, and avoidable economic burden. An estimated 76,000,000 illnesses, 325,000 hospitalizations, and 5,000 deaths are a direct result of food-borne illness. The annual cost of food-borne illness in terms of pain and suffering, reduced productivity, and medical costs are estimated to be \$10,000,000,000 - \$83,000,000,000.

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

HEALTH  
EPIDEMIOLOGY AND LABORATORY SERVICES,  
ENVIRONMENTAL SERVICES  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY UT 84116-3231, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ronald Marsden at the above address, by phone at 801-538-6191, by FAX at 801-538-6564, or by Internet E-mail at rmarsden@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 02/12/2009



Health, Health Care Financing,  
Coverage and Reimbursement Policy  
**R414-99**  
Chiropractic Services

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 32352  
FILED: 02/04/2009, 08:20

**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 26-1-5 grants the Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. Section 26-18-3 requires the Department to implement the Medicaid program through administrative rules. In addition, 42 CFR 440.60 authorizes the provision of chiropractic services to Medicaid clients by licensed practitioners.

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 Department did not receive any written or oral comments regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it establishes eligibility and access requirements for clients who need chiropractic services. Therefore, this rule should be continued. In accordance with budget reduction mandates set forth by the 2008 Second Special Session of the Utah Legislature, an amendment to this rule has been filed. This amendment allows only pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program to receive chiropractic services. (DAR NOTE: the proposed amendment to Section R414-99-2 is under DAR No. 32229 in the January 15, 2009, issue of the Bulletin.)

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

HEALTH  
HEALTH CARE FINANCING,  
COVERAGE AND REIMBURSEMENT POLICY  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY UT 84116-3231, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kimi McNutt at the above address, by phone at 801-538-6381, by FAX at 801-538-6099, or by Internet E-mail at KMCNUTT@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 02/04/2009

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**Money Management Council,  
Administration  
R628-19**

**Requirements for the Use of Investment  
Advisers by Public Treasurers**

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR File No.: 32367  
FILED: 02/10/2009, 14:24

**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: Subsection 51-7-18(2) says that the Council may make rules establishing standards and requirements for the use of certified investment advisers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments either supporting or opposing this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides basic requirements for the use of investment advisers by public treasurers when investing public monies. These requirements need to be in place for the public treasurer to have a beginning place to evaluate an investment adviser that will handle public funds and to know what requirements of the Money Management Act need to be followed with regards to investment advisers. Therefore, this rule should be continued.

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

MONEY MANAGEMENT COUNCIL  
ADMINISTRATION  
Room 180 UTAH STATE CAPITOL COMPLEX  
350 N STATE ST  
STE 180  
SALT LAKE CITY UT 84114, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ann Pedroza at the above address, by phone at 801-538-1883, by FAX at 801-538-1465, or by Internet E-mail at apedroza@utah.gov

AUTHORIZED BY: Bruce B. Cohne, Chair

EFFECTIVE: 02/10/2009

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**Natural Resources, Water Rights  
R655-13**

**Stream Alteration**

**FIVE YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 32368  
FILED: 02/11/2009, 07:27

**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 73-3-29 - Relocation of natural streams - Written permit required - Emergency work - Violations, provides the statutory authority and directive to the State Engineer to regulate alterations to the bed and banks of natural stream channels. Subsection 73-2-1(4)(d) states the State Engineer shall make rules for alterations of natural streams.

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: The statutory directive to regulate the alteration of the bed and banks of natural streams in the state remains in effect. The Stream Alteration rule is necessary to implement that directive. Therefore, this rule should be continued.

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

NATURAL RESOURCES  
WATER RIGHTS  
Room 220

1594 W NORTH TEMPLE  
SALT LAKE CITY UT 84116-3154, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Kaelyn Anfinen at the above address, by phone at 801-538-7370, by FAX at 801-538-7442, or by Internet E-mail at KAELYNANFINSEN@utah.gov

AUTHORIZED BY: Boyd Clayton, Deputy State Engineer

EFFECTIVE: 02/11/2009



**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF RULE EFFECTIVE DATES

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These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. Statute permits an agency to make a rule effective "on any date specified by the agency that is no fewer than seven calendar days after the close of the public comment period . . . , nor more than 120 days after the publication date." Subsection 63G-3-301(9).

