

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3764. Additional rulemaking information and electronic versions of all administrative rule publications are available at <http://www.rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Health Health Care Financing, Coverage and Reimbursement Policy

Notice for Amendments to the August 2014 Primary Care Network (PCN) Waiver

The Utah Department of Health, Division of Medicaid and Health Financing requests the following amendments to the 1115 Primary Care Network Medicaid Waiver.

Amendment #12: The purpose of this amendment is to modify the maximum income eligibility for Demonstration Population I (individuals age 19-64) from gross family countable income at or below 100% of the Federal Poverty Level (FPL) to gross family income at or below 95% of the FPL to eliminate the "donut hole" created by implementation of the Federal Facilitated Marketplace (FFM), the new Modified Adjusted Gross Income (MAGI) income eligibility methodology and Utah's 1115 Primary Care Network Waiver for some of Utah's most needy citizens.

Amendment #13: The Affordable Care Act extends insurance coverage to children who are enrolled in their parents insurance up to age 26. The purpose of this amendment is to add a new eligibility group comprised of adult children of individuals eligible for premium assistance under Utah's Premium Partnership for Health Insurance (UPP) program, who:

- Are age 19 through 26;
- Are United States citizens/legal residents;
- Are residents of the state of Utah;
- Are not otherwise eligible for Medicaid, Medicare, or Veteran's Benefits;
- Have no other health insurance;
- Live in their parents' household;
- Are enrolled in their parents' employer sponsored insurance; and
- To allow premium assistance using Title XIX funds for this new Demonstration Population.

These amendments are subject to Centers for Medicare and Medicaid Services (CMS) approval. For questions regarding this notice, please contact Emma Chacon at 801-538-6577 or echacon@utah.gov.

End of the Special Notices Section

EXECUTIVE DOCUMENTS

Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Division of Administrative Rules for publication and distribution.

Governor's Executive Order EO 004 2014: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

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

WHEREAS, current below-normal precipitation in southern Utah contributed to the early drying of wildland vegetation;
and

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

WHEREAS, immediate action is required to suppress the fires and mitigate post-burn destruction. This destruction can lead to mudslides and flash floods causing dangerous conditions for life safety, property, natural resources and the environment.;

WHEREAS, these conditions do create a disaster emergency within the intent of the Robert T. Stafford Disaster Relief and Emergency Assistance Act 1988;

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in my by the constitution and the laws of the State of Utah, do hereby order that;

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of July 10, 2014, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 10th day of July 2014.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

EO 004 2014

Governor's Proclamation 2014/08/E: Calling the Sixtieth Legislature Into the Eighth Extraordinary Session

PROCLAMATION

WHEREAS, since the close of the 2014 General Session of the 60th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 60th Legislature into the Eighth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of July 2014, at 1:30 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2014 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of July 2014.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2014/08/E

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between July 02, 2014, 12:00 a.m., and July 15, 2014, 11:59 p.m. are included in this, the August 01, 2014, 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 (example). Deletions made to existing rules are struck out with brackets surrounding them (~~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 usually printed. If a **PROPOSED RULE** is too long to print, the Division of Administrative Rules may 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 September 2, 2014. The agency may accept comment beyond this date and will indicate 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 hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through November 29, 2014, 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** lapses.

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, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

Environmental Quality, Air Quality
R307-202
Emission Standards: General Burning

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 38673
 FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Native American tribes conduct ceremonial burning that involves heating stones in a fire and transferring the hot rocks to a sweat lodge. This ceremonial ritual cannot be conducted under the current rule during restricted burning days. Native American tribe members have requested an exemption from the burning rule restriction to conduct this religious ceremony when conducted by a "Native American spiritual advisor", as newly defined in Rule R307-202.

SUMMARY OF THE RULE OR CHANGE: A definition for "Native American spiritual advisor" is added to the rule, and an exemption for ceremonial burning when conducted by a Native American spiritual advisor is added to the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104 and Section 65A-8-211 and Section 76-10-803 and Subsection 11-7-1(2)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Because there are no new requirements to the State of Utah in the proposed rule, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** Because there are no new requirements for local government, there are no anticipated costs or savings.
- ◆ **SMALL BUSINESSES:** Because there are no new requirements for small businesses, there are no anticipated costs or savings.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule would allow ceremonial burning when conducted by a Native American spiritual advisor to be exempt from the requirements of Subsection R307-202-4(2). Therefore, there are no anticipated compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed exemption to this rule does not apply to

businesses; therefore, there should be no fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-202. Emission Standards: General Burning.
R307-202-1. Applicability.

R307-202-4 through R307-202-8 applies to general burning within incorporated community under the authority of county or municipal fire authority.

R307-202-2. Definitions.

The following additional definitions apply only to R307-202.

[(1)—]"Attainment areas" means any area that meets the national primary and secondary ambient air quality standard (NAAQS) for the pollutant.

[(2)—]"County or municipal fire authority" means the public official so designated with the responsibility, authority, and training to protect people, property, and the environment from fire, within their respective area of jurisdiction.

[(3)—]"Federal Class I Area" means an area that consists of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. See Clean Air Act section 162(a).

[(4)—]"Fire hazard" means a hazardous condition involving combustible, flammable, or explosive material that represents a substantial threat to life or property if not immediately abated, as declared by the county or municipal fire authority.

"Native American spiritual advisor" means a person who leads, instructs, or facilitates a Native American religious ceremony or service; or provides religious counseling; is an enrolled member of a federally recognized Native American tribe; and is recognized as a spiritual advisor by a federally recognized Native American tribe. "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.

R307-202-3. Exclusions.

As provided in Section 19-2-114, the provisions of R307-202 are not applicable to:

- (1) Except for areas zoned as residential, burning incident to horticultural or agricultural operations of:
 - (a) Prunings from trees, bushes, and plants; and
 - (b) Dead or diseased trees, bushes, and plants, including stubble.
- (2) Burning of weed growth along ditch banks for clearing these ditches for irrigation purposes;
- (3) Controlled heating of orchards or other crops during the frost season to lessen the chances of their being frozen so long as the emissions from this heating do not cause or contribute to an exceedance of any national ambient air quality standards and is consistent with the federally approved State Implementation Plan; and
- (4) The controlled burning of not more than two structures per year by an organized and operating fire department for the purpose of training fire service personnel when the National Weather Service clearing index is above 500. See also Section 11-7-1(2)(a).
- (5) Ceremonial burning is excluded from R307-202-4(2) when conducted by a Native American spiritual advisor.

R307-202-4. Prohibitions.

- (1) No open burning shall be done at sites used for disposal of community trash, garbage and other wastes.
- (2) No person shall burn under this rule when the director issues a public announcement under R307-302. The director will distribute such announcement to the local media notifying the public that a mandatory no-burn period is in effect for the area where the burning is to occur.

R307-202-5. General Requirements.

- (1) Except as otherwise provided in this rule, no person shall set or use an open outdoor fire for the purpose of disposal or burning of petroleum wastes; demolition or construction debris; residential rubbish; garbage or vegetation; tires; tar; trees; wood waste; other combustible or flammable solid, liquid or gaseous waste; or for metal salvage or burning of motor vehicle bodies.
- (2) The county or municipal fire authority shall approve burning based on the predicted meteorological conditions and whether the emissions would impact the health and welfare of the public or cause or contribute to an exceedance of any national ambient air quality standard.
- (3) Nothing in this regulation shall be construed as relieving any person conducting open burning from meeting the requirements of any applicable federal, state or local requirements concerning disposal of any combustible materials.
- (4) The county or municipal fire authority that approves any open burning permit will retain a copy of each permit issued for one year.

R307-202-6. Open Burning - Without Permit.

The following types of open burning do not require a permit when not prohibited by other local, state or federal laws and regulations, when it does not create a nuisance, as defined in Section 76-10-803, and does not impact the health and welfare of the public.

- (1) Devices for the primary purpose of preparing food such as outdoor grills and fireplaces;

(2) Campfires and fires used solely for recreational purposes where such fires are under control of a responsible person and the combustible material is clean, dry wood or charcoal; and

(3) Indoor fireplaces and residential solid fuel burning devices except as provided in R307-302-2.

R307-202-7. Open Burning - With Permit.

(1) No person shall knowingly conduct open burning unless the open burning activities may be conducted without a permit pursuant to R307-202-6 or the person has a valid permit for burning on a specified date or period, issued by the county or municipal fire authority having jurisdiction in the area where the open burning will take place.

(2) A permit applicant shall provide information as requested by the county or municipal fire authority. No permit or authorization shall be deemed valid unless the issuing authority determines that the applicant has provided the required information.

(3) Persons seeking an open burning permit shall submit to the county or municipal fire authority an application on a form provided by the director for each separate burn.

(4) A permit shall be valid only on the lands specified on the permit.

(5) No material shall be burned unless it is clearly described and quantified as material to be burned on a valid permit.

(6) No burning shall be conducted contrary to the conditions specified on the permit.

(7) Any permit issued by a county or municipal fire authority shall be subject to the local, state, and federal rules and regulations.

(8) Open burning is authorized by the issuance of a permit, as stipulated within this rule, for specification in R307-202-7(10). These permits can only be issued when not prohibited by other local, state, or federal laws and regulations and when a nuisance as defined in Section 76-10-803 is not created and does not impact the health and welfare of the public.

(9) Individual permits, as stipulated within this rule, for the types of burning listed in R307-202-7(10) may be issued by a county or municipal fire authority when the clearing index is 500 or greater. When the clearing index is below 500, all permits issued for that day will be null and void until further notice from the county or municipal fire authority. Additionally, anyone burning on the day when the clearing index is below 500 or is found to be violating any part of this rule shall be liable for a fine in accordance with R307-130.

(10) Types of open burning for which a permit may be granted are:

(a) Except in nonattainment and maintenance areas, open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering, and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber.

(b) Open burning of trees and brush within railroad rights-of-way provided that dirt is removed from stumps before burning, and that tires, oil more dense than #2 fuel oil, tar, or other materials which can cause severe air pollution are not present in the materials to be burned, and are not used to start fires or to keep fires burning.

(c) Open burning of a fire hazard that a county or municipal fire authority determines cannot be abated by any other viable option.

(d) Open burning of highly explosive materials when a county or municipal fire authority, law enforcement agency or

governmental agency having jurisdiction determines that onsite burning or detonation in place is the only reasonably available method for safely disposing of the material.

(e) Open burning for the disposal of contraband in the possession of public law enforcement personnel provided they demonstrate to the county or municipal fire authority that open burning is the only reasonably available method for safely disposing of the material.

(f) Open burning of clippings, bushes, plants and prunings from trees incident to property clean-up activities, including residential cleanup, provided that the following conditions have been met:

(i) Within only the counties of Washington, Kane, San Juan, Iron, Garfield, Beaver, Piute, Wayne, Grand and Emery, the county or municipal fire authority may issue a permit between March 1 and May 30 when the clearing index is 500 or greater. The county or municipal fire authority may issue a permit between September 15 to November 15 for such burning to occur when the state forester has approved the burning window under Section 65A-8-211 and the clearing index is 500 or greater.

(ii) In all other areas of the state, the county or municipal fire authority may issue a permit between March 30 and May 30 for such burning to occur when the clearing index is 500 or greater. The county or municipal fire authority may issue a permit between September 15 and October 30 for such burning to occur when the state forester has approved the burning window under Section 65A-8-211 and the clearing index is 500 or greater.

(iii) Such burnings occur in accordance with state and federal requirements;

(iv) Materials to be burned are thoroughly dry; and

(v) No trash, rubbish, tires, or oil are included in the material to be burned, used to start fires, or used to keep fires burning.

(g) Except for nonattainment and maintenance areas, the director may grant a permit for types of open burning not specified in R307-202-7(3) on written application if the director finds that the burning is consistent with the federally approved State Implementation Plan and does not cause or contribute to an exceedance of any national ambient air quality standards.

(i) This permit may be granted once the director has reviewed the written application with the requirements and criteria found within this rule at R307-202-7.

(ii) Open Burning Permit Criteria.

(A) The director or the county or municipal fire authority shall consider the following factors in determining whether, and upon what conditions, to issue an open burning permit:

(I) The location and proximity of the proposed burning to any building, other structures, the public, and federal Class I areas that might be impacted by the smoke and emissions from the burn;

(II) Burning will only be conducted when the clearing index is 500 or above; and

(III) Whether there is any practical alternative method for the disposal of the material to be burned.

(B) Methods to minimize emissions and smoke impacts may include, but are not limited to:

(I) The use of clean auxiliary fuel;

(II) Drying the material prior to ignition; and

(III) Separation for alternative disposal of materials that produce higher levels of emissions and smoke during the combustion process.

(C) Open burning permits are not valid during periods when the clearing index is below 500 or publicly announced air pollution emergencies or alerts have been declared in the area of the proposed burn.

(D) For burns of piled material, all piles shall be reasonably dry and free of dirt.

(E) Open burns shall be supervised by a responsible person who shall notify the local fire department and have available, either onsite or by the local fire department, the means to suppress the burn if the fire does not comply with the terms and conditions of the permit.

(F) All open burning operations shall be subject to inspection by the director or county or municipal fire authority. The permittee shall maintain at the burn site the original or a copy of the permit that shall be made available without unreasonable delay to the inspector.

(G) If at any time the director or the county or municipal fire authority granting the permit determines that the permittee has not complied with any term or condition of the permit, the permit is subject to partial or complete suspension, revocation or imposition of additional conditions. All burning activity subject to the permit shall be terminated immediately upon notice of suspension or revocation. In addition to suspension or revocation of the permit, the director or county or municipal fire authority may take any other enforcement action authorized under state or local law.

R307-202-8. Special Conditions.

(1) Open burning for special purposes or under unusual or emergency circumstances may be approved by the director if it is consistent with the federally approved State Implementation Plan and does not cause or contribute to an exceedance of any national ambient air quality standards.

(a) This permit may be granted once the director has reviewed the written application with the requirements and criteria in R307-202-7.

KEY: air pollution, open burning, fire authority

Date of Enactment or Last Substantive Amendment: [July 31, 2012]2014

Notice of Continuation: March 4, 2010

Authorizing, and Implemented or Interpreted Law: 19-2-104; 11-7-1(2)(a); 65A-8-211; 76-10-803

Environmental Quality, Air Quality **R307-335** Degreasing and Solvent Cleaning Operations

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38674

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule

R307-335 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to add additional testing and recordkeeping requirements for add-on emission control systems.

SUMMARY OF THE RULE OR CHANGE: Section R307-335-8 is amended to clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The proposed amendments do not add any additional requirements to the State of Utah; therefore, there are no anticipated costs or savings to the state budget.

♦ **LOCAL GOVERNMENTS:** There are no new requirements proposed for local government; therefore, there are no anticipated costs or savings.

♦ **SMALL BUSINESSES:** Those small businesses that would choose to use add-on emission control systems rather than use solvents that meet the VOC limits in Table 1 of the rule would be required to keep and maintain key system records. These additional administrative requirements will result in a minimal increase in compliance costs for the affected person.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements proposed for persons other than small businesses, businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Those sources who would choose to use add-on emission control systems rather than use solvents that meet the VOC limits in Table 1 of the rule would be required to keep and maintain key system records. These additional administrative requirements will result in a minimal increase in compliance costs for the affected person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Those sources who would choose to use add-on emission control systems rather than use solvents that meet the VOC limits in Table 1 of the rule would be required to keep and maintain key system records. These additional administrative requirements will result in a minimal increase in compliance costs for the affected person.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-335. Degreasing and Solvent Cleaning Operations.

R307-335-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emission from degreasing and solvent cleaning operations.

R307-335-2. Applicability.

R307-335 applies to all degreasing or solvent cleaning operations that use VOCs and that are located in PM10 and PM2.5 nonattainment and maintenance plan areas as defined in 40 CFR 81.345 (July 1, 2011).

R307-335-3. Definitions.

The following additional definitions apply to R307-335:

"Batch open top vapor degreasing" means the batch process of cleaning and removing grease and soils from metal surfaces by condensing hot solvent vapor on the colder metal parts.

"Cold cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersing while maintaining the solvent below its boiling point.

"Conveyorized degreasing" means the continuous process of cleaning and removing greases and soils from metal surfaces by using either cold or vaporized solvents.

"Department of Defense military technical data" means a specification that specifies design requirements, such as materials to be used, how a requirement is to be achieved, or how an item is to be fabricated or constructed.

"Freeboard ratio" means the freeboard height (distance between solvent line and top of container)divided by the width of the degreaser.

"Industrial solvent cleaning" means operations performed using a liquid that contains any VOC, or combination of VOCs, which is used to clean parts, tools, machinery, equipment and work areas. Cleaning operations include, but are not limited to, spraying, wiping, flushing, and purging.

"Open top vapor degreaser" means the batch process of cleaning and removing soils from metal surfaces by condensing low solvent vapor on the colder metal parts.

"Separation operation" means any process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization.

"Solvent metal cleaning" means the process of cleaning soils from metal surfaces by cold cleaning, open top vapor degreasers, or conveyorized degreasing.

R307-335-4. Cold Cleaning Facilities.

No owner or operator shall operate a degreasing or solvent cleaning operation unless conditions in R307-335-4(1) through (7) are met.

(1) A cover shall be installed which shall remain closed except during actual loading, unloading or handling of parts in cleaner. The cover shall be designed so that it can be easily operated with one hand if:

(a) The volatility of the solvent is greater than 2 kPa (15 mm Hg or 0.3 psi) measured at 38 degrees C (100 degrees F),

(b) The solvent is agitated, or

(c) The solvent is heated.

(2) An internal draining rack for cleaned parts shall be installed on which parts shall be drained until all dripping ceases. If the volatility of the solvent is greater than 4.3 kPa (32 mm Hg at 38 degrees C (100 degrees F)), the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(3) Waste or used solvent shall be stored in covered containers.

(4) Tanks, containers and all associated equipment shall be maintained in good operating condition, and leaks shall be repaired immediately or the degreaser shall be shutdown.

(5) Written procedures for the operation and maintenance of the degreasing or solvent cleaning equipment shall be permanently posted in an accessible and conspicuous location near the equipment.

(6) If the solvent volatility is greater than 4.3 kPa (33 mm Hg or 0.6 psi) measured at 38 degrees C (100 degrees F), or if solvent is heated above 50 degrees C (120 degrees F), then one of the following control devices shall be used:

(a) Freeboard that gives a freeboard ratio greater than 0.7;

(b) Water cover if the solvent is insoluble in and heavier than water); or

(c) Other systems of equivalent control, such as a refrigerated chiller or carbon adsorption.

(7) If used, the solvent spray shall be a solid fluid stream at a pressure that does not cause excessive splashing and may not be a fine, atomized or shower type spray.

R307-335-5. Open Top Vapor Degreasers.

Owners or operators of open top vapor degreasers shall, in addition to meeting the requirements of R307-335-4(3), (4) and (5),

(1) Equip the vapor degreaser with a cover that can be opened and closed without disturbing the vapor zone. The cover shall be closed except when processing work loads through the degreaser;

(2) Install one of the following control devices:

(a) Equipment necessary to sustain:

(i) A freeboard ratio greater than or equal to 0.75, and

(ii) A powered cover if the degreaser opening is greater than 1 square meter (10.8 square feet),

(b) Refrigerated chiller,

(c) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser),

(d) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when cover is open and exhausting less than 25 parts per million of solvent averaged over one complete adsorption cycle;

(3) Minimize solvent carryout by:

(a) Racking parts to allow complete drainage,

(b) Moving parts in and out of the degreaser at less than 3.3 meters per minute (11 feet per minute),

(c) Holding the parts in the vapor zone at least 30 seconds or until condensation ceases,

(d) Tipping out any pool of solvent on the cleaned parts before removal, and

(e) Allowing the parts to dry within the degreaser for at least 15 seconds or until visibly dry.

(4) Spray parts only in or below the vapor level;

(5) Not use ventilation fans near the degreaser opening, nor provide exhaust ventilation exceeding 20 cubic meters per minute per square meter (65 cubic feet per minute per square foot) in degreaser open area, unless necessary to meet state and federal occupational, health, and safety requirements.

(6) Not degrease porous or absorbent materials, such as cloth, leather, wood or rope;

(7) Not allow work loads to occupy more than half of the degreaser's open top area;

(8) Ensure that solvent is not visually detectable in water exiting the water separator;

(9) Install safety switches on the following:

(a) Condenser flow switch and thermostat (shuts off sump heat if condenser coolant is either not circulating or too warm); and

(b) Spray switch (shuts off spray pump if the vapor level drops excessively, i.e., greater than 10 cm (4 inches)).

(10) Open top vapor degreasers with an open area smaller than one square meter (10.8 square feet) are exempt from R307-335-5(2)(b) and (d).

R307-335-6. ConveyORIZED Degreasers.

Owners and operators of conveyORIZED degreasers shall, in addition to meeting the requirements of R307-335-4(3), (4) and (5) and R307-335-5(5):

(1) Install one of the following control devices for conveyORIZED degreasers with an air/vapor interface equal to or greater than two square meters (21.5 square feet):

(a) Refrigerated chiller; or

(b) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when downtime covers are open, and exhausting less than 25 parts per million of solvent, by volume, averaged over a complete adsorption cycle.

(2) Equip the cleaner with equipment, such as a drying tunnel or rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor.

(3) Provide downtime covers for closing off the entrance and exit during shutdown hours. Ensure that down-time cover is placed over entrances and exits of conveyORIZED degreasers immediately after the conveyor and exhaust are shut down and is removed just before they are started up.

(4) Minimize carryout emissions by racking parts for best drainage and maintaining the vertical conveyor speed at less than 3.3 meters per minute (11 feet per minute).

(5) Minimize openings: Entrances and exits should silhouette work loads so that the average clearance (between parts and the edge of the degreaser opening) is either less than 10 cm (4 inches) or less than 10% of the width of the opening.

- (6) Install safety switches on the following:
 - (a) Condenser flow switch and thermostat - shuts off sump heat if coolant is either not circulating or too warm;
 - (b) Spray switch - shuts off spray pump or conveyor if the vapor level drops excessively, i.e., greater than 10 cm or (4 inches); and
 - (c) Vapor level control thermostat - shuts off sump level if vapor level rises too high.
- (7) Ensure that solvent is not visibly detectable in the water exiting the water separator.

R307-335-7. Industrial Solvent Cleaning.

(1) Exemptions. The requirements of R307-335-7 do not apply to aerospace, wood furniture, shipbuilding and repair, flat wood paneling, large appliance, metal furniture, paper film and foil, plastic parts, miscellaneous metal parts coatings and light autobody and truck assembly coatings, flexible packaging, lithographic and letterpress printing materials, fiberglass boat manufacturing materials, and operations that are exclusively covered by Department of Defense military technical data and performed by a Department of Defense contractor and/or on site at installations owned and/or operated by the United States Armed Forces.

(2) Operators of industrial solvent cleaning that emit 15 pounds of VOCs or more per day from industrial solvent cleaning operations, shall reduce VOC emissions from the use, handling, storage, and disposal of cleaning solvents and shop towels by implementing the following work practices:

- (a) Covering open containers; and
- (b) Storing used applicators and shop towels in closed fire proof containers, and
- (c) Limiting VOC emissions by either:
 - (i) Using solvents with a VOC limit in Table 1; or
 - (ii) Installing an emission control system designed to have an overall capture and control efficiency of at least 85%.

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R307-335-8. ~~Add-on Emission Control Systems Operations.~~

~~_____ (1) The owner or operator of a control device shall maintain certification from the manufacturer that the emission control system will attain at least 85% overall efficiency performance and make the certification available to the director upon request.~~

~~_____ (2) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations to maintain at least 85% overall efficiency performance. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

~~] _____ (1) Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.~~

~~_____ (a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.~~

~~_____ (b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow~~

~~rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.~~

~~_____ (c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.~~

~~_____ (2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-335-7(2)(c)(ii).~~

~~_____ (3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-335-7. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.~~

~~_____ (4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

R307-335-9. Recordkeeping.

The owner or operator shall maintain, for a minimum of two years, records of the solvent VOC content applied and the physical characteristics that demonstrate compliance with R307-335-7(2).

~~**[R307-335-10. Compliance Schedule:**~~

~~_____ (1) All sources shall be in compliance with R307-335-7 by August 1, 2014.~~

]KEY: air pollution, degreasing, solvent cleaning

Date of Enactment or Last Substantive Amendment: ~~[June 2,] 2014~~

Notice of Continuation: February 1, 2012

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

**Environmental Quality, Air Quality
R307-342
Adhesives and Sealants**

**NOTICE OF PROPOSED RULE
(Amendment)**

**DAR FILE NO.: 38675
FILED: 07/07/2014**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-342 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 85%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

◆ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

◆ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs from adhesives and sealants. The first, and more cost-effective, option for small businesses is to use adhesives and sealants that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 85% efficiency threshold.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs from adhesives and sealants. The first, and more cost-effective option for small businesses, is to use adhesives and sealants that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 85% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 85% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use adhesives and sealants that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 85% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED,
DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR

195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

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THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-342. Adhesives and Sealants.

R307-342-1. Purpose.

The purpose of this rule is to limit emissions of volatile organic compounds (VOCs) from adhesives, sealants, primers and cleaning solvents.

R307-342-2. Applicability.

Beginning September 1, 2014, R307-342 applies to any person who manufactures any adhesive, sealant, adhesive primer or sealant primer in Box Elder, Cache, Davis, Salt Lake, Utah or Weber counties and to any person who sells, supplies, or applies any adhesive, sealant, adhesive primer or sealant primer in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah or Weber counties manufactured on or after September 1, 2014.

R307-342-3. Exemptions.

(1) The requirements of R307-342 do not apply to the following:

(a) Adhesives, sealants, adhesive primers or sealant primers being tested or evaluated in any research and development, quality assurance or analytical laboratory;

(b) Adhesives and sealants that contain less than 20 grams of VOC per liter of adhesive or sealant, less water and exempt solvents, as applied;

(c) Cyanoacrylate adhesives;

(d) Adhesives, sealants, adhesive primers or sealant primers that are sold or supplied by the manufacturer or supplier in containers with a net volume of 16 fluid ounces or less or that have a net weight of one pound or less, except plastic cement welding adhesives and contact adhesives;

(e) Contact adhesives that are sold or supplied by the manufacturer or supplier in containers with a net volume of one gallon or less;

(f) Aerosol adhesives and primers dispensed from aerosol spray cans; or

(g) Polyester bonding putties to assemble fiberglass parts at fiberglass boat manufacturing facilities and at other reinforced plastic composite manufacturing facilities.

(2) The requirements of R307-342 do not apply to the use of adhesives, sealants, adhesive primers, sealant primers, surface preparation and cleanup solvents in the following operations:

(a) Tire repair operations, provided the label of the adhesive states "for tire repair only;"

(b) In the production, rework, repair, or maintenance of aerospace vehicles and components, and undersea-based weapon systems;

(c) In the manufacture of medical equipment;

(d) Operations that are exclusively covered by Department of Defense military technical specifications and standards and performed by a Department of Defense contractor and/or on site at installations owned and/or operated by the United States Armed Forces.

(e) Plaque laminating operations in which adhesives are used to bond clear, polyester acetate laminate to wood with lamination equipment installed prior to July 1, 1992.

(3) The requirements of R307-342 do not apply to commercial and industrial operations if the total VOC emissions from all adhesives, sealants, adhesive primers and sealant primers used at the source are less than 200 pounds per calendar year.

(4) Adhesive products and sealant products shipped, supplied or sold exclusively outside of the areas specified in R307-342-2 are exempt from the requirements of this rule.

(5) R307-342 shall not apply to any adhesive, sealant, adhesive primer or sealant primer products manufactured for shipment and use outside of the counties specified R307-342-2 as long as the manufacturer or distributor can demonstrate both that the product is intended for shipment and use outside of the applicable counties and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the product is not distributed to the applicable counties.

(6) R307-342 shall not apply to the use of any adhesives, sealants, adhesive primers, sealant primers, cleanup solvents and surface preparation solvents, provided the total volume of noncomplying adhesives, sealants, primers, cleanup and surface preparation solvents applied facility-wide does not exceed 55 gallons per rolling 12-month period.

(7) Commercial and industrial operations claiming exemption pursuant to R307-342-3 shall record and maintain operational records sufficient to demonstrate compliance.

R307-342-4. Definitions.

The following additional definitions apply to R307-342:

"Acrylonitrile-butadiene-styrene (ABS) welding adhesive" means any adhesive intended by the manufacturer to weld acrylonitrile-butadiene-styrene pipe, which is made by reacting monomers of acrylonitrile, butadiene and styrene.

"Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

"Adhesive primer" means any product intended by the manufacturer for application to a substrate, prior to the application of an adhesive, to provide a bonding surface.

"Aerospace component" means a fabricated part, assembled part, or completed unit, including passenger safety equipment, of any aircraft, helicopter, missile or space vehicle.

"Architectural sealant or primer" means any sealant or sealant primer intended by the manufacturer to be applied to stationary structures, including mobile homes and their appurtenances. Appurtenances to an architectural structure include, but are not limited

to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain gutters and downspouts, and windows.

"Automotive glass adhesive primer" means an adhesive primer labeled by the manufacturer to be applied to automotive glass prior to installation of the glass using an adhesive or sealant.

"Ceramic tile installation adhesive" means any adhesive intended by the manufacturer for use in the installation of ceramic tiles.

"Chlorinated polyvinyl chloride (CPVC) plastic" means a polymer of the vinyl chloride monomer that contains 67% chlorine and is typically identified with a CPVC marking.

"Chlorinated polyvinyl chloride (CPVC) welding adhesive" means an adhesive labeled for welding of chlorinated polyvinyl chloride plastic.

"Cleanup solvent" means a VOC-containing material used either to remove a loosely held uncured (i.e., not dry to the touch) adhesive or sealant from a substrate or to clean equipment used in applying a material.

"Computer diskette jacket manufacturing adhesive" means any adhesive intended by the manufacturer to glue the fold-over flaps to the body of a vinyl computer diskette jacket.

"Contact bond adhesive" means an adhesive that:

(1) is designed for application to both surfaces to be bonded together;

(2) is allowed to dry before the two surfaces are placed in contact with each other;

(3) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other; and

(4) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.

"Contact adhesive" means an adhesive that feels dry to the touch and bonds instantly. Contact adhesives do not include rubber cements that are primarily intended for use on paper substrates and vulcanizing fluids that are designed and labeled for tire repair only.

"Cove base" means a flooring trim unit, generally made of vinyl or rubber, having a concave radius on one edge and a convex radius on the opposite edge that is used in forming a junction between the bottom wall course and the floor or to form an inside corner.

"Cove base installation adhesive" means any adhesive intended by the manufacturer to be used for the installation of cove base or wall base on a wall or vertical surface at floor level.

"Cyanoacrylate adhesive" means any adhesive with a cyanoacrylate content of at least 95% by weight.

"Department of Defense military technical data" means a specification that specifies design requirements, such as materials to be used, how a requirement is to be achieved, or how an item is to be fabricated or constructed.

"Enclosed cleaning system" means a cleaner consisting of a closed container with a door or top that can be opened and closed and fitted with cleaning connections. A spray gun is attached to the enclosed cleaning system by a connection, and solvent is pumped through the gun to clean it. The cleaning solvent falls back into the cleaning system's solvent reservoir for recirculation.

"Flexible vinyl" means non-rigid polyvinyl chloride plastic with at least 5% by weight plasticizer content.

"Fiberglass" means a material consisting of extremely fine glass fibers.

"Indoor floor covering installation adhesive" means any adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile, vinyl backed carpet, resilient sheet and roll or artificial grass. Adhesives used to install ceramic tile and perimeter bonded sheet flooring with vinyl backing onto a non-porous substrate, such as flexible vinyl, are excluded from this category.

"Laminate" means a product made by bonding together two or more layers of material.

"Marine deck sealant" or "marine deck sealant primer" means any sealant or sealant primer labeled for application to wooden marine decks.

"Medical equipment manufacturing" means the manufacture of medical devices, such as, but not limited to, catheters, heart valves, blood cardioplegia machines, tracheostomy tubes, blood oxygenators, and cardiatory reservoirs.

"Metal to urethane/rubber molding or casting adhesive" means any adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials, in heater molding or casting processes, to fabricate products such as rollers for computer printers or other paper handling equipment.

"Multipurpose construction adhesive" means any adhesive intended by the manufacturer for use in the installation or repair of various construction materials, including but not limited to drywall, subfloor, panel, fiberglass reinforced plastic (FRP), ceiling tile and acoustical tile.

"Nonmembrane roof installation/repair adhesive" means any adhesive intended by the manufacturer for use in the installation or repair of nonmembrane roofs and that is not intended for the installation of prefabricated single-ply flexible roofing membrane, including, but not limited to, plastic or asphalt roof cement, asphalt roof coating and cold application cement.

"Outdoor floor covering installation adhesive" means any adhesive intended by the manufacturer for use in the installation of floor covering that is not in an enclosure and that is exposed to ambient weather conditions during normal use.

"Panel installation" means the installation of plywood, pre-decorated hardboard (or tileboard), fiberglass reinforced plastic, and similar pre-decorated or non-decorated panels to studs or solid surfaces using an adhesive formulated for that purpose.

"Perimeter bonded sheet flooring installation" means the installation of sheet flooring with vinyl backing onto a nonporous substrate using an adhesive designed to be applied only to a strip of up to four inches wide around the perimeter of the sheet flooring.

"Plastic cement welding adhesive" means any adhesive intended by the manufacturer for use to dissolve the surface of plastic to form a bond between mating surfaces.

"Plastic cement welding adhesive primer" means any primer intended by the manufacturer for use to prepare plastic substrates prior to bonding or welding.

"Plasticizer" means a material such as a high boiling point organic solvent that is incorporated into a vinyl to increase its flexibility, workability, or distensibility, as determined by ASTM Method E-260-96.

"Polyvinyl chloride (PVC) plastic" means a polymer of the chlorinated vinyl monomer that contains 57% chlorine.

"Polyvinyl chloride welding adhesive" or "PVC welding adhesive" means any adhesive intended by the manufacturer for use in the welding of PVC plastic pipe.

"Porous material" means a substance that has tiny openings, often microscopic, in which fluids may be absorbed or discharged, including, but not limited to, wood, paper and corrugated paperboard.

"Roadway sealant" means any sealant intended by the manufacturer for application to public streets, highways and other surfaces, including but not limited to curbs, berms, driveways and parking lots.

"Rubber" means any natural or manmade rubber substrate, including styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene and ethylene propylene diene terpolymer.

"Sealant primer" means any product intended by the manufacturer for application to a substrate, prior to the application of a sealant, to enhance the bonding surface.

"Sealant" means any material with adhesive properties, including sealant primers and caulks, that is formulated primarily to fill, seal, waterproof or weatherproof gaps or joints between two surfaces. "Sheet-applied rubber installation" means the process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion. These operations also include laminating sheet rubber to fabric by hand.

"Single-ply roof membrane" means a prefabricated single sheet of rubber, normally ethylene-propylenediene terpolymer, that is field applied to a building roof using one layer of membrane material.

"Single-ply roof membrane installation and repair adhesive" means any adhesive labeled for use in the installation or repair of single-ply roof membrane.

(1) Installation includes, as a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes and ducts that protrude through the membrane.

(2) Repair includes gluing the edges of torn membrane together, attaching a patch over a hole and reapplying flashings to vents, pipes or ducts installed through the membrane.

"Single-ply roof membrane adhesive primer" means any primer labeled for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.

"Single-ply roof membrane sealant" means any sealant labeled for application to single-ply roof membrane.

"Structural glazing adhesive" means any adhesive intended by the manufacturer to apply glass, ceramic, metal, stone or composite panels to exterior building frames.

"Subfloor installation" means the installation of subflooring material over floor joists, including the construction of any load bearing joists. Subflooring is covered by a finish surface material.

"Surface preparation solvent" means a solvent used to remove dirt, oil and other contaminants from a substrate prior to the application of a primer, adhesive or sealant.

"Thin metal laminating adhesive" means any adhesive intended by the manufacturer for use in bonding multiple layers of metal to metal or metal to plastic in the production of electronic or magnetic components in which the thickness of the bond line is less than 0.25 mils.

"Tire repair" means a process that includes expanding a hole, tear, fissure or blemish in a tire casing by grinding or gouging, applying adhesive, and filling the hole or crevice with rubber.

"Traffic marking tape" means preformed reflective film intended by the manufacturer for application to public streets, highways and other surfaces, including curbs, berms, driveways and parking lots.

"Traffic marking tape adhesive primer" means any primer intended by the manufacturer for application to surfaces prior to installation of traffic marking tape.

"Undersea-based weapons systems components" means the fabrication of parts, assembly of parts or completed units of any portion of a missile launching system used on undersea ships.

"Waterproof resorcinol glue" means a two-part resorcinol-resin-based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

R307-342-5. [~~Emission Standards~~]VOC Content Limits.

(1) Beginning September 1, 2014, no person shall manufacture any adhesive, sealant, adhesive primer or sealant primer with a VOC content in excess of the limits in Table 1.

(2) Beginning September 1, 2014, no person shall sell supply or offer for sale any adhesive, sealant, adhesive primer or sealant primer with a VOC content in excess of the limits in Table 1 and that was manufactured on or after September 1, 2014.

(3) Beginning September 1, 2014, no person shall apply any adhesive, sealant, adhesive primer or sealant primer with a VOC content in excess of the limits in Table 1 unless that person uses an add-on control device as specified in R307-342-8 or unless the adhesive, sealant, adhesive primer or sealant primer was manufactured before September 1, 2014.

(4) The VOC content limits in Table 1 for adhesives applied to particular substrates shall apply as follows:

(a) If a person uses an adhesive or sealant subject to a specific VOC content limit for such adhesive or sealant in Table 1, such specific limit is applicable rather than an adhesive-to-substrate limit; and

(b) If an adhesive is used to bond dissimilar substrates together, the applicable substrate category with the highest VOC content shall be the limit for such use.

.....

R307-342-6. Application Equipment.

(1) An operator shall only use the following equipment to apply adhesives and sealants:

- (a) Electrostatic application;
- (b) Flow coater;
- (c) Roll coater;
- (d) Dip coater;
- (e) Hand application method;
- (f) Airless spray and air-assisted airless spray;
- (g) High volume, low pressure spray equipment operated in accordance with the manufacturers specifications; or
- (h) Other methods having a minimum 65% transfer efficiency.

(2) Removal of an adhesive, sealant, adhesive primer or sealant primer from the parts of spray application equipment shall be performed as follows:

- (a) In an enclosed cleaning system;
- (b) Using a solvent with a VOC content less than or equal to 70 grams of VOC per liter of material; or
- (c) Parts containing dried adhesive may be soaked in a solvent if the composite vapor pressure of the solvent, excluding water and exempt compounds, is less than or equal to 9.5 mm Hg at 20

degrees Celsius and the parts and solvent are in a closed container that remains closed except when adding parts to or removing parts from the container.

R307-342-7. Administrative Requirements.

(1) Each person that manufactures adhesives, sealants, and adhesive primers subject to this rule shall maintain records demonstrating compliance.

(2) Commercial and industrial operations that are not exempt under R307-342-3 shall maintain records demonstrating compliance with this rule, including:

(a) A list of each adhesive, sealant, adhesive primer, sealant primer cleanup solvent and surface preparation solvent in use and in storage;

(b) A material data sheet for each adhesive, sealant, adhesive primer, sealant primer, cleanup solvent and surface preparation solvent;

(c) A list of catalysts, reducers or other components used and the mix ratio;

(d) The VOC content or vapor pressure, as applied; and

(e) The monthly volume of each adhesive, sealant, adhesive primer, sealant primer cleanup solvent and surface preparation solvent used.