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### Abbreviations

AMD = Amendment  
CPR = Change in Proposed Rule  
NEW = New Rule  
R&R = Repeal and Reenact  
REP = Repeal

### Environmental Quality

#### Air Quality

No. 32042 (AMD): R307-405-2. Applicability.  
Published: November 1, 2008  
Effective: February 5, 2009

#### Drinking Water

No. 32168 (AMD): R309-515-7. Ground Water - Springs.  
Published: December 15, 2008  
Effective: February 15, 2009

No. 32169 (AMD): R309-540-6. Hydropneumatic Systems.  
Published: December 15, 2008  
Effective: February 15, 2009

#### Radiation Control

No. 32050 (AMD): R313-21. General Licenses.  
Published: November 1, 2008  
Effective: February 11, 2009

No. 32050 (CPR): R313-21. General Licenses.  
Published: December 15, 2008  
Effective: February 11, 2009

No. 32206 (AMD): R313-22-75. Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material.  
Published: January 1, 2009  
Effective: February 12, 2009

No. 32207 (AMD): R313-32. Medical Use of Radioactive Material.  
Published: January 1, 2009  
Effective: February 12, 2009

### Health

#### Administration

No. 31980 (NEW): R380-70. Standards for Electronic Exchange of Clinical Health Information.  
Published: October 15, 2008  
Effective: February 4, 2009

Health Systems Improvement, Child Care Licensing  
No. 31820 (R&R): R430-6. Background Screening.  
Published: September 1, 2008  
Effective: February 16, 2009

No. 31820 (CPR): R430-6. Background Screening.  
Published: January 1, 2009  
Effective: February 16, 2009

### Natural Resources

#### Water Rights

No. 32201 (AMD): R655-14. Administrative Procedures for Enforcement Proceedings Before the Division of Water Rights.  
Published: January 1, 2009  
Effective: February 10, 2009

#### Wildlife Resources

No. 32210 (AMD): R657-61. Valuation of Real Property Interests for Purposes of Acquisition or Disposal.  
Published: January 1, 2009  
Effective: February 9, 2009

### Transportation

#### Administration

No. 32214 (AMD): R907-1. Appeal of Departmental Actions.  
Published: January 1, 2009  
Effective: April 14, 2009

### Workforce Services

#### Employment Development

No. 32209 (AMD): R986-200-246. Transitional Cash Assistance.  
Published: January 1, 2009  
Effective: February 12, 2009

# RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

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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, 2009, including notices of effective date received through February 17, 2009. 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. 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/>).

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## RULES INDEX - BY AGENCY (CODE NUMBER)

### ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

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R33-6	Modification and Termination of Contracts for Supplies and Services	32344	5YR	01/29/2009	2009-4/56
R33-7	Cost Principles (5YR EXTENSION)	31984	NSC	01/29/2009	Not Printed
R33-7	Cost Principles	32345	5YR	01/29/2009	2009-4/56
R33-9	Insurance Procurement (5YR EXTENSION)	31985	NSC	01/29/2009	Not Printed
R33-9	Insurance Procurement	32346	5YR	01/29/2009	2009-4/57
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<u>Animal Industry</u>					
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R58-20	Domesticated Elk Hunting Park	32397	5YR	02/23/2009	Not Printed