(2) Except as provided in R307-342-6(2), no person shall use materials containing VOCs for the removal of adhesives, sealants, or adhesive or sealant primers from surfaces, other than spray application equipment, unless the composite vapor pressure of the solvent used is less than 45 mm Hg at 20 degrees Celsius.

R307-342-8. [~~Optional~~]Add-On Control[s] Systems Operations.

~~[(1) VOC emissions from the manufacturer or use of all adhesives, sealants, adhesive primers or sealant primers subject to this rule shall be reduced by an overall capture and control efficiency of at least 85% by weight.~~

~~[(2) The owner or operator of an emission control system shall provide documentation that the emissions control system will attain the requirements of R307-342-8.~~

~~[(3) The owner or operator of an emission control system shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

[(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 85% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-342-8(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-342-8. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-342-9. Container Labeling.

Each manufacturer of an adhesive, sealant, adhesive primer or sealant primer subject to this rule shall display the following information on the product container or label:

(1) A statement of the manufacture's recommendation regarding thinning, reducing, or mixing of the product.

(a) R307-342-9 does not apply to the thinning of a product with water.

(b) If the thinning of the product prior to use is not necessary, the recommendation shall specify that the product is to be applied without thinning.

(2) The maximum or the actual VOC content of the product in accordance with Table 1, as supplied, displayed in grams of VOC per liter of product; and

(3) The maximum or the actual VOC content of the product in accordance with Table 1, which includes the manufacture's maximum recommendation for thinning, as applied, displayed in grams of VOC per liter of product.

KEY: air pollution, adhesives, sealants, primers

Date of Enactment or Last Substantive Amendment: ~~August 1, 2013~~ 2014

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

Environmental Quality, Air Quality **R307-343** Emissions Standards for Wood Furniture Manufacturing Operations

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38676

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-343 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 85%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

◆ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

◆ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs from wood furniture manufacturing operations. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 85% efficiency threshold.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs from wood furniture manufacturing operations. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 85% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 85% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use adhesives and sealants that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission

control system that meets the 85% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-343. Emissions Standards for Wood Furniture Manufacturing Operations.
R307-343-1. Purpose.

The purpose of R307-343 is to limit volatile organic compound (VOC) emissions from wood furniture manufacturing.

R307-343-2. Applicability.

R307-343 applies to wood furniture manufacturing operations, including related cleaning activities, that have the potential to emit 2.7 tons or more per year of VOCs and that are located in Box Elder, Cache, Davis, Salt Lake, Utah, Tooele, and Weber counties.

R307-343-3. Definitions.

The following additional definitions apply to R307-343:

"Affected source" means a wood furniture manufacturing source that meets the criteria in R307-343-2.

"As applied" means the volatile organic compound and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Compliant coating" means a finishing material or strippable booth coating that meets the emission limits specified in R307-343-4(1).

"Control system" means the combination of capture and control devices used to reduce emissions to the atmosphere.

"Conventional Air Spray" means a spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than ten pounds per square inch (gauge) at the point of atomization. Airless, air assisted airless spray technologies, and electrostatic spray technology are not considered conventional air spray.

"Finishing material" means a coating used in the wood furniture industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Finishing Operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

"Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. A washcoat used to optimize aesthetics is not a sealer.

"Solids" means the part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24.

"Stain" means any color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate, including nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

"Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

"Touch-up and Repair" means the application of finishing materials to cover minor finishing imperfections.

"Washcoat" means a transparent special purpose coating having a solids content by weight of 12.0% or less that is applied over initial stains to protect and control color and to stiffen the wood fibers in order to aid sanding.

"Washoff operations" means those operations in which organic solvent is used to remove coating from a substrate.

"Wood furniture" means any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

"Wood furniture manufacturing operations" means the finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

R307-343-4. [Emission Standards] VOC Content Limits.

(1) Each affected source subject to R307-343 shall limit VOC emissions by:

(a) Using the compliant coating method as described in R307-343-4(1)(a)(i) or using the control system method as described in R307-343-4(1)(a)(ii).

(i) Compliant coating method is the use of the topcoats or topcoat/sealer combinations in Table 1:

.....

(ii) Control system method is the use of a VOC control system achieving a ~~90~~85% or greater emissions reduction.

(b) Using strippable spray booth coatings that contain no greater than 0.8 pounds VOC per pound solids as applied.

(c) Using closed containers for the storing of finishing, gluing, cleaning and washoff materials.

R307-343-5. Application Equipment Requirements.

(1) All coatings shall be applied using equipment having a minimum 65% transfer efficiency, except as allowed under R307-343-5(3) and operated according to the equipment manufacturer specifications. Equipment meeting the transfer efficiency requirement includes:

- (a) Brush, dip, or roll coating;
- (b) Electrostatic application; and
- (c) High volume, low pressure (HVLP) spray equipment.

(2) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods may be used.

(3) Conventional air spray methods may be used under the following circumstances:

(a) To apply finishing materials that have no greater than 1.0 pound of VOC per pound of solids, as applied;

(b) For touch-up and repair under the following circumstances:

(i) The touchup and repair occurs after completion of the finishing operation; or

(ii) The touchup and repair occurs after the application of stain and before the application of any other type of finishing material, and the materials used for touchup and repair are applied from a container that has a volume of no more than 2.0 gallons;

(c) When the spray gun is aimed and triggered automatically, not manually;

(d) When the emissions from the finishing application station are directed to a control device;

(e) When the conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 10% of the total gallons of finishing material used during the calendar year; or

(f) When the conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. The following criteria shall be used, either independently or in combination, to support the affected source's claim of technical or economic infeasibility:

(i) The production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or

(ii) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

R307-343-6. ~~[Control Systems Operations]~~Add-on Control Systems Operations.

~~_____ (1) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations in order to maintain 90% or greater continuous emission reduction.~~

~~_____ (2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-343-4 and R307-343-5.~~

~~_____ (3) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

_____ (1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 85% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

_____ (a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

_____ (b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

_____ (c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

_____ (2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-343-6(1).

_____ (3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-343-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

_____ (4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-343-7. Work Practices and Recordkeeping.

(1) Control techniques and work practices shall be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices shall include:

(a) Storing all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(b) Ensuring that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing coatings, thinners, and coating-related waste materials; and

(d) Conveying VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

(2) The work practices for cleaning materials shall be implemented at all times to reduce VOC emissions from fugitive type sources. The work practices shall include:

(a) Storing all VOC-containing cleaning materials and used shop towels in closed containers;

(b) Ensuring that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing cleaning materials;

(d) Conveying VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(e) Minimizing VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(3) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less.

(4) For each calendar year, all sources subject to R307-343 shall maintain records demonstrating compliance with ~~[all provisions of] R307-343-4, R307-343-5 and R307-343-7.~~

(a) Records shall include, but shall not be limited to, inventory and product data sheets for all coatings and solvents subject to R307-343.

(b) These records shall be made available to the director upon request.

~~[R307-343-8. Compliance Schedule.~~

~~(1) Sources in Salt Lake and Davis counties that have the potential to emit between 2.7 and 24 tons of VOC per year shall be in compliance by September 1, 2013.~~

~~(2) Sources in Salt Lake and Davis counties that have the potential to emit 25 tons or more of VOC per year shall be in compliance upon the effective date of this rule.~~

~~(3) All sources in Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.~~

[KEY: air pollution, wood furniture, coatings

Date of Enactment or Last Substantive Amendment: ~~[May 1, 2013]~~2014

Notice of Continuation: February 1, 2012

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a); 19-2-104(3)(e)

**Environmental Quality, Air Quality
R307-344
Paper, Film, and Foil Coatings**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 38677
FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-344 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of

control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 90%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

◆ LOCAL GOVERNMENTS: There are no new requirements for local government; therefore, there are no anticipated costs or savings.

◆ SMALL BUSINESSES: There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 90% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 90% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

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

ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-344. Paper, Film, and Foil Coatings.

R307-344-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from roll, knife, and rotogravure coaters and drying ovens of paper, film, and foil coating operations.

R307-344-2. Applicability.

~~[(+)]~~R307-344 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

~~[(2) In Box Elder and Tooele counties, R307-344 applies to the following sources:~~

~~(a) Existing sources as of February 1, 2013, with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and~~

~~(b) New sources as of February 1, 2013, that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

R307-344-3. Definitions.

The following additional definitions apply to R307-344:

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Foil coating" means a coating applied in a web coating process on any foil substrate other than paper or fabric, including, but not limited to, typewriter ribbons, photographic film, magnetic tape, and metal foil gift wrap, but excluding coatings applied to packaging used exclusively for food and health care products for human and animal consumption.

"Knife coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a blade that spreads the coating evenly over the width of the substrate.

"Paper coating" means uniform distribution of coatings put on paper, film, foils and pressure sensitive tapes regardless of substrate. Related web coating processes on plastic film and

decorative coatings on metal foil are included in this definition. Paper coating covers saturation operations as well as coating operations.

"Roll coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls.

"Roll printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

"Rotogravure coating" means the application of a uniform layer of material across the entire width of the web to substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

"Saturation" means dipping the web into a bath.

"Web" means a continuous sheet of substrate.

R307-344-4. ~~Emission Standards~~ VOC Content Limits.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-344-6.

.....

R307-344-5. Work Practices and Recordkeeping.

(1) Control techniques and work practices are to be implemented at all times to reduce VOC emissions~~[from fugitive type sources]~~. Control techniques and work practices include:

- (a) Using tight fitting covers for open tanks;
- (b) Using covered containers for solvent wiping cloths;
- (c) Using collection hoods for areas where solvent is used for cleanup;
- (d) Minimizing spills of VOC-containing cleaning materials;

(e) Conveying VOC-containing materials from one location to another in closed containers or pipes;

- (f) Cleaning spray guns in enclosed systems; and
- (g) Using recycled solvents for cleaning.

(2) All sources subject to R307-344 shall maintain records demonstrating compliance with ~~[all provisions of]~~R307-344-4 and R307-344-5~~[on an annual basis]~~.

(a) Records shall include, but not limited to, inventory and product data sheets of all coatings and solvents subject to R307-344.

(b) These records shall be available to the director upon request.

(3) No person shall apply coatings unless these materials are applied with equipment operated according to the manufacturer's specifications, and by the use of one of the following methods:

- (a) Flow coater;
- (b) Roll coater;
- (c) Dip coater;
- (d) Foam coater;
- (e) Die coater;
- (f) Hand application methods;
- (g) High-volume, low pressure (HVLP) spray; or
- (h) Other application method capable of achieving at least

65% transfer efficiency, as certified by the manufacturer.

(4) All persons shall perform solvent cleaning operations with cleaning materials having VOC content of 0.21 pounds per gallon or less.

R307-344-6. [Optional] Add-On Control[s] Systems Operations.

~~_____ (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.~~

~~_____ (2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-344-6.~~

~~_____ (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

_____ (1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

_____ (a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

_____ (b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

_____ (c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

_____ (2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-344-6(1).

_____ (3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-344-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

_____ (4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

[R307-344-7. Compliance Schedule.

~~_____ (1) All sources in Davis and Salt Lake counties are subject to this rule upon the effective date.~~

~~_____ (2) Sources in Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with the rule by January 1, 2014.~~

]KEY: VOC emission, paper coating, film coating, foil coating

Date of Enactment or Last Substantive Amendment: [February 1, 2013]2014

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

Environmental Quality, Air Quality **R307-345** Fabric and Vinyl Coatings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38678

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-345 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 90%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

♦ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

♦ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 90% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 90% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

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SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-345. Fabric and Vinyl Coatings.
R307-345-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from fabric and vinyl coating operations, which use roll, knife, or rotogravure coaters and drying ovens.

R307-345-2. Applicability.

~~(1)~~ R307-345 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

~~(2)~~ In Box Elder and Tooele counties, R307-345 applies to the following sources:

~~(a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and~~

~~(b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

]

R307-345-3. Definitions.

The following additional definitions apply to R307-345:

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface.

"Fabric coating" means the coating or saturation of a textile substrate with a knife, roll or rotogravure coater to impart characteristics that are not initially present, such as strength, stability, water or acid repellency, or appearance. Fabric coatings can include, but are not limited to, industrial and electrical tapes, tie cord, utility meter seals, imitation leathers, tarpaulins, shoe material, and upholstery fabrics.

"Knife coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a blade that spreads the coating evenly over the width of the substrate.

"Roller coating" the coating material is applied to the moving fabric, in a direction opposite to the movement of the substrate, by hard rubber or steel rolls.

"Rotogravure coating" means the application of a uniform layer of material across the entire width of the web to substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

"Vinyl coating" means applying a decorative or protective top coat, or printing on vinyl coated fabric or vinyl sheets.

R307-345-4. [Emission Standards] VOC Content Limits.

(1) Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-345-6.

TABLE 1

Fabric and Vinyl Coating Limitations
(values in pounds VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC), as applied)

COATING CATEGORY	VOC [EMISSION RATES]	VOC [EMISSION RATES]
	CONTENT LIMITS	CONTENT LIMITS
	Effective Through December 31, 2014	Effective Beginning January 1, 2015
Fabric	2.9	2.2
Vinyl	3.8	2.2

(2) Organosol and plastisol coatings shall not be used to bubble emissions from vinyl printing and top coating.

R307-345-5. Work Practices and Recordkeeping.

(1) Control techniques and work practices are to be implemented at all times to reduce VOC emissions[~~from fugitive type sources~~]. Control techniques and work practices include:

- (a) Tight fitting covers for open tanks or drums;
- (b) Covered containers for solvent wiping cloths;
- (c) Collection hoods for areas where solvent is used for cleanup;

(d) Covered mixing tanks; and

(e) Covered hoods and oven routed to add-on control devices, which may include, but are not limited to, after burners, thermal incinerators, catalytic oxidation, or carbon adsorption.

(2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.

The following applications achieve a minimum of 65% transfer efficiency and must be operated in accordance with the manufacturers specifications:

- (a) Foam coat;
- (b) Flow coat;
- (c) Roll coat;
- (d) Dip coat;
- (e) Die coat;
- (f) High-volume, low-pressure (HVLP) spray;
- (g) Hand application methods; or
- (g) Other application method capable of achieving at least

65% transfer efficiency, as certified by the manufacturer.

(3) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less.

(4) All sources subject to R307-345 shall maintain records demonstrating compliance with ~~all provisions of~~ R307-345-4 and R307-345-5 ~~on an annual basis~~.

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-345.

(b) These records shall be available to the director upon request.

R307-345-6. ~~Optional~~ Add-On Control[s] Systems Operations.

~~(1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.~~

~~(2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-345-6.~~

~~(3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in

Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-345-6(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-345-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

[R307-345-7. Compliance Schedule.

~~(1) All sources in Davis and Salt Lake counties are subject to this rule upon the effective date.~~

~~(2) All sources within Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.~~

]KEY: air pollution, emission controls, fabric coating, vinyl coating

Date of Enactment or Last Substantive Amendment: [February 1, 2013]2014

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

(a)

Environmental Quality, Air Quality **R307-346** Metal Furniture Surface Coatings

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 38679

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-346 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 90%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

◆ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

◆ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 90% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 90% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

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SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-346. Metal Furniture Surface Coatings.

R307-346-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from metal furniture surface coating operations in application areas, flash-off areas, and ovens of metal furniture coating lines involved in prime and top-coat or single coat operations.

R307-346-2. Applicability.

~~[(1)]~~ R307-346 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

~~[(2) In Box Elder and Tooele counties, R307-346 applies to the following sources:~~

~~(a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and~~

~~(b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

]

R307-346-3. Exemptions.

(1) The requirements of R307-346 do not apply to the following:

- (a) Stencil coatings;
- (b) Safety-indicating coatings;
- (c) Solid-film lubricants;
- (d) Electrical-insulating and thermal-conducting coatings;
- (e) Touch-up and repair coatings; or
- (f) Coating applications utilizing hand-held aerosol cans.

R307-346-4. Definitions.

The following additional definitions apply to R307-346:

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Application area" means the area where the coating is applied by spraying, dipping, or flow coating techniques.

"Baked coating" means a coating that is cured at a temperature at or above 194 degrees Fahrenheit.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term applies to paints, sealants, caulks, inks, adhesives, and maskants.

"Extreme performance coatings" means coatings designed for harsh exposure or extreme environmental conditions.

"Maskants" means a material that protects a metal surface during the etching process.

"Metal furniture coating" means the surface coating of any furniture made of metal or any metal part that will be assembled with other metal, wood fabric, plastic, or glass parts to form a furniture piece.

R307-346-5. [Emission Standards] VOC Content Limits.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-346-7.

TABLE 1

METAL FURNITURE SURFACE COATING VOC LIMITS

(values in pounds of VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC, as applied))

COATING CATEGORY	VOC [EMISSION RATE] CONTENT LIMITS	
	Baked	Air Dried
General, One Component	2.3	2.3
General, Multi-Component	2.3	2.8
Extreme High Gloss	3.0	2.8
Extreme Performance	3.0	3.5
Heat Resistant	3.0	3.5
Metallic	3.5	3.5
Pretreatment Coatings	3.5	3.5
Solar Absorbent	3.0	3.5

R307-346-6. Work Practices.

(1) The owner or operator shall:

(a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;

(b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;

(c) Clean up spills immediately;

(d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;

(e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and

(f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.

(2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.

The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:

(a) Electrostatic application;

(b) Electrodeposition;

(c) Brush coat;

(d) Flow coat;

(e) Roll coat;

(f) Dip coat;

(g) Continuous coating;

(h) High-volume, low-pressure (HVLV) spray; or

(i) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.

(3) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less, unless such cleaning operations are performed within the control of the emission control system of R307-346-7.

(4) All sources subject to R307-346 shall maintain records demonstrating compliance with ~~all provisions of~~ R307-346-5 and R307-346-6 ~~on an annual basis~~.

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-346.

(b) These records shall be available to the director upon request.

R307-346-7. [Optional] Add-On Control[s] Systems Operations.

~~(1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.~~

~~(2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-346-7.~~

~~(3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-346-7(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-346-7.

Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

[R307-346-8. Compliance Schedule.

(1) All sources in Davis and Salt Lake counties are subject to this rule as of the effective date:

(2) Sources in Box Elder, Cache, Utah, Tooele, and Weber counties shall be in compliance with the rule by January 1, 2014.

]KEY: air pollution, emission controls, surface coating, metal furniture

Date of Enactment or Last Substantive Amendment: [February 1, 2013]2014

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

Environmental Quality, Air Quality **R307-347** Large Appliance Surface Coatings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38680

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-347 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM_{2.5} State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 90%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no new requirements in

this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

♦ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

♦ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 90% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 90% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

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SALT LAKE CITY, UT 84116-3085

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-347. Large Appliance Surface Coatings.
R307-347-1. Purpose.

The purpose of this rule is to reduce volatile organic compound (VOC) emissions from large appliance surface coating operations.

R307-347-2. Applicability.

~~[(1)]~~R307-347 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

~~[(2) In Box Elder and Tooele counties, R307-347 applies to the following sources:~~

~~(a) Existing sources as of February 1, 2013, that have the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and~~

~~(b) New sources as of February 1, 2013, that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

]

R307-347-3. Exemptions.

(1) The requirements of R307-347 do not apply to the following:

- (a) Stencil coatings;
- (b) Safety-indicating coatings;
- (c) Solid-film lubricants;
- (d) Electric-insulating and thermal-conducting coatings;
- (e) Touch-up and repair coatings; or
- (f) Coating application utilizing hand-held aerosol cans.

R307-347-4. Definitions.

The following additional definitions apply to R307-347:

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Baked coating" means a coating that is cured at a temperature at or above 198 degrees Fahrenheit.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Extreme performance coatings" means coatings designed for harsh exposure or extreme environmental conditions.

"Large appliances" means doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other similar products.

R307-347-5. [Emission Standards]VOC Content Limits.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-347-7.

TABLE 1

Large Appliance Coating Limitations
 (values in pounds VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC), as applied)

COATING CATEGORY	VOC [EMISSION RATES] CONTENT LIMITS	
	Baked	Air Dried
General, one component	2.3	2.3
General, multi-component	2.3	2.8
Extreme high gloss	3.0	2.8
Extreme performance	3.0	3.5
Heat resistance	3.0	3.5
Solar absorbent	3.0	3.5
Metallic	3.5	3.5
Pretreatment coatings	3.5	3.5

R307-347-6. Work Practices and Recordkeeping.

(1) The owner or operator shall:

- (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
- (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
- (c) Clean up spills immediately;
- (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
- (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
- (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.

(2) All sources subject to R307-347 shall maintain records demonstrating compliance with ~~[all provisions of]~~ R307-347-5 and R307-347-6 ~~[on an annual basis].~~

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-3[~~52~~]47.

(b) These records shall be made available to the director upon request.

(3) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency. The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:

- (a) Electrostatic application;
- (b) Electrodeposition;
- (c) Brush coat;
- (d) Flow coat;
- (e) Roll coat;
- (f) Dip coat;
- (g) High-volume, low-pressure (HVLV) spray; or
- (h) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.

(4) All persons shall perform solvent cleaning operations with cleaning materials having VOC content of 0.21 pounds per gallon or less.

R307-347-7. [Optional] Add-On Control[s] Systems Operations.

~~_____ (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.~~

~~_____ (2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-347-7.~~

~~_____ (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

_____ (1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

_____ (a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

_____ (b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

_____ (c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

_____ (2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-347-7(1).

_____ (3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-347-7. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

_____ (4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

[R307-347-8. Compliance Schedule.

~~_____ (1) All sources in Davis and Salt Lake counties are subject to this rule as of the effective date of this rule.~~

~~_____ (2) Sources in Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.~~

]KEY: air pollution, emission controls, large appliance, surface coating

Date of Enactment or Last Substantive Amendment: [February 1, 2013]2014

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

Environmental Quality, Air Quality

R307-348

Magnet Wire Coatings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38681

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-348 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 90%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

◆ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

◆ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small

businesses, or local government entities; therefore, there are no anticipate costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 90% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 90% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-348. Magnet Wire Coatings.

R307-348-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from ovens of magnet wire coating operations.

R307-348-2. Applicability.

~~(1)~~ R307-348 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have

the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

~~(2) In Box Elder and Tooele counties, R307-348 applies to the following sources:~~

~~(a) Existing sources as of February 1, 2013, with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and~~

~~(b) New sources as of February 1, 2013, that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

]

R307-348-3. Definitions.

The following additional definition applies to R307-348:

"Magnet wire coating" means the process of applying coating of electrical insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

R307-348-4. ~~[Emission Standards]~~VOC Content Limit.

(1) No owner or operator of a magnet wire coating oven may cause, allow or permit discharge into the atmosphere of any VOC in excess of 0.20 kilograms per liter of coating (1.7 pounds per gallon), excluding water, and exempt solvents (compounds not classified as VOCs) delivered to the coating applicator from magnet wire coating operations.

(a) Equivalency calculations for coatings shall be performed in units of pounds VOCs per gallon of solid rather than pounds VOCs per gallon of coating when determining compliance.

(b) The equivalent emission limit is 2.2 pounds VOCs per gallon solids.

(2) The emission limitations specified above shall be achieved by:

(a) The application of low solvent content coating technology; or

(b) The use of an add-on control device on magnet wire coating ovens as specified in R307-348-6.

R307-348-5. Work Practices and Recordkeeping.

(1) The owner or operator shall:

(a) Store all VOC-containing coatings and cleaning materials in closed containers;

(b) Minimize spills of VOC-containing coatings and cleaning materials;

(c) Clean up spills immediately;

(d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;

(e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and

(f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.

(2) All sources subject to R307-348 shall maintain records demonstrating compliance with ~~[all provisions of]~~ R307-348-4, and these records shall be available to the director upon request.

R307-348-6. ~~[Optional]~~Add-On Control[s] Systems Operations.

~~(1) The owner or operator may install and maintain an incinerator provided that the emission control device will attain at least 90% efficiency performance.~~

~~_____ (2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-348-6.~~

~~_____ (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

]_____ (1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

_____ (a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

_____ (b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

_____ (c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

_____ (2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-348-6(1).

_____ (3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-348-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

_____ (4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

[R307-348-7. Compliance Schedule.

~~_____ (1) All sources in Davis and Salt Lake counties are subject to this rule as of the effective date of this rule.~~

~~_____ (2) Sources in Box Elder, Cache, Utah, Tooele, and Weber counties shall be in compliance with this rule by January 1, 2014.~~

[KEY: air pollution, emission controls, surface coating, magnet wire

Date of Enactment or Last Substantive Amendment: [February 1, 2013]2014

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

Environmental Quality, Air Quality R307-349 Flat Wood Panel Coatings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38682

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-349 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 90%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

◆ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

◆ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that

meets the 90% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 90% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 90% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-349. Flat Wood Panel Coatings.

R307-349-1. Purpose.

The purpose of R307-349 is to limit volatile organic compound (VOC) emissions from flat wood paneling coating sources.

R307-349-2. Applicability.

~~[(+)—]R307-349 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

~~[—(2) In Box Elder and Tooele counties, R307-349 applies to the following sources:~~

~~—(a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and~~

~~—(b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

]

R307-349-3. Definitions.

The following additional definitions apply to R307-349:

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Finishing material" means a coating used in the flat wood panel industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Flat wood paneling" means wood paneling products that are any decorative interior, exterior or tileboard (class I hardboard) panel to which a protective, decorative, or functional material or layer has been applied.

"Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. A washcoat used to optimize aesthetics is not a sealer.

"Strippable booth coating" means a coating that is applied to a booth wall to provide a protective film to receive overspray during finishing and that is subsequently peeled and disposed. Strippable booth coatings are intended to reduce or eliminate the need to use organic solvents to clean booth walls.

"Tileboard" means a premium interior wall paneling product made of hardboard that meets the specifications for Class I given by the standard ANSI/AHA A135.4-1995.

R307-349-4. [Emission Standards]VOC Content Limit.

(1) Each owner or operator shall not apply coatings with a VOC content in excess of 2.1 pounds of VOC per gallon, excluding water and exempt solvents (compounds not classified as VOC). The equivalent emission limit shall be 2.9 pounds VOCs per gallon solids coating; or

(2) Each owner or operator shall use an add-on control device as specified in R307-349-6.

R307-349-5. Work Practice and Recordkeeping.

(1) The owner or operator shall:

(a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;

(b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;

(c) Clean up spills immediately;

(d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;

(e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and

(f) Minimize usage of solvents during cleaning of storage, mixing, and conveying of equipment.

(2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.

The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:

(a) Paint brush;

(b) Flow coat;

(c) Roll coat;

(d) Dip coat;

(e) Detailing or touch-up guns;

(e) High-volume, low-pressure (HVLP) spray;

(f) Hand application methods; or

(g) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.

(3) No person shall use organic solvents for cleaning operations that exceed a VOC content of 0.21 pounds per gallon and a strippable booth coating with a VOC content in excess of 3.8 pounds per gallon, excluding water and exempt solvents (compounds that are not defined as VOC).

(4) All sources subject to R307-349 shall maintain records demonstrating compliance with ~~all provisions of~~ R307-349-4 and R307-349-5 ~~on an annual basis~~.

(a) Records should include, but not be limited to, inventory and products data sheets of all coatings and solvents subject to R307-349.

(b) These records shall be available to the Director upon request.

R307-349-6. ~~[Optional] Add-On Control[s] Systems Operations.~~

~~(1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.~~

~~(2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-349-6.~~

~~(3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-349-6(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-349-6. Key system parameters may include, but are not limited to,

temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

~~R307-349-7. Compliance Schedule.~~

~~(1) All sources in Davis and Salt Lake counties are subject to this rule as of the effective date of this rule.~~

~~(2) Sources in Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.~~

[KEY: air pollution, emission controls, flat wood paneling, coatings

Date of Enactment or Last Substantive Amendment: ~~February 1, 2013~~ 2014

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

**Environmental Quality, Air Quality
R307-350
Miscellaneous Metal Parts and
Products Coatings**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38683

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-350 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 90%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.
- ◆ LOCAL GOVERNMENTS: There are no new requirements for local government; therefore, there are no anticipated costs or savings.
- ◆ SMALL BUSINESSES: There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 90% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 90% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

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

ENVIRONMENTAL QUALITY
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FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
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DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.**R307-350. Miscellaneous Metal Parts and Products Coatings.****R307-350-1. Purpose.**

The purpose of R307-350 is to limit volatile organic compound (VOC) emissions from miscellaneous metal parts and products coating operations.

R307-350-2. Applicability.

(1) R307-350 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties where the potential to emit VOC emissions from all miscellaneous metal product parts surface coating operations, including related cleaning activities, is 2.7 tons per year or more.

~~[(2) In Box Elder and Tooele counties, R307-350 applies to the following sources:~~

~~(a) Existing sources as of February 1, 2013, with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and~~

~~(b) New sources as of February 1, 2013, that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities;~~

[(3) R307-350 applies to, but is not limited to, the following industries:

(a) Large farm machinery (harvesting, fertilizing, planting, tractors, combines, etc.);

(b) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.)

(c) Small appliance (fans, mixers, blenders, crock pots, vacuum cleaners, etc.);

(d) Commercial machinery (computers, typewriters, calculators, vending machines, etc.);

(e) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(f) Fabricated metal products (metal covered doors, frames, trailer frames, etc.); and

(g) Any other industrial category that coats metal parts or products under the standard Industrial Classification Code of major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectric machinery), major group 36 (electrical machinery), major group 37 (transportation equipment) major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries).

R307-350-3. Exemptions.

(1) The requirements of R307-350 do not apply to the following:

(a) The surface coating of automobiles and light-duty trucks;

(b) Flat metal sheets and strips in the form of rolls or coils;

(c) Surface coating of aerospace vehicles and components;

(d) Automobile refinishing;

(e) The exterior of marine vessels;

(f) Customized top coating of automobiles and trucks if production is less than 35 vehicles per day;

(g) Military munitions manufactured by or for the Armed Forces of the United States;

(h) Operations that are exclusively covered by Department of Defense military technical data and performed by a Department of Defense contractor and/or on site at installations owned and/or operated by the United States Armed Forces; or

(i) Stripping of cured coatings and adhesives.

(2) The requirements of R307-350-5 do not apply to the following:

- (a) Stencil coatings;
- (b) Safety-indicating coatings;
- (c) Solid-film lubricants;
- (d) Electric-insulating and thermal-conducting coatings;
- (e) Magnetic data storage disk coatings; or
- (f) Plastic extruded onto metal parts to form a coating.

(3) The requirements of R307-350-6 do not apply to the following:

- (a) Touch-up coatings;
- (b) Repair coatings; or
- (c) Textured finishes.

R307-350-4. Definitions.

The following additional definitions apply to R307-350:

"Aerospace vehicles and component" means any fabricated part, processed part, assembly of parts, or completed unit, with the exception of electronic components, of any aircraft including but not limited to airplanes, helicopters, missiles, rockets and space vehicles.

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Baked coating" means coatings that are cured at a temperature at or above 194 degrees Fahrenheit.

"Camouflage coating" means coatings that are used, principally by the military, to conceal equipment from detection.

"Coating" means a material applied to a substrate for decorative, protective, or functional purposes.

(1) Such materials include, but are not limited to, paints, sealants, liquid plastic coatings, caulks, inks, adhesives, and maskants.

(2) Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances, or paper film or plastic film which may be pre-coated with an adhesive by the film manufacturer, are not considered coatings.

"Coating application System" means all operations and equipment that applies, conveys, and dries a surface coating, including, but not limited to, spray booths, flow coaters, flash off areas, air dryers and ovens.

"Cured coating or adhesive" means a coating or adhesive, which is dry to the touch.

"Department of Defense military technical data" means a specification that specifies design requirements, such as materials to be used, how a requirement is to be achieved, or how an item is to be fabricated or constructed.

"Dip coating" means a method of applying coatings to a substrate by submersion into and removal from a coating bath.

"Electric-insulating varnish" means a non-convertible-type coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.

"Electric-insulating and thermal-conducting" means a coating that displays an electrical insulation of at least 1000 volts DC per mil on a flat test plate and an average thermal conductivity of at least 0.27 BTU per hour-foot-degree-Fahrenheit.

"Electrostatic application" means a method of applying coating particles or coating droplets to a grounded substrate by electrically charging them.

"Etching filler" mean a coating that contains less than 23% solids by weight and at least 0.5% acid by weight, and is used instead of applying a pretreatment coating followed by a primer.

"Extreme high-gloss coating" means a coating which, when tested by the American Society for Testing Material (ASTM) Test Method D-523 adopted in 1980, shows a reflectance of 75 or more on a 60 degree meter.

"Extreme performance coatings" means coatings designed for harsh exposure or extreme environmental conditions.

"Flow coat" means a non-atomized technique of applying coatings to a substrate with a fluid nozzle in a fan pattern with no air supplied to the nozzle.

"Heat-resistant coating" means a coating that must withstand a temperature of at least 400 degrees Fahrenheit during normal use.

"High-performance architectural coating" means a coating used to protect architectural subsections and which meets the requirements of the Architectural Aluminum Manufacturer Association's publication number AAMA 605.2-1980.

"High-temperature coating" means a coating that is certified to with-stand a temperature of 1,000 degrees Fahrenheit for 24 hours.

"High-volume, low-pressure (HVLP) spray" means a coating application system which is designed to be operated and which is operated between 0.1 and 10 pounds per square inch gauge (psig) air pressure, measured dynamically at the center of the air cap and the air horns.

"Magnetic data storage disk coating" means a coating used on a metal disk which stores data magnetically.

"Metallic coating" means a coating which contains more than 5 grams of metal particles per liter of coating, applied.

"Military specification coating" means a coating applied to metal parts and products and which has a formulation approved by a United States military agency for use on military equipment.

"Mold-seal coating" means the initial coating applied to a new mold or repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

"Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

"One-component coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

"Pan backing coating" means a coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

"Prefabricated architectural component coatings" means coatings applied to metal parts and products that are to be used as an architectural structure or their appurtenances including, but not limited to, hand railings, cabinets, bathroom and kitchen fixtures, fences, rain-gutters and down-spouts, window screens, lamp-posts, heating and air

conditioning equipment, other mechanical equipment, and large fixed stationary tools.

"Pretreatment coating" means a coating which contains no more than 12% solids by weight, and at least 0.5% acid, by weight, is used to provide surface etching, and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

"Primer" means a coating applied to a surface to provide a firm bond between the substrate and subsequent coats.

"Repair coating" means a coating used to recoat portions of a part or product which has sustained mechanical damage to the coating.

"Safety-indicating coating" means a coating which changes physical characteristics, such as color, to indicate unsafe condition.

"Silicone release coating" means any coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces.

"Solar-absorbent coating" means a coating which has as its prime purpose the absorption of solar radiation.

"Solid-film lubricant" means a very thin coating consisting of a binder system containing as its chief pigment material one or more of molybdenum disulfide, graphite, polytetrafluoroethylene (PTFE) or other solids that act as a dry lubricant between faying surfaces.

"Stencil coating" means an ink or a coating which is rolled or brushed onto a template or stamp in order to add identifying letters or numbers to metal parts and products.

"Textured finish" means a rough surface produced by spraying and splattering large drops of coating onto a previously applied coating. The coatings used to form the appearance of the textured finish are referred to as textured coatings.

"Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

"Vacuum-metalizing coating" means the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film.

R307-350-5. [Emission Standards] VOC Content Limits.

(1) Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-350-8.

TABLE 1

METAL PARTS AND PRODUCTS VOC CONTENT LIMITS
(values in pounds of VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC)), as applied)

COATING CATEGORY	VOC CONTENT LIMITS	
	Air Dried	Baked
General One Component	2.8	2.3
General Multi Component	2.8	2.3
Camouflage	3.5	3.5
Electric-Insulating varnish	3.5	3.5
Etching Filler	3.5	3.5
Extreme High-Gloss	3.5	3.0

Extreme Performance	3.5	3.0
Heat-Resistant	3.5	3.0
High Performance architectural	6.2	6.2
High Temperature	3.5	3.5
Metallic	3.5	3.5
Military Specification	2.8	2.3
Mold-Seal	3.5	3.5
Pan Backing	3.5	3.5
Prefabricated Architectural Multi-Component	3.5	2.3
Prefabricated Architectural One-Component	3.5	2.3
Pretreatment Coatings	3.5	3.5
Repair and Touch Up	3.5	3.0
Silicone Release	3.5	3.5
Solar-Absorbent	3.5	3.0
Vacuum-Metalizing	3.5	3.5
Drum Coating, New, Exterior	2.8	2.8
Drum Coating, New, Interior	3.5	3.5
Drum Coating, Reconditioned, Exterior	3.5	3.5
Drum Coating, Reconditioned, Interior	4.2	4.2

(2) If more than one content limit indicated in this section applies to a specific coating, then the most stringent content limit shall apply.

R307-350-6. Application Methods.

No owner or operator of a facility shall apply VOC containing coatings to metal parts and products unless the coating is applied with equipment operated according to the equipment manufacturer specifications, and by the use of one of the following methods:

- (1) Electrostatic application;
- (2) Flow coat;
- (3) Dip/electrodeposition coat;
- (4) Roll coat;
- (5) High-volume, low-pressure (HVLP) spray;
- (6) Hand Application Methods;
- (7) Airless or air-assisted airless spray may also be used for metal coatings with a viscosity of 15,000 centipoise or greater, as supplied; or
- (8) Another application method capable of achieving transfer efficiency equivalent or better to HVLP spray, as certified by the manufacturer.

R307-350-7. Work Practices and Recordkeeping.

(1) Control techniques and work practices shall be implemented at all times to reduce VOC emissions[~~from fugitive type sources~~]. Control techniques and work practices shall include, but are not limited to:

(a) Storing all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(b) Ensuring that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing coatings, thinners, and coating-related waste materials; and

(d) Conveying VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed container or pipes; and

(e) Minimizing VOC emission from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(2) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less.

(3) All sources subject to R307-350 shall maintain records demonstrating compliance with[~~all provisions of~~] R307-350-5, R307-350-6, and R307-350-7(2)[~~on an annual basis~~].

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-350.

(b) These records shall be available to the director upon request.

R307-350-8. ~~[Optional] Add-On Control[s] Systems Operations.~~

~~_____ (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.~~

~~_____ (2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-350-8.~~

~~_____ (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

_____ (1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-350-8(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-350-8. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

[R307-350-9. Compliance Schedule.

~~_____ All sources shall be in compliance with the requirements of R307-350 by January 1, 2014.~~

]KEY: air pollution, emission controls, coatings, miscellaneous metal parts

Date of Enactment or Last Substantive Amendment: ~~[December 3, 2013]~~2014

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

Environmental Quality, Air Quality R307-352 Metal Container, Closure, and Coil Coatings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38684

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-352 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 90%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

◆ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

◆ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 90% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 90% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W

SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-352. Metal Container, Closure, and Coil Coatings.

R307-352-1. Purpose.

The purpose of this rule is to reduce volatile organic compound (VOC) emissions from the coating of metal coils, cans, pails, and lids in the manufacturing or reconditioning process.

R307-352-2. Applicability.

~~[(1)—R307-352 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

~~[—(2) In Box Elder and Tooele counties, R307-352 applies to the following sources:~~

~~—(a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and~~

~~—(b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

~~]~~

R307-352-3. Definitions.

The following additional definitions apply to R307-352:

"Coating" means a protective, functional or decorative film applied in a thin layer to a surface.

"End sealing compound" means a compound which is coated onto can ends and which functions as a gasket when the end is assembled onto the can.

"Exterior body spray" means a coating sprayed on the exterior of the container body to provide a decorative or protective finish.

"Interior body spray" means a coating sprayed on the interior of the can body to provide a protective film between the product and the can.