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<b>Alcoholic Beverage Control</b>					
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R81-1	Scope, Definitions, and General Provisions	32222	NSC	01/22/2009	Not Printed
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<u>Consumer Protection</u>					
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R156-44a	Nurse Midwife Practice Act Rules	32356	5YR	02/05/2009	2009-5/24
R156-46a	Hearing Instrument Specialist Licensing Act Rule	32398	5YR	02/24/2009	Not Printed
R156-46a-302c	Qualifications for Licensure - Examination Requirements	32235	NSC	01/22/2009	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	32001	AMD	01/01/2009	2008-21/9
R156-61	Psychologist Licensing Act Rule	32366	5YR	02/10/2009	2009-5/25
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<u>Arts and Museums, Museum Services</u>					
R210-100	Certified Local Museum Designation	32108	NEW	01/01/2009	2008-22/21
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R212-1	Adjudicative Proceedings	32243	NSC	01/22/2009	Not Printed
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R270-1-19	Medical Awards	31950	CPR	01/21/2009	2008-24/37
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R277-469	Instructional Materials Commission Operating Procedures	32257	AMD	02/24/2009	2009-2/20
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R277-494-3	Requirements for Payment and Participation Integral to the Schedule	32323	NSC	02/25/2009	Not Printed
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R277-527-3	Utah State Board of Education/USOE Responsibilities	32285	NSC	02/05/2009	Not Printed
R277-601	Standards for Utah School Buses and Operations	32375	5YR	02/13/2009	2009-5/27
R277-609-1	Definitions	32221	NSC	01/22/2009	Not Printed
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R309-540-6	Hydropneumatic Systems	32169	AMD	02/15/2009	2008-24/5
R309-700	Financial Assistance: State Drinking Water Project Revolving Loan Program	32028	AMD	01/28/2009	2008-21/34
R309-705	Financial Assistance: Federal Drinking Water Project Revolving Loan Program	32029	AMD	01/28/2009	2008-21/40
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R313-21	General Licenses	32050	AMD	02/11/2009	2008-21/47
R313-22-75	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material	32206	AMD	02/12/2009	2009-1/27
R313-32	Medical Use of Radioactive Material	32207	AMD	02/12/2009	2009-1/30
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R315-15-13	Registration and Permitting of Used Oil Handlers	32231	NSC	01/22/2009	Not Printed
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R317-2	Standards of Quality for Waters of the State	31650	AMD	01/12/2009	2008-14/30
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<u>Epidemiology and Laboratory Services, Environmental Services</u>					
R392-101	Food Safety Manager Certification	32370	5YR	02/12/2009	2009-5/30
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
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R414-54	Speech-Language Pathology Services	32227	AMD	02/24/2009	2009-2/28
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R426-7-5	Penalty for Violation of Rule	32279	NSC	02/05/2009	Not Printed
R426-8-4	Application and Award Formula	31919	AMD	01/13/2009	2008-18/29
R426-13-1300	Penalties	32280	NSC	02/05/2009	Not Printed
R426-14-600	Penalties	32281	NSC	02/05/2009	Not Printed
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R460-7-2	Definitions	32211	NSC	01/12/2009	Not Printed
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R501-12-8	Safety	32192	NSC	01/12/2009	Not Printed
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R628-16-12	Procedures for Suspension or Termination and Reinstatement of Status	32294	NSC	02/05/2009	Not Printed
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R657-60-2	Definitions	32081	AMD	01/07/2009	2008-22/28
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R865-19S-27	Retail Sales Defined Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103(1)(g)	32017	AMD	01/01/2009	2008-21/81
R865-19S-29	Wholesale Sale Defined Pursuant to Utah Code Ann. Section 59-12-102	32030	AMD	01/01/2009	2008-21/82
R865-19S-90	Telephone Service Pursuant to Utah Code Ann. Section 59-12-103	32007	AMD	01/01/2009	2008-21/83
R865-19S-92	Computer software and Other Related Transactions Pursuant to Utah Code Ann. Section 59-12-103	32016	AMD	01/01/2009	2008-21/84
R865-19S-113	Sales Tax Obligations of Jeep, Snowmobile, Aircraft, and Boat Tour Operators, River Runners, Outfitters, and Other Sellers Providing Similar Services Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-107	32012	AMD	01/01/2009	2008-21/85
R865-19S-119	Certain Transactions Involving Food and Lodging Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	32013	AMD	01/01/2009	2008-21/86
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R873-22M-23	Registration Information Update for Vintage Vehicle Special Group License Plates Pursuant to Utah Code Ann. Section 41-1a-1209	32037	AMD	01/01/2009	2008-21/89
<u>Property Tax</u>					
R884-24P-27	Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Sections 59-2-704 and 59-2-704.5	32063	AMD	01/01/2009	2008-21/90
R884-24P-47	Uniform Tax on Aircraft Pursuant to Utah Code Ann. Sections 59-2-404, 59-2-1005, 59-2-1302, and 59-2-1303	32036	AMD	01/01/2009	2008-21/92
R884-24P-53	2008 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	32044	AMD	01/01/2009	2008-21/93
R884-24P-70	Real Property Appraisal Requirements for County Assessors Pursuant to Utah Code Ann. Sections 59-2-303.1 and 59-2-919.1	32052	AMD	01/01/2009	2008-21/97
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<u>Administration</u>					
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R907-3	Administrative Procedure	32217	NSC	01/12/2009	Not Printed
R907-62-7	Classification of Records	32303	NSC	02/05/2009	Not Printed
R907-62-7	Classification of Records	32161	NSC	02/05/2009	Not Printed
R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	31961	AMD	01/12/2009	2008-20/25
R907-66	Incorporation and Use of Federal Acquisition Regulations on Federal-Aid and State-Financed Transportation Projects	32213	NSC	01/12/2009	Not Printed
<u>Motor Carrier</u>					
R909-3	Standards for Utah School Buses (5YR EXTENSION)	32264	NSC	01/05/2009	Not Printed
R909-3	Standards for Utah School Buses	32274	5YR	01/05/2009	2009-3/89
R909-3-2	Authority	32273	NSC	02/05/2009	Not Printed
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	32215	NSC	01/12/2009	Not Printed
<u>Operations, Construction</u>					
R916-2	Prequalification of Contractors	32307	NSC	02/05/2009	Not Printed
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R926-11	Rules for Permitting of Eligible Vehicles for a Clean Fuel Special Group License Plate On or After January 1, 2009	32076	NEW	01/05/2009	2008-22/39
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R940-3-2	Definitions	32082	NSC	01/12/2009	Not Printed
<b>Workforce Services</b>					
<u>Administration</u>					
R982-101	Americans with Disabilities Complaint Procedure	32237	NSC	01/22/2009	Not Printed
R982-201	Government Records Access and Management Act	32238	NSC	01/22/2009	Not Printed
<u>Employment Development</u>					
R986-100	Employment Support Programs	32239	NSC	01/22/2009	Not Printed
R986-200-240	Additional Payments Available Under Certain Circumstances	32114	AMD	01/06/2009	2008-22/41
R986-200-246	Transitional Cash Assistance	32209	AMD	02/12/2009	2009-1/48
R986-500-502	General Provisions	32240	NSC	01/22/2009	Not Printed
<u>Unemployment Insurance</u>					
R994-204-402	Procedure for Issuing a Safe Haven Determination	32242	NSC	01/22/2009	Not Printed