"Metal container or closure coating" means any coating applied to either the interior or exterior of formed metal cans, pails, lids or crowns or flat metal sheets which are intended to be formed into cans, pails, lids or crowns.

"Overvarnish" means a coating applied directly over a design coating to reduce the coefficient of friction, to provide gloss and to protect the finish against abrasion and corrosion.

"Reconditioned pails or lids" means any metal container which is reused, recycled or remanufactured.

"Three-piece can side-seam coating" means a coating sprayed on the exterior and/or interior of a welded, cemented or soldered seam to protect the exposed metal.

"Two-piece can exterior-end coating" means a coating applied to the exterior bottom end of a can to reduce the coefficient of friction and to provide protection to the metal.

R307-352-4. ~~[Emission Standards]~~VOC Content Limits.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-352-6.

TABLE 1

METAL CONTAINER AND CLOSURE COIL COATING LIMITATIONS
(values in pounds VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC), as applied)

COATING CATEGORY	VOC [EMISSION RATES] CONTENT LIMITS
CANS	
Sheet basecoat (interior and exterior) and overvarnish	1.9
Two-piece can exterior basecoat, overvarnish, and end coating	2.1
Interior body spray	
Two-piece cans	3.5
Three-piece cans	3.0
Three-piece can side seam spray	5.5
End sealing compound: Food cans, non-food cans, and beverage cans	0.1
Exterior body spray	3.5
PAILS AND LIDS	
Body spray	
Reconditioned interior	4.2
Reconditioned exterior	3.5
New interior	3.5
New exterior	2.8
End sealing compound	0.5
Inks, all applications	2.5
Coil	
Coil coating	1.7

R307-352-5. Work Practices and Recordkeeping.

- (1) The owner or operator shall:
 - (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
 - (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
 - (c) Clean up spills immediately;
 - (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;

- (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and

- (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.

- (2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.

The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:

- (a) Electrostatic application;
- (b) Flow coat;
- (c) Roll coat;
- (d) Dip coat;
- (e) High-volume, low-pressure (HVLP) spray;
- (f) Hand application methods;
- (g) Printing techniques; or
- (h) Other application method capable of achieving at least

65% transfer efficiency, as certified by the manufacturer.

- (3) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 lb/gallon or less.

- (4) All sources subject to R307-352 shall maintain records demonstrating compliance with ~~[all provisions of]~~ R307-352-4 and R307-352-5 ~~[on an annual basis].~~

- (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-352.

- (b) These records shall be made available to the director upon request.

R307-352-6. ~~[Optional]~~Add-On Control[s] Systems Operations.

~~_____ (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.~~

~~_____ (2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-352-6.~~

~~_____ (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

_____ (1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

_____ (a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

_____ (b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow

rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-352-6(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-352-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

[R307-352-7. Compliance Schedule.

All sources within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

]KEY: air pollution, emission controls, metal containers, coil coatings

Date of Enactment or Last Substantive Amendment: [February 1, 2013]2014

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

Environmental Quality, Air Quality R307-353 Plastic Parts Coatings

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 38685

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-353 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM_{2.5} State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 90%, clarify methodology for

determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

◆ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

◆ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 90% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 90% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.**R307-353. Plastic Parts Coatings.****R307-353-1. Purpose.**

The purpose of this rule is to limit volatile organic compound (VOC) emissions from the application of coatings to any plastic product.

R307-353-2. Applicability.

[~~(1)~~]R307-353 applies to plastic parts coating operations located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

[~~————(2) In Box Elder and Tooele counties, R307-353 applies to the following sources:~~

~~————(a) Existing sources as of May 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and~~

~~————(b) New sources as of May 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

]

R307-353-3. Exemptions.

(1) The provisions of this rule shall not apply to any of the following:

- (a) Stencil coatings;
- (b) Safety-indicating coatings;
- (c) Electric-insulating and thermal-conducting coatings;
- (d) Magnetic data storage disk coatings;
- (e) Plastic extruded onto metal parts to form a coating; and
- (f) Textured finishes.

(2) If a coating line is subject to the requirements for existing automobile, light-duty truck, and other product and material coatings or for existing metallic surface coating lines, the coating line shall be exempt from this rule.

R307-353-4. Definitions.

The following additional definitions apply to R307-353:

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Baked coating" means coatings that are cured at a temperature at or above 194 degrees Fahrenheit.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Electric-insulating and thermal-conducting" means a coating that displays an electrical insulation of at least 1000 volts DC per mil on a flat test plate and an average thermal conductivity of at least 0.27 BTU per hour-foot-degree-Fahrenheit.

"Magnetic data storage disk coating" means a coating used on a metal disk which stores data magnetically.

"Metallic coating" means a coating which contains more than 5 grams of metal particles per liter of coating as applied.

"Military specification coating" means a coating which has a formulation approved by a United States military agency for use on military equipment.

"Mirror backing" means the coating applied over the silvered surface of a mirror.

"Mold-seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

"Multi-colored coating" means a coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.

"Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst, before application to form an acceptable dry film.

"One-component coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner necessary to reduce the viscosity is not considered a component.

"Optical coating" means a coating applied to an optical lens.

"Plastic" means a substrate containing one or more resins that may be solid, porous, flexible, or rigid, and includes fiber reinforced plastic composites.

"Primer" means a coating applied to a surface to provide a firm bond between the substrate and subsequent coats.

"Repair coating" means a coating used to recoat portions of a part or product which has sustained mechanical damage to the coating.

"Roller Coated" means a type of coating application equipment that utilizes a series of mechanical rollers to form a thin coating film on the surface of a roller, which is then applied to a substrate by moving the substrate underneath the roller.

"Safety-indicating coating" means a coating which changes physical characteristics, such as color, to indicate unsafe condition.

"Stencil coating" means an ink or a coating which is rolled or brushed onto a template or stamp in order to add identifying letters or numbers to metal parts and products.

"Textured finish" means a rough surface produced by spraying and splattering large drops of coating onto a previously applied coating. The coatings used to form the appearance of the textured finish are referred to as textured coatings.

"Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

"Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

R307-353-5. ~~Emission Standards~~ VOC Content Limits.

- (1) For automobile and truck plastic parts coating lines:

(a) Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-353-8.

(b) For red and black coatings, the emission limitation shall be determined by multiplying the appropriate limit in Table 1 by 1.15.

(c) When EPA Method 24 is used to determine the VOC content of a high bake coating, the applicable emission limitation shall be determined by adding 0.5 to the appropriate limit in Table 1.

(d) When EPA Method 24 is used to determine the VOC content of an air-dried coating, the applicable emission limitation shall be determined by adding 0.1 to the appropriate limit in Table 1.

.....

(2) Each owner or operator of a business machine plastic parts coating line shall not apply coatings with a VOC content in excess of the amounts specified in Table 2 or shall use an add-on control device as specified in R307-353-8.

.....

(3) Each owner or operator engaged in other plastic product coating operations shall not apply coatings with a VOC content in excess of the amounts specified in Table 3 or shall use an add-on control device as specified in R307-353-8.

.....

(4) If a part consists of both plastic and metal surfaces and is exempted from the requirements for existing metallic surface coating lines, the part shall be subject to this rule.

R307-353-6. Application Methods.

No person shall apply VOC containing coatings unless the coating is applied with equipment operated according to the manufacturer specifications, and by use of one of the following methods:

- (1) Electrostatic application;
- (2) Flow coat;
- (3) Roller coat;
- (4) Dip/electrodeposition coat;
- (5) Airless Spray;
- (6) High-volume, low-pressure (HVLP) spray; or
- (7) Other application method equal to or better than HVLP, as certified by the manufacturer.

R307-353-7. Work Practices and Recordkeeping.

- (1) The owner or operator shall:
 - (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
 - (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
 - (c) Clean up spills immediately;
 - (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
 - (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
 - (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.

(2) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less.

(3) All sources subject to R307-353 shall maintain records demonstrating compliance with ~~all provisions of~~ R307-353-5, R307-353-6 and R307-353-7(2) ~~on an annual basis~~.

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-350.

(b) These records shall be made available to the director upon request.

R307-353-8. ~~Optional~~ Add-On Control[s] Systems Operations.

~~(1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will achieve at least a 90% or greater emission reduction.~~

~~(2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-353-8(1).~~

~~(3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operations and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-353-8(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-353-8. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

[R307-353-9. Compliance Schedule:

All sources within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

]KEY: air pollution, emission controls, coatings, plastic parts

Date of Enactment or Last Substantive Amendment: [May 1, 2013]2014

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

Environmental Quality, Air Quality R307-354 Automotive Refinishing Coatings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38686

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-354 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of 90%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

♦ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

♦ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely

only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 90% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 90% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 90% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

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

ENVIRONMENTAL QUALITY

AIR QUALITY

FOURTH FLOOR

195 N 1950 W

SALT LAKE CITY, UT 84116-3085

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

**R307. Environmental Quality, Air Quality.
R307-354. Automotive Refinishing Coatings.
R307-354-1. Purpose.**

The purpose of R307-354 is to limit volatile organic compound emissions (VOC) from automotive refinishing sources.

R307-354-2. Applicability.

(1) R307-354 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

~~[(2) In Box Elder and Tooele counties, R307-354 applies to the following sources:~~

~~(a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and~~

~~(b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.~~

] (3)2 The requirements of R307-354 shall not apply to any canned aerosol coating products.

R307-354-3. Definitions.

The following additional definitions apply to R307-354:

"Adhesion promoter" means a coating which is labeled and formulated to be applied to uncoated plastic surfaces to facilitate bonding of subsequent coatings, and on which, a subsequent coating is applied.

"Automotive" means passenger cars, vans, motorcycles, trucks, buses, golf carts and all other mobile equipment.

"Automotive refinishing" means the process of coating automobiles, after-market automobiles, motorcycles, light and medium-duty trucks and vans that are performed in auto body shops, auto repair shops, production paint shops, new car dealer repair and paint shops, fleet operation repair and paint shops, and any other facility which coats vehicles under the Standard Industrial Classification Code 7532 (Top, Body and Upholstery Repair Shops and Paint Shops). This includes dealer repair of vehicles damaged in transit. It does not include refinishing operations for other types of mobile equipment, such as farm machinery and construction equipment or their parts, including partial body collision repairs, that is subsequent to the original coating applied at an automobile original equipment manufacturing plant.

"Clear coating" means any coating that contains no pigments and is labeled and formulated for application over a color coating or clear coating.

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Color coating" means any pigmented coating, excluding adhesion promoters, primers, and multi-color coatings, that requires a subsequent clear coating and which is applied over a primer, adhesion promoter, or color coating. Color coatings include metallic and iridescent color coatings.

"Enclosed paint gun cleaner" means a cleaner consisting of a closed container with a door or top that can be opened and closed and fitted with cleaning connections. The spray gun is attached to a connection, and solvent is pumped through the gun and onto the exterior of the gun. Cleaning solvent falls back into the cleaner's solvent reservoir for recirculation.

"Metallic/Iridescent color coating" means a coating which contains iridescent particles, composed of either metal as metallic particles or silicon as mica particles, in excess of 0.042 pounds per gallon as applied, where such particles are visible in the dried film.

"Multi-color coating" means a coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.

"Non-enclosed paint gun cleaner" means cleaner consisting of a basin similar to a sink in which the operator washes the outside of the gun under a solvent stream. The gun cup is filled with recirculated solvent, the gun tip is placed into a canister attached to the basin, and suction draws the solvent from the cup through the gun. The solvent gravitates to the bottom of the basin and drains through a small hole to a reservoir that supplies solvent to the recirculation pump.

"Pretreatment coating" means a coating which contains no more than 16% solids, by weight, and at least 0.5% acid, by weight, is used to provide surface etching, and is applied directly to bare metal surfaces to provide corrosion resistance and promote adhesion for subsequent coatings.

"Primer" means any coating which is labeled and formulated for application to a substrate to provide a bond between the substrate and subsequent coats; corrosion resistance; a smooth substrate surface; or resistance to penetration of subsequent coats, and on which a subsequent coating is applied. Primers may be pigmented.

"Single-stage coating" means any pigmented coating, excluding primers and multi-color coatings, labeled and formulated for application without a subsequent clear coat. Single-stage coatings include single-stage metallic/iridescent coatings.

"Solids" means the part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24.

"Temporary protective coating" means any coating which is labeled and formulated for the purpose of temporarily protecting areas from overspray or mechanical damage.

"Topcoat" means any coating or series of coatings applied over a primer or an existing finish for the purpose of protection or beautification.

"Truck bed liner coating" means any coating, excluding clear, color, multi-color, and single-stage coatings, labeled and formulated for application to a truck bed to protect it from surface abrasion.

"Underbody coating" means any coating labeled and formulated for application to wheel wells, the inside of door panels or fenders, the underside of a trunk or hood, or the underside of the motor vehicle.

"Uniform finish coating" means any coating labeled and formulated for application to the area around a spot repair for the purpose of blending a repaired area's color or clear coat to match the appearance of an adjacent area's existing coating. Prior to May 1, 2013, this coating category may be referred to as uniform finish blenders.

"Uniform finish blender" means a coating designed to blend a repaired topcoat into an existing topcoat.

R307-354-4. [Emission Standards]VOC Content Limits.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-354-6.

TABLE 1

AUTOMOTIVE REFINISHING VOC LIMITS

(values in pounds of VOC per gallon of coating, minus water and exempt solvent (compounds not defined as VOC), as applied)

COATING CATEGORY	VOC [EMISSION RATES] CONTENT LIMITS
Adhesion Promoter	4.5
Clear Coating	2.1
Color Coating	3.5
Multi-color Coating	5.7
Pretreatment Coating	5.5
Primer	2.1
Primer Sealer	2.1
Single-stage Coating	2.8
Temporary Protective Coating	0.5
Truck Bed Liner Coating	2.6
Underbody Coating	3.6
Uniform Finish Coating	4.5
Any Other Coating Type	2.1

R307-354-5. Work Practice and Recordkeeping.

(1) Control techniques and work practices are to be implemented at all times to reduce VOC emissions[~~from fugitive type sources~~]. Control techniques and work practices include:

- (a) Tight fitting covers for open tanks;
 - (b) Covered containers for solvent wiping cloths;
 - (c) Collection hoods for areas where solvent is used for cleanup;
 - (d) Minimizing spill of VOC-containing cleaning materials;
 - (e) Conveying VOC-containing materials from one location to another in closed containers or pipes; and
 - (f) Cleaning spray guns in enclosed systems or a non-enclosed paint gun cleaner may be used if the vapor pressure of the cleaning solvent is less than 100 mm Hg at 68 degrees Fahrenheit and the solvent is directed towards a drain that leads directly to an enclosed remote reservoir.
- (2) Application equipment requirements:
- (a) A person shall not apply any coating to an automotive part or component unless the coating application method achieves a demonstrated 65% transfer efficiency.
 - (b) The following coating application methods have been demonstrated to achieve a minimum of 65% transfer efficiency:
 - (i) Brush, dip or roll coating operated in accordance with the manufacturers specifications;
 - (ii) Electrostatic application equipment operated in accordance with the manufacturers specifications; and
 - (iii) High Volume, Low Pressure spray equipment operated in accordance with the manufacturers specifications.

(c) Other coating application methods may be used that have been demonstrated to be capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.

(3) All sources subject to R307-354 shall maintain records demonstrating compliance with[~~all provisions of~~] R307-354-4 and R307-354-5[~~on an annual basis~~].

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-354.

(b) These records shall be available to the director upon request.

R307-354-6. [Optional] Add-On Control[s] Systems Operations.

[~~_____ (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.~~

[~~_____ (2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-354-6.~~

[~~_____ (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

] (1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-354-6(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-354-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

[R307-354-7. Compliance Schedule:

~~All sources within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties shall be in compliance with this rule by July 1, 2014.~~

]KEY: air pollution, automotive refinishing, VOC, coatings

Date of Enactment or Last Substantive Amendment: [~~February 1, 2013~~2014

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

Environmental Quality, Air Quality
R307-355
Control of Emissions from Aerospace
Manufacture and Rework Facilities

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38687

FILED: 07/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated that it cannot approve Rule R307-355 as a Reasonable Available Control Technology (RACT) rule as part of Utah's PM2.5 State Implementation Plan (SIP) until it is amended to clarify that the amount of control removal specified in each rule is based on the entire system and the inspection and recordkeeping requirements of the rule are expanded.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to require an overall control efficiency of the add-on emission control system of at least 81%, clarify methodology for determining capture efficiency, and to include additional recordkeeping requirements for the add-on emission control system.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no new requirements in this proposed rule for the State of Utah; therefore, there are no anticipated costs or savings.

♦ **LOCAL GOVERNMENTS:** There are no new requirements for local government; therefore, there are no anticipated costs or savings.

♦ **SMALL BUSINESSES:** There are two options to reduce the emissions of VOCs. The first, and more cost-effective, option for small businesses is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 81% efficiency threshold.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no new requirements for persons other than small businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are two options to reduce the emissions of VOCs. The first, and more cost-effective option for small businesses, is to use products that meet the VOC limits as specified in Table 1. The other option, which likely only very few larger sources would do, is to use an add-on emission control system that meets the 81% efficiency threshold. It is difficult to determine the cost of installing and operating an add-on emission control system that meets the 81% requirements, as appropriate emission control systems for each source are extremely variable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In most cases businesses will choose to use products that meet the VOC limits in Table 1 of the rule, as that option is usually the most cost-effective. Should a business choose to install and operate an add-on emission control system that meets the 81% overall capture and control efficiency, there would be additional costs to that business. However because appropriate emission control systems for each source are extremely variable, those costs are difficult to predict.

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

ENVIRONMENTAL QUALITY

AIR QUALITY

FOURTH FLOOR

195 N 1950 W

SALT LAKE CITY, UT 84116-3085

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 10/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.**R307-355. Control of Emissions from Aerospace Manufacture and Rework Facilities.****R307-355-1. Purpose.**

The purpose of R307-355 is to limit the emissions of volatile organic compounds (VOCs) from aerospace coatings and adhesives, from organic solvent cleaning, and from the storage and disposal of solvents and waste solvent materials associated with the use of aerospace coatings and adhesives.

R307-355-2. Applicability.

R307-355 applies to all aerospace manufacture and rework facilities that have the potential to emit 10 tons or more per year of VOCs and that are located in Box Elder, Cache, Davis, Salt Lake, Utah, Tooele and Weber counties.

R307-355-3. Exemptions.

(1) R307-355 does not apply:

(a) Where cleaning and coating takes place in research and development, quality control, laboratory testing and electronic parts and assemblies, except for cleaning and coating of completed assemblies;

(b) To manufacturing or rework operations involving space vehicles; and

(c) To rework operations performed on antique aerospace vehicles or components.

R307-355-4. Definitions.

The following additional definitions apply to R307-355:

"Aerospace manufacture" and "rework facility" means any installation that produces, reworks, or repairs in any amount any commercial, civil, or military aerospace vehicle or component.

"Antique aerospace vehicle or component" means an aircraft or component thereof that was built at least 30 years ago and would not routinely be in commercial or military service in the capacity for which it was designed.

"Chemical milling maskants" means a coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or Type II etchant. Type I chemical milling maskants are used with a Type I etchant and Type II chemical milling maskants are used with a Type II etchant.

"Exempt solvents" means organic chemicals that are not defined as VOC.

"General aviation rework facility" means any aerospace installation with the majority of its revenues resulting from the reconstruction, repair, maintenance, repainting, conversion, or alteration of general aviation aerospace vehicles or components.

"Low vapor pressure hydrocarbon-based cleaning solvent" means a cleaning solvent that is composed of a mixture of photochemically reactive hydrocarbons and oxygenated hydrocarbons and has a maximum vapor pressure of 7 mm Hg at 68 degrees Fahrenheit. These cleaners must not contain hazardous air pollutants.

"Space vehicle" means a man-made device, either manned or unmanned, designed for operation beyond earth's atmosphere. This definition includes integral equipment such as models, mock-ups, prototypes, mold, jigs, tooling, hardware jackets and test coupons. Also included, auxiliary equipment associated with test, transport and storage that through contamination can compromise the space vehicle performance.