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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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Education, Administration	32376	R277-712	5YR	02/13/2009	2009-5/28
<b><u>accessing records</u></b>					
Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
<b><u>accreditation</u></b>					
Education, Administration	32373	R277-413	5YR	02/13/2009	2009-5/26
<b><u>activities</u></b>					
Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<b><u>ADA</u></b>					
Transportation, Administration	32303	R907-62-7	NSC	02/05/2009	Not Printed

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Crime Victim Reparations, Administration	32394	R270-3	5YR	02/19/2009	Not Printed
	32197	R270-3	NSC	01/12/2009	Not Printed
<b><u>ADA*</u></b>					
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<b><u>adjudicative procedures</u></b>					
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<b><u>adjudicative proceedings</u></b>					
Community and Culture, History	32243	R212-1	NSC	01/22/2009	Not Printed
<b><u>administrative penalties</u></b>					
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Community and Culture, Library	32295	R223-1	NSC	02/05/2009	Not Printed
Crime Victim Reparations, Administration	32196	R270-2	NSC	01/12/2009	Not Printed
	32372	R277-102	5YR	02/13/2009	2009-5/26
Human Services, Administration, Administrative Hearings	32328	R497-100	NSC	02/25/2009	Not Printed
	32181	R497-100	AMD	01/21/2009	2008-24/21
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	32217	R907-3	NSC	01/12/2009	Not Printed
<b><u>adoption assistance</u></b>					
Workforce Services, Employment Development	32240	R986-500-502	NSC	01/22/2009	Not Printed
<b><u>air pollution</u></b>					
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
	32353	R307-150	5YR	02/05/2009	2009-5/28
	32354	R307-405	5YR	02/05/2009	2009-5/29
	32042	R307-405-2	AMD	02/05/2009	2008-21/33
<b><u>aircraft</u></b>					
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
<b><u>alcoholic beverages</u></b>					
Alcoholic Beverage Control, Administration	32222	R81-1	NSC	01/22/2009	Not Printed
<b><u>alternative fuels</u></b>					
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
<b><u>appellate procedures</u></b>					
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<b><u>appraisals</u></b> Tax Commission, Property Tax	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97
<b><u>aquaculture</u></b> Agriculture and Food, Animal Industry	32199	R58-17	AMD	02/19/2009	2009-1/7
<b><u>archaeological resources</u></b> Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
<b><u>assignments</u></b> Education, Administration	32144	R277-520-1	AMD	01/07/2009	2008-23/9
<b><u>audiology</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32228	R414-59-4	AMD	02/24/2009	2009-2/29
<b><u>background screening</u></b> Human Services, Administration, Administrative Services, Licensing	32193	R501-14	NSC	01/12/2009	Not Printed
<b><u>bail bond enforcement agent</u></b> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34
<b><u>bail bond recovery agent</u></b> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34
<b><u>barrier</u></b> Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<b><u>basic application procedures</u></b> Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
<b><u>bed allocations</u></b> Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
<b><u>bids</u></b> Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
<b><u>boilers</u></b> Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
<b><u>bonuses</u></b> Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
<b><u>brachytherapy</u></b> Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30



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<b><u>building inspections</u></b> Commerce, Occupational and Professional Licensing	32001	R156-56	AMD	01/01/2009	2008-21/9
<b><u>buses</u></b> Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27
<b><u>C plate</u></b> Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39
<b><u>capital punishment</u></b> Pardons (Board Of), Administration	32065	R671-312	AMD	02/25/2009	2008-22/30
<b><u>career and technical education</u></b> Education, Administration	32143	R277-518	AMD	01/07/2009	2008-23/7
	32146	R277-911	AMD	01/07/2009	2008-23/12
<b><u>cash management</u></b> Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
<b><u>certification</u></b> Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
<b><u>certifications</u></b> Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
<b><u>certified local inspector</u></b> Human Services, Administration, Administrative Services, Licensing	32191	R501-4-7	NSC	01/12/2009	Not Printed
<b><u>certified local museums</u></b> Community and Culture, Arts and Museums, Museum Services	32108	R210-100	NEW	01/01/2009	2008-22/21
<b><u>certified nurse midwife</u></b> Commerce, Occupational and Professional Licensing	32356	R156-44a	5YR	02/05/2009	2009-5/24
<b><u>charities</u></b> Tax Commission, Auditing	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
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<b><u>CHIP</u></b>					
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<b><u>chiropractic services</u></b>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32352	R414-99	5YR	02/04/2009	2009-5/31
	32229	R414-99-2	AMD	02/24/2009	2009-2/30
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	32042	R307-405-2	AMD	02/05/2009	2008-21/33
<b><u>clean fuel</u></b>					
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<b><u>clinical health information exchange</u></b>					
Health, Administration	31980	R380-70	NEW	02/04/2009	2008-20/12
<b><u>co-curricular</u></b>					
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	32323	R277-494-3	NSC	02/25/2009	Not Printed
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	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
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Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
<b><u>conflict</u></b>					
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<b><u>credit enhancements</u></b>					
Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
<b><u>credit services</u></b>					
Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
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Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
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Health, Health Care Financing, Coverage and Reimbursement Policy	32186	R414-310	AMD	01/22/2009	2008-24/13
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	32161	R907-62-7	NSC	02/05/2009	Not Printed
<b><u>disabilities</u></b>					
Human Services, Services for People with Disabilities	32308	R539-5-8	EMR	01/15/2009	2009-3/81
Workforce Services, Administration	32237	R982-101	NSC	01/22/2009	Not Printed
<b><u>disabled persons</u></b>					
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	32271	R280-202	5YR	01/05/2009	2009-3/86
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<b><u>discrimination</u></b>					
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	32161	R907-62-7	NSC	02/05/2009	Not Printed