"Specialty coating" means a coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications.

(1) These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection.

(2) Individual specialty coatings are defined in Appendix A of 40 CFR 63 subpart GG, which is incorporated by reference.

"Topcoat" means a coating that is applied over a primer or component for appearance, identification, camouflage, or protection. Topcoats that are defined as specialty coatings are not included under this definition.

R307-355-5. [Emission Standards] VOC Content Limits.

(1) The owner or operator shall not [~~cause, permit, or allow~~] apply [the emissions of VOCs from the] coatings to aerospace vehicles or components with a VOC content in excess as follows[~~of aerospace vehicles or components to exceed~~]:

(a) 2.9 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers. For general aviation rework facilities, the VOC limitation shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers;

(b) 3.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats). For general aviation rework facilities, the VOC limit shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats);

(c) 5.2 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type I chemical milling maskant;

(d) 1.3 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type II chemical milling maskants; and

(e) Emissions of VOCs from specialty coatings in excess of the amounts specified in EPA-453/R-97-004, December 1997, page B-2, hereby incorporated by reference.

(2) The owner or operator may alternatively comply with R307-355-5(1)(a) through (d) by using an add-on control device as specified in R307-355-9.

(3) The following coating applications are exempt from the VOC content limits in R307-355-5(1);

(a) Touchup and repair operations.

(b) Use of hand-held spray can application method.

(c) Department of Defense classified coatings.

(d) Coatings of space vehicles.

(e) Facilities that use separate formulations in volumes of less than 50 gallons per year subject to a maximum exemption of 200 gallons total for such formulations applied annually.

R307-355-6. Application Method.

(1) No owner or operator shall apply any primer or topcoat unless the primer and topcoat is applied with equipment operated according to the equipment manufacturer specifications or by the use of one of the following methods:

(a) Electrostatic application;
 (b) Flow/curtain coat;
 (c) Dip/electrodeposition coat;
 (d) Roll coat;
 (e) Brush coating;
 (f) cotton-tipped swab application;
 (g) High-Volume, Low-Pressure (HVLP) Spray;
 (h) Hand Application Methods; or
 (i) Other coating application methods that achieve emission reductions equivalent to HVLP or electrostatic spray application methods, as determined according to the requirements in 40 CFR 63.750(i).

(2) The following conditions are exempt from R307-355-6(1):

(a) Any situation that normally requires the use of an airbrush or an extension on the spray gun to properly reach limited access spaces.

(b) The application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that cannot be applied by any of the application methods specified in R307-355-6.

(c) The application of coatings that normally have dried film thickness of less than 0.0013 centimeters (0.0005 inches) and that cannot be applied by any of the application methods specified in R307-355-6.

(d) The use of airbrush application methods for stenciling, lettering, and other identification markings.

(e) The use of hand-held spray can application methods.

(f) Touch-up and repair operations.

(g) Application of specialty coatings.

R307-355-7. Work Practices and Recordkeeping.

(1) Control techniques and work practices shall be implemented at all times to reduce VOC emissions[~~from fugitive type sources~~]. Control techniques and work practices shall include, but are not limited to:

(a) Storing all VOC-containing coatings, adhesives, thinners, and coating-related waste materials in closed containers;

(b) Ensuring that mixing and storage containers used for VOC-containing coatings, adhesives, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing coatings, adhesives, thinners, and coating-related waste materials; and

(d) Conveying VOC-containing coatings, adhesives, thinners, and coating-related waste materials from one location to another in closed container or pipes.

(2) All sources subject to R307-355 shall maintain records demonstrating compliance with[~~all provisions of~~] R307-355-5, R307-355-6 and R307-355-8[~~on an annual basis~~].

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-355.

(b) These records shall be available to the Director upon request.

R307-355-8. Solvent Cleaning.

(1) Hand-wipe cleaning. Cleaning solvents used in hand-wipe cleaning operations shall meet one of the following requirements:

(a) Have a VOC composite vapor pressure less than or equal to 45 mm Hg at 68 degrees Fahrenheit;

(b) Have an aqueous cleaning solvent in which water is at least 80% of the solvent as applied; or

(c) Have a low vapor pressure hydrocarbon-based cleaning solvent.

(2) The following exemptions apply:

(a) Cleaning during the manufacture, assembly, installation, maintenance, or testing of components of breathing oxygen systems that are exposed to the breathing oxygen.

(b) Cleaning during the manufacture, assembly, installation, maintenance, or testing of parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, hydrazine).

(c) Cleaning and surface activation prior to adhesive bonding.

(d) Cleaning of electronics parts and assemblies containing electronics parts.

(e) Cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid, including air-to-air heat exchangers and hydraulic fluid systems.

(f) Cleaning of fuel cells, fuel tanks, and confined spaces.

(g) Surface cleaning of solar cells, coated optics, and thermal control surfaces.

(h) Cleaning during fabrication, assembly, installation, and maintenance of upholstery, curtains, carpet, and other textile materials used on the interior of the aircraft.

(i) Cleaning of metallic and nonmetallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the manufacture of aerospace vehicles or components.

(j) Cleaning of aircraft transparencies, polycarbonate, or glass substrates.

(k) Cleaning and solvent usage associated with research and development, quality control, or laboratory testing.

(l) Cleaning operations, using nonflammable liquids, conducted within five feet of energized electrical systems.

(3) Flush cleaning. Cleaning solvents used in flush cleaning of parts, assemblies and coating unit components must be emptied into an enclosed container or collection system that is kept closed when not in use.

(4) Spray gun cleaning. All spray guns shall be cleaned by one or more of the following methods:

(a) Enclosed system that is closed at all times except when inserting or removing the spray gun. If leaks in the system are found, repairs shall be made as soon as practicable, but no later than 15 days after the leak was found. If the leak is not repaired by the 15th day, the cleaning solvent shall be removed and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued.

(b) Nonatomized cleaning.

(i) Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place.

(ii) No atomizing air is to be used.

(iii) The cleaning solvent from the spray gun shall be directed into a vat, drum, or other waste container that is closed when not in use.

(c) Disassembled spray gun cleaning.

(i) Spray guns shall be cleaned by disassembling and cleaning the components by hand in a vat, which shall remain closed at all times except when in use.

(ii) Spray gun components shall be soaked in a vat, which shall remain closed during the soaking period and when not inserting or removing components.

(d) Atomizing spray into a waste container that is fitted with a device designed to capture atomized solvent emissions.

(e) Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that can be programmed to spray into a closed container, shall be exempt from these requirements.

R307-355-9. [Optional] Add-On Control[s] Systems Operations.

~~_____ (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 81% efficiency performance.~~

~~_____ (2) The owner or operator of a control device system shall provide documentation that the emission control system will attain the requirements of R307-355-9.~~

~~_____ (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.~~

_____ (1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 81% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-355-9(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-355-9. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction

from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

~~R307-355-10. Compliance Schedule.~~

~~_____ All sources within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties shall be in compliance by January 1, 2014.~~

]KEY: air pollution, coating, aerospace

Date of Enactment or Last Substantive Amendment: [February 1, 2013]2014

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

**Governor, Economic Development
R357-7
Utah Capital Investment Board**

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 38702

FILED: 07/09/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule change provides a more comprehensive outline for the Utah Capital Investment Board's processes and procedures in carrying out their statutory mandate.

SUMMARY OF THE RULE OR CHANGE: The current rule states in generic form how the Utah Capital Investment Board is to conduct its affairs. This rule states the board is to provide staff, determine the approval or denial of an application for a tax credit, and approve or deny the purchasing of a tax credit by a designated purchaser. The new rule outlines how the Utah Capital Investment Board conducts its affairs and statutory mandates with more specificity. Specifically, the rule outlines the requirements of the Utah Capital Investment Corporation to receive a tax credit, allocation and issuance of certificates, procedures for certification of tax credits, irreconcilability of tax credits, transfer of tax credits, cancellation of tax credits, replacement of lost or mutilated tax credits, redemption of the tax credits, criteria for redemption by designated investors, establishes the targeted rate of return, the maintenance of the certificate of registry.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-1-1206 and Section 63M-1-1213 and Section 63M-1-1218 and Section 63M-1-1220

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The office considered if implementing the new rule would change or require additional staffing or other administrative costs to accomplish its directives. In considering this the office determined there will be no cost or savings because this new rule outlines the practices that are already in place.

◆ **LOCAL GOVERNMENTS:** The office assessed whether local governments would be impacted by this rule in considering local governments role in venture capitalism and investing. The office determined there is no impact to local governments because they do not generally become involved in investing and venture capitalism.

◆ **SMALL BUSINESSES:** The office assessed whether or not small businesses are heavily involved in venture capitalism and how these rules could impact those businesses. Although some small businesses may be involved in venture capitalism and investments, this new rule only outlines the practice that has already been followed by the board so no new or additional costs would be placed upon small businesses by this new rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The office considered all other possibly impacted parties and determined that because this rule outlines the practices of the board that have always been in place there are no new costs to any entity by this new rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost for compliance because all affected parties are already in compliance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no fiscal impacts that need to be addressed.

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

GOVERNOR
ECONOMIC DEVELOPMENT
60 E SOUTH TEMPLE
THIRD FLOOR
SALT LAKE CITY, UT 84111
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jeffrey Van Hulten by phone at 801-538-8694, by FAX at 801-538-8888, or by Internet E-mail at jeffreyvan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 09/09/2014

AUTHORIZED BY: Spencer Eccles, Executive Director

R357. Governor, Economic Development.**R357-7. Utah Capital Investment Board.****R357-7-1. Purpose.**

~~_____ (1) The purpose of these rules is to establish the manner by which the Utah Capital Investment Board (UCIB) conducts its affairs.~~

R357-7-2. Authority.

~~_____ (1) UCA 63M-1-1206 requires the UCIB to make rules establishing the manner by which it conducts its affairs.~~

R357-7-3. Conduct.

~~_____ The UCIB conducts its affairs to best meet its objectives of mobilizing venture equity capital for investment in a manner that will result in a significant potential to create jobs and to diversify and stabilize the economy of the state. The UCIB conducts its affairs in a way to meet these objectives by:~~

~~_____ (1) Making staff available to present potential tax credit agreements to the UCIB and Utah Capital Investment Corporation (UCIC) for approval;~~

~~_____ (2) Reviewing and approving or denying potential agreements with financial entities within ninety (90) days of presentation to the UCIB;~~

~~_____ (3) If approved by the UCIB, issuing contingent tax credit certificates to designated investors for the allocation and issuance of contingent tax credits;~~

R357-7-1. Purpose.

~~_____ (1) The purpose of these rules is to establish criteria and procedures for the allocation and issuance of contingent tax credits to designated investors.~~

R357-7-2. Authority.

~~_____ (1) U.C.A. 63M-1-1206, 63M-1-1213, 63M-1-1218 and 63M-1-1220 requires the Utah Capital Investment Board to make rules establishing the manner by which it allocates, issues, certifies, transfers and redeems contingent tax credits.~~

R357-7-3. Definitions.

~~_____ (1) "Act" means the Utah Venture Capital Enhancement Act U.C.A. 63M-1-1201.~~

~~_____ (2) "Actual Return" means the actual aggregate amount of moneys or the fair market value of property received from a fund of funds by a designated investor, with respect to an investment amount for which a certificate is issued, including amounts received as returns of invested capital or returns on invested capital and amounts received in excess of invested capital, in whatever form received for the period from the date of the closing to the applicable maturity date.~~

~~_____ (3) "Board" means the Utah Capital Investment Board created under U.C.A. 63-M-1-1203 (1)~~

~~_____ (4) "Certificate" or "tax credit certificate" means a document constituting a contract between the state of Utah and a holder and evidencing a tax credit that has been issued and, subject to the contingencies described on the certificate that may become available to the holder.~~

~~_____ (5) "Certificate register" means the register to be maintained by the board recording the name, address, and taxpayer identification number of each holder and the maximum potential amount of the tax credits represented by each certificate issued to each holder.~~

(6) "Certified tax credits" means tax credits that have been verified by the board to the commission and to the holder of the certificate that represents such tax credits.

(7) "Closing" means a time when a certificate is issued to a designated investor in exchange for a commitment to contribute cash to the capital of a fund of funds.

(8) "Commission" means the Utah State Tax Commission.

(9) "Commitment" means either a binding obligation undertaken at closing to invest in a fund of funds in the future or an actual investment made in a fund of funds, but without counting the same amount twice.

(10) "Contingencies" shall mean the conditions under which a tax credit may be claimed and shall include each of the following:

(a) The condition that the tax credits may only be used to the extent that the actual return on the investment amount associated with the certificate is less than the applicable scheduled return on such investment amount, and then only to the extent such tax credit becomes a certified tax credit.

(b) The condition that the amount of the total verified tax credits represented by such certificate that may be claimed during any redemption year will be limited to the amount certified by the board to the commission.

(c) The condition that no amount of the tax credit may be claimed prior to a maturity date stated on the certificate; and

(d) The condition that the receipt by the designated investor of an actual return on the investment amount associated with the certificate equal to the scheduled return on such investment amount will result in the cancellation of the tax credit certificate.

(11) "Corporation" means the Utah Capital Investment Corporation created under Section U.C.A. 63M-1-1207.

(12) "Day" means any weekday Monday through Friday that is not a legal holiday of the state of Utah.

(13) "Designated investor" means a natural person or an entity, other than the corporation, that has committed to contribute capital to a fund of funds, and such person's or entity's successors or assignees.

(14) "Designated purchaser" means:

(a) a person who enters into a written undertaking with the board to purchase a commitment; or

(b) a transferee who assumes the obligations to make the purchase described in the commitment.

(15) "Fiscal year" means the fiscal year for the state of Utah.

(16) "Fund of funds" means any private, for-profit limited partnership or limited liability company established by the corporation to which a designated investor commits to make a capital contribution.

(17) "Holder" means a holder of a tax certificate, either as a designated investor or as a transferee of a designated investor, as reflected on the certificate register.

(18) "Investment amount" means the amount of cash contributed by a designated investor to a fund of funds with respect to which a certificate has been issued.

(19) "Maturity date" means a specific date or dates specified in a certificate, representing the earliest date of which a holder of the certificate may use it.

(20) "Percentage of Return" means the percentage represented by the quotient of (1) the actual return for a designated investor on the investment amount associated with a certificate divided by (2) the scheduled return for such designated investor on such investment amount.

(21) "Portfolio entity" means a venture capital fund or direct investment entity in which a fund of funds makes an investment.

(22) "Rate of return" means Internal Rate of Return calculated inclusive of all cash flows both positive and negative in addition to the fair market value of unrealized investments.

(23) "Redeem" means, with respect to a certificate, to present such certificate to the commission as payment due on or after the date of such presentation.

(24) "Redemption reserve" means the reserve established by the corporation to facilitate the cash redemption of certificates.

(25) "Redemption year" means each calendar year for which certified tax credits associated with a certificate may first be utilized.

(26) "Scheduled return" means the scheduled return, whether in money or property, (including returns of and returns on investment) with respect to an investment amount associated with a certificate issued to a designated investor in a fund of funds determined in accordance with the limited partnership agreement or the operating agreement of such fund of funds for the period from the date of the closing to the applicable maturity date. If relevant for determining the amount of the scheduled return, the board shall presume that a verified credit will be transferred at 100 percent of the amount stated on the certified tax credit. It shall be the burden of a designated investor to show that the certified tax credit cannot be transferred without discounting the amount stated on such credit.

(27) "Tax credit" means a contingent, refundable tax credit authorized by U.C.A. 63M-1-1218(4)(e).

R357-7-4. Requirements of the Utah Capital Investment Corporation.

(1) Within 20 days prior to each closing, the corporation shall deliver a written report to the board containing the following information:

(a) a copy of the certificate of limited partnership or articles of organization of the fund of funds for which a closing is scheduled;

(b) a summary of the terms of the anticipated investments in such fund of funds as contained in the limited partnership agreement or the operating agreement of the funds of funds;

(c) a statement of the anticipated date of the closing; and

(d) evidence that the designated investor is an accredited investor.

(2) No less than two days prior to each closing, the corporation shall deliver to the board a signed statement of an officer of the corporation certifying the names, addresses, and taxpayer identification numbers of the persons expected to be designated investors at the closing, the total amount of the capital commitments expected to be received at the closing, the maximum amount of tax credits to be represented by each certificate to be issued at the closing, the date of the anticipated closing, the maturity date or dates for each certificate to be issued at closing, the contingencies applicable to the tax credits, and the calculation formula for determining the scheduled return.

R357-7-5. Allocation and Issuance of Certificates.

(1) Certificates shall be issued only by the board and only with respect to an actual capital commitment to a fund of funds. The board shall not issue a certificate until it has verified that the Utah Fund of Funds has agreed to treat the tax credits as a loan from the state of Utah, and the terms for the repayment of the loan.

(2) Following receipt of the certification of the corporation, the board shall issue a certificate to each such designated investor at closing.

(3) The maximum amount of the tax credits represented by each certificate shall be calculated in accordance with the limited partnership agreement or operating agreement of the applicable fund of funds or loan agreement between a designated investor and a fund of funds and will be subject to the limitations stated in the U.C.A. 63M-1-1218 (2)(a)(c).

(4) A tax credit certificate shall contain, or incorporate by reference to another document, each of the following:

(a) the name, address, and tax identification number of the holder;

(b) the amount of the investment commitment;

(c) all of the contingencies applicable to the tax credits;

(d) the date of issuance of the certificate;

(e) the maximum amount of the tax credit represented by the certificate;

(f) the maturity date of the certificate;

(g) the formula to be used to determine the total amount of return owed to the designated investor;

(h) if the certificate is issued upon a transfer after certification, the amount of the certified tax credits represented by such certificate and the redemption year(s); and

(i) the credit code to use to claim the credit on the Utah State tax return.

(5) All other requirements as set forth in U.C.A. 63M-1-1218(6).

R357-7-6. Procedures for Certification of Tax Credits.

(1) At any time after the applicable maturity date for a certificate, the holder may present such certificate to the board for certification no later than June 30 of the calendar year maturity date stated on the certificate.

(2) Prior to certification the board will verify that no funds are available in the redemption reserve account.

(3) The corporation, and any entity with which the corporation has entered into agreements pursuant to the investments and financial transactions described in U.C.A. 63M-1-1207(2)(e), shall provide all documents that the board finds are, or may become, necessary for the board to certify the amount of tax credits to be issued pursuant to the chapter. Such documents include but are not limited to the following:

(a) Financial transactions related to the corporation, the Utah Fund of Funds, designated investors, lenders, or portfolio entities.

(b) Financial documents, loan agreements, and security instruments to which any of the corporation, the Utah Fund of Funds, designated investors, lenders, or a portfolio entity is a party.

(c) Investment agreements to which any of the corporation, Utah Fund of Funds, designated investors, lenders, or a portfolio entity is a party.

(d) All legal documents and correspondence outlined herein to which any of the corporation, the Utah Fund of Funds, designated investors, lenders, or a portfolio entity is a party.

(e) All documents and financial information necessary to calculate the actual return, scheduled return, and the percentage of return.

(f) Any other documents the board deems necessary to assess compliance with this chapter or to correctly verify the amount of tax credits related to a certificate issued pursuant to this chapter.

(4) Within 30 days of the receipt of all documents and information pursuant to subsection (3) the board shall establish and certify the amount of tax credits related to that certificate, if any, which may be initially used in each redemption year.

(5) The board shall issue to the holder of such certificate a certification setting forth (a) the amount of certified tax credits represented by such certificate (if any) and (b) the amount of certified tax credits represented by such certificate and redemption year (if any).

(6) If the certified certificate has more than one maturity date, the board shall issue to the holder a certificate for the certified tax credits. The certified certificate will contain no contingencies. The board shall issue one or more balance certificates for any maturity dates for which the tax credits are not then being certified.

(7) Certificates being certified for a maturity date shall be certified pro rata with all other certificates being certified for the same maturity date.

(8) If a contingent certificate has more than one maturity date, the most recent maturity date prior to the date on which the certificate was presented to the board for certification shall be the maturity date used for purposes of certification under this rule.

(9) Once a tax credit has been certified, the board will notify the Commission of such certification within 7 days.

R357-7-7. Contractual Nature of Certificates; Irrevocability of Tax Credits.

(1) Upon the issuance of a certificate, the entitlement of a holder to use the tax credits represented by the certificate shall be final and permanent, subject only to the contingencies expressly stated or incorporated by reference in the certificate, and such entitlement shall not be subject to any further condition, reduction, modification, amendment, change, revocation, or recapture.

(2) The entitlement of a holder to claim tax credits represented by a certificate shall constitute a contract between the state of Utah on the one hand and such holder and the holder's successors and assignees on the other hand which shall not be subject to modification, amendment, change or rescission without prior written consent of the holder as of the date of any such purported action. No such modification, amendment, change or recession to which a holder may have agreed shall be binding upon any of the successors or assignees of such holder unless it is stated in the text of the certificate issued to such successor assignee.

(3) The entitlement of a holder to claim tax credits represented by such certificate shall not be affected in any way or become subject to forfeiture or recapture by:

(a) Action or inaction of the holder or designated investor;

(b) The transfer by the designated investor of all our any portion of the designated investor's interest in a fund of funds;

(c) The determination after the closing that a fund of funds was not organized or did not make its investments in accordance with the requirements of the Act or these rules;

(d) The invalidity or illegality for any reason of the existence or functions of the board, a fund of funds, or the corporation or any portfolio entity for any reason.

(e) The bankruptcy, insolvency, reorganization, merger, consolidation, dissolution or liquidation of the board, a fund of funds, or the corporation or any portfolio entity for any reason; or

(f) The level, timing or degree of success of any fund of funds or any portfolio entities, or the extent to which venture capital funds that are portfolio entities are invested in Utah venture capital projects, or are successful in accomplishing any economic development objective.

(4) If the legal existence of the board, a fund of funds, the corporation or the commission is ended or some or all of its respective functions are transferred to another entity at any time prior to the full use of 100 percent of the tax credits that could potentially be represented by all of the certificates, the board or its successor (or the state of Utah if the legal existence of the board ends or the board ceases to have the requisite authority and there is no successor with such authority) shall adopt such rules as may be necessary to ensure the continuity and effectiveness of the entitlement of each holder to use the tax credits represented by such holder's certificate.

R357-7-8. Transfer of Tax Credit Certificates.

(1) Certificates shall be transferrable by the holders and any subsequent holders to any transferee or transferees.

(2) Transfer of a certificate may be effected only by the holder's surrender of the certificate to the board with an endorsement in favor of the transferee, or transferees, and a statement containing the name, address and tax identification number of the transferee, and a written request for the board to issue a replacement certificate or certificates in the name of the transferee(s) (as well as, in any case, where the transferor request that more than one replacement certificate be issued, a statement by the transferor that sets forth the aggregate amount of tax credits represented by the transferred certificate that are to be represented by each replacement certificate).

(3) Within 20 days after the surrender and endorsement of a certificate, the board shall issue a replacement certificate or certificates in the name of the transferee(s). Once a transferor of a certificate has surrendered a certificate to the board, such transferor may no longer use the tax credits represented by such a certificate.

(4) A holder shall have the right to pledge and grant security interests in certificates and tax credits held by such holder as collateral for loans to or other obligations of the holder.

R357-7-9. Cancellation of Tax Credits Upon Receipt of the Scheduled Return.

(1) Tax credits represented by a certificate are subject to cancellation only as provided in the certificate and upon receipt by the designated investor of an actual return equal to the designated investor's scheduled return with respect to such certificate.

(2) At the time of each distribution to a designated investor in a fund of funds, the corporation shall determine the amount of tax credits related to each certificate that have been cancelled and have become null and void by reason of such distribution, if any, and shall certify such amount to the board.

(a) After any such certification, the board shall certify to the holder of each such certificate, at the holder's address as shown on the certificate register, and to the commission the amount of tax credits that are deemed to have been cancelled and to be null and void.

(b) If at any time prior to a certification of a certificate the actual return of a designated investor shall equal the designated investor's scheduled return with respect to such a certificate, and all other conditions for cancellation contained in the certificate have been met, the corporation shall so certify to the board.

(c) After any such certification, the board shall certify to such holder at the holder's address shown on the certificate register and to the commission that such certificates shall be deemed to have been cancelled and to be null and void. Tax credits that are cancelled may be reissued with respect to the same or another fund of funds.

R357-7-10. Lost or Mutilated Tax Credit Certificates.

Upon receipt of evidence satisfactory to the board of the loss, theft, destruction or mutilation of any certificate, and in case of any such loss, theft or destruction, upon delivery of any indemnity agreement satisfactory to the board, or in case of any such mutilation, upon surrender and cancellation of such certificate, the board shall issue and deliver to the holder a replacement certificate within twenty days.

R357-7-11. Redeeming the Tax Credit Certificates.

(1) Once certified by the board, the holder of the tax credit certificate may present such certificate to the commission for redemption subject to the following provisions:

(a) The contingent tax credit certified by the board shall be claimed for a tax year of the designated investors, or transferee, that begins during the same year as the stated maturity date listed on such certificate. The designated investor (or a transferee of the Certified Contingent Credit) may submit to the commission at any time following the date of such certification by the board, but no later than the general filing deadline for Utah State tax returns (including extensions) for the redemption year.

(b) The person or entity claiming a refund must timely file a Utah State tax return claiming a refundable credit, and no other filing or forms or actions are necessary, and no other conditions apply, for obtaining a refund in respect of such tax credit. The commission will manually process a tax return with a claim for refund certified by the board and will pay the amount indicated on such tax return (such payment generally, but not always, made within ninety (90) days from the date for such return (the "Due Date"). If the board notified the commission of the filing of a claim for refund by the designated investor, the commission will take steps to expedite the refund.

(2) There is no limitation on a person:

(a) filing more than one claim for refund with the commission, or

(b) receiving more than one refund from the commission, in each case, in any one calendar year or other twelve (12) month period.

(3) If an entity is not otherwise a Utah taxpayer, its taxable year, for purposes of the Utah Act, shall be considered to end annually on the same date that its tax year ends for US federal income tax purposes. For a disregarded entity that is not otherwise a Utah taxpayer, such entity may designate any date on which its taxable year ends by stating such date on the Utah tax return on which it files its claim for refund.

(4) If the investor or any transferee is a corporation or other business organization or entity included in a combined Utah state tax

return, and such tax return claims a tax credit, the commission will treat such tax credit as a refundable credit for the combined group.

R357-7-12. Criteria and Procedures for Assessing the Likelihood of Future Certificate Redemptions by Designated Investors.

(1) On an annual basis, the corporation staff and/or the Allocation Manager will provide the board with a comprehensive report including the following:

(a) a detailed accounting of cash outflows and cash inflows from fund investments during the year.

(b) a detailed accounting of payments made to lenders or equity investors during the year.

(c) a detailed accounting of management fees paid to the corporation during the year.

(d) a detailed accounting of increases or decreases in unrealized value during the year.

(e) a five year projection of cash flows with sensitivity around investment returns, interest rates, and distribution pacing.

(f) third party audit of the Utah Fund of Funds including asset valuation.

(g) verification of individual portfolio fund IRR.

R357-7-13. Target Rate of Return or Range of Returns on Venture Capital Investments of the Utah Fund of Funds.

The target rate of return on venture capital investments of the Utah Fund of Funds is a minimum of 5%. The corporation will submit to the board annually a detailed accounting of the calculation of the rate of return. It is understood by the board that the fund that returns in the early years of the fund will likely be negative.

R357-7-14. Certificate Registry.

A certificate register detailing all transactions involving the certificates shall be held and maintained at the Office of the Utah Treasurer.

KEY: economic development, capital investments
Date of Enactment or Last Substantive Amendment: [January 24, 2014]
Authorizing, and Implemented or Interpreted Law: 63M-1-1206

Human Services, Aging and Adult Services
R510-400-16

Termination of Services

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 38671

FILED: 07/02/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In working with our Area Agency on Aging partners, the Division has determined that the current process

for transferring clients from one service area to another is not effective due to variations in available services and applicant lists in the various areas. The Division and area agencies have worked together to develop a new process that will be more manageable for agencies and clients.

SUMMARY OF THE RULE OR CHANGE: The current process sets expectations for transferring clients and agencies that might often cannot be met due to differences in services available in the different area agencies. It also allows existing clients from one part of the state to potentially receive services ahead of more frail clients in a different part of the state. The new process requires individuals leaving a service area to reapply in their new area and to have an assessment of needs based on the services available in the new area.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-3-301

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule change clarifies client eligibility, but does not reduce or increase obligations to clients, and as such does not increase or reduce costs associated with the program.

◆ **LOCAL GOVERNMENTS:** This rule change clarifies client eligibility, but does not reduce or increase obligations to clients, and as such does not increase or reduce costs associated with the program.

◆ **SMALL BUSINESSES:** This rule change clarifies client eligibility, but does not reduce or increase obligations to clients, and as such does not increase or reduce costs associated with the program.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No other persons impacted by this change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change clarifies client eligibility, but does not reduce or increase obligations to clients, and as such does not increase or reduce costs associated with the program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No additional comments other than above on this rule.

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

HUMAN SERVICES
 AGING AND ADULT SERVICES
 195 N 1950 W
 SALT LAKE CITY, UT 84116
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Nels Holmgren by phone at 801-538-3921, by FAX at 801-538-4395, or by Internet E-mail at nholm@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 09/10/2014

AUTHORIZED BY: Nels Holmgren, Director

R510. Human Services, Aging and Adult Services.

R510-400. Home and Community Based Alternatives Program.

R510-400-16. Termination of Services.

(1) The Agency shall allow for the interruption, transfer and for termination for the client receiving Home and Community-based Alternatives Services or Older Americans Act Title IIIB Services as changes in client needs, Agency Provider, circumstances or conditions occur.

(2) PROCEDURE-Temporary Interruption of Service:

(a) Program Services may be interrupted for temporary periods (e.g. Hospitalization, out-of-state visiting, etc.): Such discontinuance of service shall not exceed 90 consecutive days. After this period, the case will either be closed and reopened as a new case with no priority other than Risk Score, or will be reviewed by the agency to determine a resumption of services.

(b) Waivers of time limit of the temporary interruption may be granted on an individual basis.

(c) Requests for a waiver must be in writing and approved by the Agency Director or his designee.

(d) Waiver requests, documentation and accompanying approval or denial must be maintained in the client's file.

~~[(3) PROCEDURE-Transfer of Services:~~

~~(a) When a client transfers from one agency to another, the client's original case file will be sent to the new agency. The transferring agency shall retain a copy of the client's file for Division auditing purposes.~~

~~(b) When accepting a client transferring from another agency, the receiving agency may request funding from the transferring agency to cover the client's expenses through the end of the current fiscal year. Any additional services the receiving agency proposes to provide a client being transferred would be the responsibility of the receiving agency, not the transferring agency.~~

~~(c) At the end of the fiscal year, the receiving agency will review the transferred client's care plan to determine the clients needs for the upcoming year at which time the agency may choose to maintain, increase, or decrease services as the its situation and funding dictate.~~

] ~~[(4)3] PROCEDURE-Termination of Service:~~

(a) When a client terminates service, the Case Manager will document in the case file the circumstances that precipitated the termination.

(b) Services may be terminated due to the following circumstances:

(i) When health and safety needs can no longer be met.

(ii) Death of the client.

(iii) Program funding does not allow services to continue.

(iv) [The client permanently leaves the state.]The client transfers out of the original planning and service area. The client may re-apply at the new planning and service area and services may be provided as funds permit to eligible adults as determined by DAAS.

Policy and Procedures for the Home and Community Based Alternatives program services.

(v) The client's financial situation improves beyond eligibility criteria, in which case agencies are encouraged to investigate options for transferring the client to other appropriate programs when discontinuing services. However, in this transfer, the client should not be given special preferences that would place them ahead of other potential clients in an applicant list situation.

(vi) Client chooses to leave the program.

(vii) Client refuses to comply with the care plan, exhibits inappropriate behaviors, or does not pay monthly fees.

KEY: elderly, home care services, long-term care alternatives

Date of Enactment or Last Substantive Amendment: [May 27, 2009]2014

Notice of Continuation: July 11, 2012

Authorizing, and Implemented or Interpreted Law: 62A-3-101 through 62A-3-312

**Public Safety, Emergency Management
R704-2
Statewide Mutual Aid Act Activation**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38701

FILED: 07/08/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide procedures for jurisdictions activating the Statewide Mutual Aid Act (SMAA) and for persons acting as agents of the state to use in mobilizing or demobilizing available assets in response to an intrastate or interstate disaster as provided in Title 53, Chapter 2, Part 2, Emergency Management Assistance Compact.

SUMMARY OF THE RULE OR CHANGE: This rule amendment updates statutory references, and clarifies definitions. It also clarifies procedures involving: requests for disaster assistance in a state of emergency; agents of the state; providing mutual aid; pre-mobilization of resources; mobilization of resources; demobilization of resources; reimbursement for rendering mutual aid; and reimbursable expenses.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-2a-302

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This rule amendment updates statutory references, and clarifies definitions and procedures. As such, there is no anticipated costs or savings to the state budget.

♦ LOCAL GOVERNMENTS: This rule amendment updates statutory references, and clarifies definitions and procedures. As such, there is no anticipated costs or savings to local government.

♦ SMALL BUSINESSES: This rule amendment updates statutory references, and clarifies definitions and procedures. As such, there is no anticipated costs or savings to small businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule amendment updates statutory references, and clarifies definitions and procedures. As such, there is no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule amendment updates statutory references, and clarifies definitions and procedures. As such, there is no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and found that there is no anticipated fiscal impact on businesses.

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

PUBLIC SAFETY
EMERGENCY MANAGEMENT
ROOM 1110 STATE OFFICE BUILDING
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jerriane Kolby by phone at 801-209-7513, or by Internet E-mail at jkolby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 09/02/2014

THIS RULE MAY BECOME EFFECTIVE ON: 09/09/2014

AUTHORIZED BY: Kris Hamlet, Director

R704. Public Safety, ~~Homeland Security~~Emergency Management.

R704-2. Statewide Mutual Aid Act Activation.

R704-2-1. Purpose.

The purpose of this rule is to ~~outline a process~~provide procedures for jurisdictions activating the Statewide Mutual Aid Act (SMAA) and for persons ~~that are~~acting as agents of the state to use in mobilizing or demobilizing available assets in response to an intrastate or interstate disaster as provided in Title 53, Chapter 2, Part 2, Emergency Management Assistance Compact.

R704-2-2. Authority.

This rule is authorized by Section ~~53-2-506(1)(b)~~53-2-302.

R704-2-3. Definitions.

(1) Terms used in this rule are defined in Section ~~53-2-502~~53-2-302.

~~[(2) "Jurisdiction" means political subdivision as defined in Section 53-2-502(5), (9), and (10).~~

[(3)2] In addition to the terms defined in Section ~~53-2-502~~53-2-302:

(a) "agent of the state" means any person designated to represent the state;

(b) "authorized representative" means an officer or employee from a participating jurisdiction empowered to request, offer, or provide assistance on behalf of the chief executive officer;

~~(c) "committee" means the Statewide Mutual Aid Committee;~~

([e]d) "division" means the Utah Division of Emergency Management;

([d]e) "EMAC" means Emergency Management Assistance Compact, Utah Code Ann. ~~53-2-201 to 202~~53-2-402;

([e]f) "EMAC coordinator" means a designated division representative functioning as the coordinator of all Emergency Management Assistance Compact activities and actions between the states;

([f]g) "emergency manager" means a person designated by a jurisdiction to oversee preparedness, emergency or disaster response, mitigation, and recovery for its community;

~~[(g) "Form 100," SMAA Checklist for Requesting and Checklist for Responding, is a checklist provided to assist the jurisdictions in procedures to follow when enacting statewide mutual aid under the Act;~~

[(h) "Form 101," SMAA Mission Request Form, is a required document~~form~~] used to request resources;

(i) "Form 102A," Agent of the State of Utah - EMAC Agreement, is a required document that outlines liability, benefits, and financial responsibilities ~~when [in deployment]~~deploying resources to another state;

(j) "Form 102B," Agent of the State of Utah - SMAA Agreement, is a required document that outlines liability, benefits, and financial responsibilities ~~[within the state]~~associated with serving as an agent of the state;

(k) "Form 103," SMAA Pre-deployment Checklist for Personnel, is an optional document ~~[to]that~~ lists preparation steps ~~[in preparation]~~for deployment;

(l) "Form 104," SMAA Mobilization Sheet, is an optional document that outlines the steps and processes ~~[needed at the time of]~~involved with deployment;

(m) "Form 105," SMAA Personnel Location, is an optional tracking tool ~~[used to locate]~~for deployed personnel who are serving an SMAA mission assignment;

(n) "Form 106," SMAA Resource Availability Log, is an optional log that identifies available resources offered by supporting agencies in response to an event;

(o) "Form 107," SMAA Resource Tracking Form, is an optional tracking tool ~~[used to identify and locate]~~for resources being utilized under an SMAA mission;

~~(p)~~ "Form 108," SMAA Personnel Demobilization Schedule, is a required tracking tool ~~[of]~~ for personnel being released from their assigned mission duties;

~~(p)q~~ "Form 109," SMAA Demobilization/Return of Assets Guidelines, provides guidelines for the responding jurisdictions to use ~~when~~ tracking assets used in an incident or event;

~~(q)r~~ "Form 110," SMAA Intergovernmental Reimbursement Form, is a required form that a jurisdiction uses to request reimbursement from the requesting jurisdiction;

~~(r)s~~ "Form 111," SMAA After Action/Corrective Action Report Survey, is a form that summarizes and analyzes performance in

both exercise and actual events~~;~~ for those who act as an agent of the state.~~and~~ It may also evaluate achievement of the selected exercise objectives and demonstration of the overall capabilities being exercised;

~~(s)t~~ "Form 112," SMAA Demobilization Checklist, is an optional document that outlines the steps to follow in preparing to ~~leave the mission~~ depart;

~~(t)u~~ "Form 113," SMAA Activation Agreement, is a required document that shows ~~the~~ a jurisdiction's intent to activate the SMAA;

~~(v)~~ "Form 114," SMAA Checklist for Requesting Reimbursement, is a list of the required steps to request reimbursement after the mission is complete;

~~(w)~~ "Form 115," SMAA Required Forms and Optional Forms, is a list of forms that are required and forms that are only recommended for use;

~~(x)~~ "Form 116," SMAA Timeline for Reimbursement, is a document that displays each step of the reimbursement process;

~~(y)~~ "ICS Form 209," Incident Status Summary, is a form used for reporting information on significant incidents that requires inter-agency or intra-agency resource coordination;

~~(z)~~ "ICS Form 221," Demobilization Checklist, is a FEMA form for tracking resources as they are released from deployment and return to their responding jurisdiction;

~~(aa)~~ "jurisdiction" means a participating political subdivision as defined in subsection 53-2a-302(2);

~~(v)bb~~ "local to local" means assistance between ~~county/city~~ jurisdictions ~~[to another county/city jurisdiction]~~ that ~~may~~ do not utilize coordination from the state;

~~(w)cc~~ "mission number" means an assigned number ~~[assigned]~~ that identifies a mission;

~~(x)dd~~ "SMAA" means Statewide Mutual Aid Act, Utah Code Ann. ~~[53-2-501 to 510]~~ 53-2a-301 through 310;

~~(y)ee~~ "SMAA coordinator" means a designated ~~[D]~~ division representative functioning as the coordinator of ~~[aH]~~ Statewide Mutual Aid Act activities and actions between the participating jurisdictions when requesting assistance of the State;

~~(z)ff~~ "state EOC" means the State of Utah Emergency Operations Center facility operated by the division which assists state agencies and jurisdictions in coordinating information and resources when local emergency response and recovery resources require supplementation; and

~~(aa)gg~~ "state EOC manager" means a person designated to manage the State Emergency Operation Center.