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<b><u>drinking water</u></b> Environmental Quality, Drinking Water	32168	R309-515-7	AMD	02/15/2009	2008-24/3
	32169	R309-540-6	AMD	02/15/2009	2008-24/5
<b><u>due process</u></b> Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
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<b><u>education finance</u></b> Education, Administration	32374	R277-425	5YR	02/13/2009	2009-5/27
<b><u>educational testing</u></b> Education, Administration	32376	R277-712	5YR	02/13/2009	2009-5/28
<b><u>educator licensing</u></b> Education, Administration	32142	R277-502	AMD	01/07/2009	2008-23/5
	32143	R277-518	AMD	01/07/2009	2008-23/7
<b><u>educators</u></b> Education, Administration	32140	R277-110-1	AMD	01/07/2009	2008-23/2
	32144	R277-520-1	AMD	01/07/2009	2008-23/9
<b><u>electronic devices</u></b> Education, Administration	32141	R277-495	NEW	01/07/2009	2008-23/3
<b><u>eligibility</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32184	R414-308	AMD	01/26/2009	2008-24/9
<b><u>elk</u></b> Agriculture and Food, Animal Industry	32397	R58-20	5YR	02/23/2009	Not Printed
<b><u>emergency medical services</u></b> Health, Health Systems Improvement, Emergency Medical Services	32084	R426-5-4	AMD	02/24/2009	2008-22/25
	32279	R426-7-5	NSC	02/05/2009	Not Printed
	31919	R426-8-4	AMD	01/13/2009	2008-18/29
	32280	R426-13-1300	NSC	02/05/2009	Not Printed
	32281	R426-14-600	NSC	02/05/2009	Not Printed
	32282	R426-15-700	NSC	02/05/2009	Not Printed
<b><u>employment support procedures</u></b> Workforce Services, Employment Development	32239	R986-100	NSC	01/22/2009	Not Printed
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<b><u>enforcement (administrative)</u></b> Transportation, Administration	32214	R907-1	AMD	04/14/2009	2009-1/45
<b><u>enrollment options</u></b> Education, Administration	32265	R277-437	5YR	01/05/2009	2009-3/83
<b><u>environment</u></b> Tax Commission, Auditing	32392	R865-7H	5YR	02/19/2009	Not Printed
<b><u>escrow insurance</u></b> Insurance, Title and Escrow Commission	32167	R592-13	NEW	01/22/2009	2008-24/31
<b><u>exiting provider</u></b> Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
<b><u>expenses</u></b> Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
<b><u>extracurricular</u></b> Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<b><u>eyeglasses</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32226	R414-53	AMD	02/24/2009	2009-2/27
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<b><u>facility</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32325	R414-9	5YR	01/26/2009	2009-4/57
<b><u>family employment program</u></b> Workforce Services, Employment Development	32114	R986-200-240	AMD	01/06/2009	2008-22/41
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Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
<b><u>RFPs</u></b>					
Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
<b><u>right-of-way</u></b>					
Transportation, Administration	31961	R907-64	AMD	01/12/2009	2008-20/25
<b><u>rules and procedures</u></b>					
Education, Administration	32372	R277-102	5YR	02/13/2009	2009-5/26
<b><u>safety</u></b>					
Labor Commission, Occupational Safety and Health	32216	R614-1-4	NSC	01/13/2009	Not Printed
Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
Transportation, Motor Carrier	32264	R909-3	NSC	01/05/2009	Not Printed
	32274	R909-3	5YR	01/05/2009	2009-3/89
	32273	R909-3-2	NSC	02/05/2009	Not Printed
<b><u>safety regulations</u></b>					
Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
<b><u>salary adjustments</u></b>					
Education, Administration	32140	R277-110-1	AMD	01/07/2009	2008-23/2
<b><u>sales tax</u></b>					
Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
<b><u>school</u></b>					
Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27
<b><u>school boards</u></b>					
Education, Administration	32254	R277-101	AMD	02/24/2009	2009-2/13
<b><u>school buses</u></b>					
Transportation, Motor Carrier	32264	R909-3	NSC	01/05/2009	Not Printed
	32274	R909-3	5YR	01/05/2009	2009-3/89
	32273	R909-3-2	NSC	02/05/2009	Not Printed
<b><u>school transportation</u></b>					
Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27

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<b><u>search and rescue</u></b> Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
<b><u>securities</u></b> Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
Money Management Council, Administration	32367	R628-19	5YR	02/10/2009	2009-5/31
<b><u>securities regulation</u></b> Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
<b><u>self-administered services</u></b> Human Services, Services for People with Disabilities	32308	R539-5-8	EMR	01/15/2009	2009-3/81
<b><u>sentencing</u></b> Pardons (Board Of), Administration	32066	R671-405	AMD	02/25/2009	2008-22/33
<b><u>services</u></b> Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
<b><u>social services</u></b> Human Services, Administration, Administrative Hearings	32328	R497-100	NSC	02/25/2009	Not Printed
	32181	R497-100	AMD	01/21/2009	2008-24/21
<b><u>solid waste management</u></b> Environmental Quality, Solid and Hazardous Waste	32378	R315-320	5YR	02/17/2009	2009-5/29
<b><u>source development</u></b> Environmental Quality, Drinking Water	32168	R309-515-7	AMD	02/15/2009	2008-24/3
<b><u>source maintenance</u></b> Environmental Quality, Drinking Water	32168	R309-515-7	AMD	02/15/2009	2008-24/3
<b><u>source material</u></b> Environmental Quality, Radiation Control	32050	R313-21	CPR	02/11/2009	2008-24/38
<b><u>source materials</u></b> Environmental Quality, Radiation Control	32050	R313-21	AMD	02/11/2009	2008-21/47
<b><u>special fuel</u></b> Tax Commission, Auditing	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
<b><u>specific licenses</u></b> Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
<b><u>speech-language pathology services</u></b> Health, Health Care Financing, Coverage and Reimbursement Policy	32227	R414-54	AMD	02/24/2009	2009-2/28

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Health, Administration	31980	R380-70	NEW	02/04/2009	2008-20/12
<b><u>state register</u></b>					
Community and Culture, History	32244	R212-6	NSC	01/22/2009	Not Printed
<b><u>stock brokers</u></b>					
Money Management Council, Administration	32294	R628-16-12	NSC	02/05/2009	Not Printed
<b><u>stream alterations</u></b>					
Natural Resources, Water Rights	32368	R655-13	5YR	02/11/2009	2009-5/32
<b><u>student participation</u></b>					
Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
<b><u>students at risk</u></b>					
Education, Administration	32219	R277-464-4	NSC	01/22/2009	Not Printed
<b><u>supervision</u></b>					
Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
<b><u>tax credits</u></b>					
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
<b><u>tax exemptions</u></b>					
Tax Commission, Auditing	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
<b><u>taxation</u></b>					
Tax Commission, Auditing	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
	32392	R865-7H	5YR	02/19/2009	Not Printed
	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
	32033	R865-21U-3	AMD	01/01/2009	2008-21/87
	32010	R865-21U-15	AMD	01/01/2009	2008-21/87
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
Tax Commission, Property Tax	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97



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<b><u>title</u></b>					
Insurance, Title and Escrow Commission	32167	R592-13	NEW	01/22/2009	2008-24/31
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Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
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Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
<b><u>traffic noise abatement</u></b>					
Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
<b><u>transportation</u></b>					
Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
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Transportation Commission, Administration	31920	R940-3	NEW	01/12/2009	2008-18/62
<b><u>Transportation Infrastructure Loan Fund Fund</u></b>					
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Health, Health Systems Improvement, Emergency Medical Services	32084	R426-5-4	AMD	02/24/2009	2008-22/25
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Workforce Services, Unemployment Insurance	32242	R994-204-402	NSC	01/22/2009	Not Printed
<b><u>used oil</u></b>					
Environmental Quality, Solid and Hazardous Waste	32231	R315-15-13	NSC	01/22/2009	Not Printed
<b><u>user tax</u></b>					
Tax Commission, Auditing	32033	R865-21U-3	AMD	01/01/2009	2008-21/87
	32010	R865-21U-15	AMD	01/01/2009	2008-21/87
<b><u>victim compensation</u></b>					
Crime Victim Reparations, Administration	32180	R270-1-14	AMD	01/21/2009	2008-24/3
	31950	R270-1-19	CPR	01/21/2009	2008-24/37
	31950	R270-1-19	AMD	01/21/2009	2008-19/13
<b><u>victims of crime</u></b>					
Crime Victim Reparations, Administration	32180	R270-1-14	AMD	01/21/2009	2008-24/3
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<b><u>water pollution</u></b> Environmental Quality, Water Quality	31650	R317-2	CPR	01/12/2009	2008-23/28
	31650	R317-2	AMD	01/12/2009	2008-14/30
<b><u>water quality standards</u></b> Environmental Quality, Water Quality	31650	R317-2	CPR	01/12/2009	2008-23/28
	31650	R317-2	AMD	01/12/2009	2008-14/30
<b><u>water rights</u></b> Natural Resources, Water Rights	32201	R655-14	AMD	02/10/2009	2009-1/35
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	32081	R657-60-2	AMD	01/07/2009	2008-22/28
	32210	R657-61	AMD	02/09/2009	2009-1/40
<b><u>wildlife law</u></b> Natural Resources, Wildlife Resources	32129	R657-13	AMD	01/07/2009	2008-23/23
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