R704-2-4. Requests for Disaster Assistance in a State of Emergency.

(1) When seeking to utilize the statewide mutual aid system for an emergency or disaster event, the chief executive officer or emergency manager of the requesting jurisdiction shall contact the division director or deputy director after they have made a written or oral declaration of emergency pursuant to Sections 53-2a-206 or 53-2a-208. ~~[If an oral declaration is provided, it should be followed up with a written declaration within 24 hours.]~~

(a) The chief executive officer or designee of the requesting jurisdiction shall submit Form ~~[+00]~~ 101 to the ~~[division director]~~ responding jurisdiction within 24 hours of seeking assistance from the system for state resources or to receive assistance coordinating local to local assistance.

(2) Upon request by the requesting jurisdiction for state assistance, the SMAA coordinator or state EOC manager shall coordinate services and resources for the emergency or disaster event and shall:

(a) assign a mission number;

(b) post information on WebEOC; and

(c) seek needed equipment and personnel from a participating jurisdiction.

(3) Once a responding jurisdiction that is available to render aid has been identified, the participating jurisdictions shall complete and sign Form 113.

(a) ~~[If urgency dictates]~~ In urgent circumstances, the requesting jurisdiction and the responding jurisdiction may initially enter into a verbal agreement, but the agreement shall ~~[must]~~ be ~~[put]~~ memorialized in writing and signed by both jurisdictions no later than 48 hours after the verbal agreement.

(b) If unanticipated circumstances arise during the emergency or disaster event, the requesting and responding jurisdictions may amend or supplement Form 101.

(c) Any amendments or supplements to Form 101 shall be acknowledged by the participating jurisdictions with authorizing signatures.

R704-2-5. Agent of the State.

(1) At the request of the division, a jurisdiction may agree to provide an employee with the skills and expertise ~~[of their personnel] desired~~ to be deployed as an agent of the state for the purpose of rendering intrastate or interstate aid. ~~[to a requesting jurisdiction whether it is in state or out of the state. The division will only provide logistics support to the agent of the state.]~~

(a) The governing authority of the employee serving as an agent of the state shall ~~[sign]~~ submit to the division either Form 102A or Form 102B ~~[with the division]~~ in response to an intrastate ~~or~~ interstate emergency or disaster.

(b) The responding jurisdiction's employee ~~[shall be entitled to the same salary and benefits to which they would otherwise be entitled to and]~~ shall remain an employee of the responding jurisdiction ~~[for all other purposes]~~ except that the supervision of ~~[their] his or her~~ duties during the period of assignment may be governed by agreement between the responding jurisdiction and the requesting jurisdiction and shall be entitled to the same salary and benefits to which they would otherwise be entitled to from the responding jurisdiction.

(c) The division assumes no responsibility for the responding jurisdiction's employee other than the coordination of their travel arrangements and lodging and per diem expenses, except in exigent circumstances.

(d) Upon completion of ~~the~~ a mission, the agent of the state ~~will turn~~ shall submit Form 110 ~~in~~ to the division. The division ~~will~~ shall then reimburse the responding jurisdiction ~~from the receipt of reimbursement from the requesting jurisdiction~~ for the eligible expenses stated in subsection (c) incurred by the agent of the state.

R704-2-6. Procedures for Providing Mutual Aid.

(1) When providing assistance pursuant to the SMAA, the requesting jurisdiction shall control and supervise the personnel, equipment, and resources of any responding jurisdiction.

(a) The requesting jurisdiction shall advise supervisory personnel of the responding jurisdiction concerning assignments or mission tasks.

(b) While providing mutual aid, the incident commander or requesting jurisdiction ~~of the requesting jurisdiction~~ shall:

(i) maintain daily personnel time records, material records, and a log of equipment hours;

(ii) oversee the operation, control, and maintenance of the equipment and other resources furnished by the responding jurisdiction; and

(iii) report work progress to the responding jurisdiction.

(c) The responding jurisdiction ~~will~~ shall notify the requesting jurisdiction if the requested resources are donated or loaned.

(d) The responding jurisdiction may recall its personnel subject to providing a minimum of 24 hours advance notice of intent to withdraw personnel or resources from the requesting jurisdiction, unless circumstances make 24 hours advance notice impracticable or unreasonable.

(2) The responding jurisdiction may release personnel or resources for SMAA assistance after it has determined that its remaining resources are adequate to support its own normal operations~~;~~.

(a) The requesting jurisdiction shall be responsible for providing food and housing for the personnel from the responding jurisdiction, beginning with the time of arrival at the designated location and until departure, unless otherwise indicated in Form 101.

(b) The requesting jurisdiction may request personnel who are self-sustaining, but must specify what resources it is able to provide to the responding jurisdiction.

(3) The requesting jurisdiction is responsible for coordinating communication between its own personnel and the personnel of the responding jurisdiction.

(a) The responding jurisdiction shall furnish equipment to communicate among its respective operating units.

(4) Each participating jurisdiction shall maintain its own equipment in safe and operational condition.

(5) The division shall receive and maintain an inventory of the state and local services, equipment, supplies, personnel, and other resources related to participation in ~~[Title 53, Chapter 2 Part 5, Statewide Mutual Aid Act]~~ the SMAA.

R704-2-7. Pre-Mobilization of Resources.

(1) The requesting jurisdiction shall submit Form 101 to the ~~division~~ responding jurisdiction to be kept as documentation. The required information includes:

(a) type of resources requested; and

(b) quantity of resources requested.

(2) The responding jurisdiction ~~will~~ shall confirm the following incident information:

(a) name of incident;

(b) location of incident;

(c) date and time the incident was declared; and

(d) current time of deployment of resources requested.

(3) The SMAA coordinator or EOC manager shall provide the following to a responding employee acting as an agent of the state:

(a) situation briefing;

(b) pre-deployment checklist; and

(c) travel information. ~~[A situational briefing and Form 103 shall be given to responding personnel by the SMAA coordinator or state EOC manager if the request came through the SMAA or EOC channel.~~

~~(a) Travel information shall be provided by the SMAA coordinator or state EOC manager.~~

(4) A requesting jurisdiction shall first use local agency resources prior to requesting resources through SMAA.

(5) The requesting jurisdiction shall specify a location for a staging area and assign a person to ensure the resources are ready to be released.

(a) If the requested resources are for equipment, the responding jurisdiction shall confirm its readiness to be deployed.

(6) The responding jurisdiction shall perform a communications check with all assigned communications equipment, prior to departure, to ensure compatibility with the requesting jurisdiction.

R704-2-8. Mobilization of Resources.

(1) Deployed personnel and resources from a responding jurisdiction ~~will~~ shall notify the ~~local~~ point of contact for both the requesting jurisdiction~~;~~ and the responding jurisdiction~~;~~ of their arrival. ~~The notification will occur~~ at the point of assignment or staging area, ~~and the deployed personnel will then obtain a mission briefing. The division shall use Form 104 for each deployment of resources.~~

(2) The requesting jurisdiction ~~will~~ shall notify the responding jurisdiction if there is a change in assignments or locations for the requested resources.

(3) The division shall use Form 104 for each deployment of resources if state assistance was requested.

~~(3)4~~ ~~[The division will track d]~~ Deployed personnel may be tracked by using Form 105.

~~(a) [The division will track d]~~ Deployed resources and available resources may also be tracked for the SMAA through Forms 106 and ~~[Form]~~ 107.

(5) The requesting jurisdiction shall provide a mission briefing to the deployed personnel from the responding jurisdiction.

R704-2-9. Demobilization of Resources.

(1) The requesting jurisdiction will be responsible for demobilization.

(a) After termination of the mission time, the requesting jurisdiction ~~will~~ shall release resources and return those resources to the responding jurisdiction according to the terms of Form 104, unless the circumstances of the incident make compliance with the terms impracticable or impossible.

(b) The requesting jurisdiction ~~will~~ shall debrief all personnel assigned to the incident prior to departure. The debriefing ~~will~~ shall include:

- (i) confirmation of personnel's travel arrangements; and
- (ii) review of personnel's responsibilities for demobilization~~;~~ and

~~use of ICS Form 221].~~

(2) Equipment issued to personnel from a responding jurisdiction shall be returned, and all documentation ~~will~~ shall be completed and submitted as required in Form 109.

(3) Personnel ~~and~~ from the responding jurisdiction ~~will~~ shall notify the requesting jurisdiction of the safe arrival of the deployed resources upon returning to their home ~~station~~ jurisdiction.

(4) The responding jurisdiction's returning ~~employee-~~ ~~will~~ personnel shall complete and submit Form 111 to the division for all SMAA deployments if acting as an agent of the state.

R704-2-10. Reimbursement Procedures for Rendering Mutual Aid.

(1) A responding jurisdiction that seeks reimbursement shall provide notice to the requesting jurisdiction within 30 days of the termination of statewide mutual aid assistance.

(a) The notice of intent should include the following:

- (i) Form 110;
- (ii) a brief summary of the services provided by the responding jurisdiction; and

(iii) contact information for the designated person or financial representative responsible for the request.

(b) The responding jurisdiction ~~must use~~ shall reference the assigned mission number when seeking reimbursement from a requesting jurisdiction.

(c) In addition to the notice of intent to seek reimbursement, the responding jurisdiction shall provide the requesting jurisdiction and the SMAA coordinator, if the state was involved, with a copy of all documents related to deployment and reimbursement, including:

- (i) Form 101 and any amendments or supplements;
- (ii) the requesting jurisdiction's acknowledgement of the responding jurisdiction's notice of intent to seek reimbursement using Form 113;

(iii) any notices of dispute; and

(iv) any payments made by the requesting jurisdiction in response to the responding jurisdiction's request.

(2) The requesting jurisdiction shall acknowledge receipt, in writing, of the notice of intent to seek reimbursement from the responding jurisdiction.

(3) The SMAA coordinator shall record all documents related to deployment and reimbursement from the requesting jurisdiction personnel acting as an agent of the state.

(a) The SMAA coordinator shall coordinate with both jurisdictions to encourage and facilitate proper reimbursement, if needed.

(b) The SMAA coordinator may provide reminder notices in anticipation of due dates including the notifications required under Subsections (3) and (4).

(c) The division may designate a financial representative to monitor and provide guidance to participating jurisdictions concerning reimbursement.

(4) When the notification requirements of Subsection (3) have been met, the responding jurisdiction may submit a request for reimbursement to the requesting jurisdiction within 60 days of the termination of statewide mutual aid assistance.

(a) The request for reimbursement shall include a cover letter that summarizes the assistance provided under Form 101.

(b) The request for reimbursement shall also include the following:

~~_____ (i) a copy of Form 112 with authorizing signatures;~~

(i) a comprehensive invoice listing resources provided with the total cost; and

(ii) supporting documentation including copies of individual invoices, travel claims, vouchers, and other similar items.

(c) The request for reimbursement shall also include a copy of any amendments or supplements to the original Form 101 and accompanied by the itemized costs and respective supporting documents.

(5) The requesting jurisdiction shall reimburse the responding jurisdiction no later than 30 days from the date of receiving the notice under Subsection (1) unless:

(a) either jurisdiction provides written notice to the other jurisdiction that disputes the reimbursement costs, or alleges noncompliance with the applicable procedures and criteria; or

(b) the jurisdictions agree to an extension for reimbursement.

(6) Disputes regarding reimbursement shall first be addressed between the responding jurisdictions and requesting jurisdiction within 30 days after either party provides notice of the dispute.

(a) The jurisdictions shall make a reasonable effort to resolve the dispute during the 30 day period.

(7) If a dispute cannot be resolved by the jurisdictions within 90 days after the notice of dispute, either party may submit the dispute to the ~~[Statewide Mutual Aid Act Committee]~~ committee.

(a) Requests to the committee must be made no later than 30 days after the end of 90-day period described in Subsection (7).

(b) The requesting jurisdiction shall submit the following documents to the committee for review:

~~_____ (i) Form 110[;];~~

~~_____ (ii) a concise narrative explaining the dispute[;]; and~~

~~_____ (iii) the documents listed in Subsections (4)(a) through (c).~~

(c) The requesting and responding jurisdictions may submit other supporting evidence that is relevant to the dispute.

(d) The committee has 30 days to schedule the matter for a hearing.

(e) The committee chairperson shall select a quorum of seven committee members to participate in the hearing.

(f) Hearings are designated as informal adjudications pursuant to Utah Code Ann. Section 63G-4-202.

(g) The committee, by majority vote, shall issue a final written decision within 30 days of the hearing that includes findings of fact and its reasons for its decision.

R704-2-11. Waiver of Reimbursement.

(1) A responding jurisdiction may waive, in writing, any rights to reimbursement under Sections 53-2-507 and 53-2-508.

(2) Waiver of any reimbursable right shall specify each item waived in order to provide notice to the requesting jurisdiction and the SMAA coordinator, if applicable.

(3) Waiver of any reimbursable right shall be delivered to the requesting jurisdiction with a copy delivered to the SMAA coordinator, if applicable, no later than 90 days after the termination of statewide mutual aid assistance.

R704-2-12. Reimbursable Expenses.

(1) The requesting jurisdiction shall reimburse the responding jurisdiction for costs related to deployment pursuant to Form 101.

(a) In order to be eligible for reimbursement, all costs must be documented and sufficiently detailed in Form 101 and include supporting documentation.

(b) A jurisdiction that fails to submit all required reimbursement forms by due dates listed in this rule forfeits its right to reimbursement.

(2) Unless otherwise specified in Form 101, the responding jurisdiction shall continue to ~~[pay]~~compensate its ~~[employees]~~personnel according to ~~[ordinances, rules, and regulations]~~its employment policies at the time of the event.

(a) The requesting jurisdiction shall reimburse the responding jurisdiction for agreed upon costs and expenses incurred during the event.

(3) The requesting jurisdiction shall reimburse the responding jurisdiction for use, damage, or loss of any equipment that the responding jurisdiction provided during the event, exercise, or drill.

(a) If practicable and at the request of the responding jurisdiction, the requesting jurisdiction may provide fuels, miscellaneous supplies, and minor repairs.

(4) Unless damage is caused by gross negligence, bad faith, or willful misconduct by the responding jurisdiction, the requesting jurisdiction shall reimburse the responding jurisdiction for all materials and supplies exhausted or damaged during the event.

(a) The parties may agree that the requesting jurisdiction may replace equipment, materials, and supplies with like, kind, and quality as determined by the responding jurisdiction.

KEY: ~~Statewide Mutual Aid Act~~~~[agent of the state]~~, reimbursements

Date of Enactment or Last Substantive Amendment: ~~[February 25, 2013]~~2014

Authorizing, and Implemented or Interpreted Law: ~~[53-2-506(1) (b)]~~53-2a-302

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <http://www.rules.utah.gov/publicat/code.htm>. The rule text may also be inspected at the agency or the Division of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Administrative Services, Purchasing and General Services

R33-1

Utah Procurement Rules, "General Procurement Provisions," Definitions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38689

FILED: 07/08/2014

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 under the Utah Procurement Code, Title 63G, Chapter 6a. Terms used in the procurement rules are defined in Sections 63G-6a-103 and 63G-6a-104.

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it defines terms used in the procurement rules as stated in Title 63G, Chapter 6a, and defines general procurement provisions definitions.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ◆ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
- ◆ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

Administrative Services, Purchasing and General Services

R33-2

Rules of Procedure for Procurement Policy Board

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38690

FILED: 07/08/2014

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Rule R33-2 is authorized under Subsection 63G-6a-202(5) which directs that the Procurement Policy Board to "adopt rules of procedure for conducting its business." The Procurement Policy Board is also authorized to make rules under Section 63G-6a-203 et seq.

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it establishes the rules of procedure for the Procurement Policy Board.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cglead@utah.gov
♦ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

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 under the Utah Procurement Code, Section 63G-6a-304. The Chief Procurement Officer may delegate in writing any authority pursuant to Section 63G-6a-304 as deemed appropriate to any employees of the office of the chief procurement officer or of any executive branch procurement unit, respectively.

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it establishes procurement organization, and the delegation of authority of the Chief Procurement Officer.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cglead@utah.gov
♦ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

Administrative Services, Purchasing and General Services

R33-3

Procurement Organization

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38691
FILED: 07/08/2014

Administrative Services, Purchasing and General Services

R33-4

General Procurement Provisions, Prequalifications, Specifications, and Small Purchases

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**DAR FILE NO.: 38692
FILED: 07/08/2014**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 under the Utah Procurement Code, Title 63G, Chapter 6a. General procurement provisions, including prequalification of potential vendors, approved vendor lists, and small purchases shall be conducted in accordance with the requirements set forth in Sections 63G-6a-402 through 63G-6a-408. This administrative rule provides additional requirements and procedures and must be used in conjunction with the Procurement Code.

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it provides general procurement provisions, prequalifications, specifications, and small purchases.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ◆ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
- ◆ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

**Administrative Services, Purchasing
and General Services****R33-5****Request for Information****FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**DAR FILE NO.: 38693
FILED: 07/08/2014**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 under the Utah Procurement Code, Title 63G, Chapter 6a. In addition to the requirements of Part 5 of the Utah Procurement Code, a Request for Information should indicate the procedure for business confidentiality claims and other protections provided by the Utah Government Records and Access Management Act.

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it provides the requirements for a request for information.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ◆ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
- ◆ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

Administrative Services, Purchasing and General Services

R33-6 Bidding

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38694 FILED: 07/08/2014

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 under the Utah Procurement Code, Title 63G, Chapter 6a. Competitive Sealed Bidding shall be conducted in accordance with the requirements set forth in Sections 63G-6a-601 through 63G-6a-612. This rule provides additional requirements and procedures and must be used in conjunction with the Procurement Code.

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it provides the procedures for bidding, including competitive sealed bidding, multiple stage bidding, and reverse auction.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT: ADMINISTRATIVE SERVICES PURCHASING AND GENERAL SERVICES ROOM 3150 STATE OFFICE BLDG 450 N STATE ST SALT LAKE CITY, UT 84114-1201 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: ♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov ♦ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cglead@utah.gov ♦ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

Administrative Services, Purchasing and General Services

R33-7 Request for Proposals

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38695 FILED: 07/08/2014

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 Utah Procurement Code, Title 63G, Chapter 6a, authorizes this rule. Requests for Proposals shall be conducted in accordance with the requirements set forth in Sections 63G-6a-701 through 63G-6a-711, Utah Procurement Code. This administrative rule provides additional requirements and procedures and must be used in conjunction with the Procurement Code.

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it establishes the request for proposals and procurement process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT: ADMINISTRATIVE SERVICES PURCHASING AND GENERAL SERVICES ROOM 3150 STATE OFFICE BLDG 450 N STATE ST SALT LAKE CITY, UT 84114-1201 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: ♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov ♦ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cglead@utah.gov ♦ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

Administrative Services, Purchasing
and General Services

R33-8

Exceptions to Procurement
Requirements

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

DAR FILE NO.: 38696
FILED: 07/08/2014

**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 Utah Procurement Code, Title 63G, Chapter 6a, authorizes this rule. Sole source procurements shall be conducted in accordance with the requirements set forth in Section 63G-6a-802 of the Utah Procurement Code.

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it establishes the exceptions to procurement requirements and shall be conducted in accordance with the requirements set forth in the Utah Procurement Code.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ◆ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
- ◆ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

Administrative Services, Purchasing
and General Services

R33-9

Cancellations, Rejections, and
Debarment

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

DAR FILE NO.: 38697
FILED: 07/08/2014

**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 Utah Procurement Code, Sections 63G-6a-902 and 63G-6a-903, authorizes this rule. Section 63G-6a-902 states: "(1) An issuing procurement unit may cancel an invitation for bids, a request for proposals, or other solicitation or reject any or all bids or proposal responses, in whole or in part, as may be specified in the solicitation, when it is in the best interests of the procurement unit in accordance with the rules of the applicable rulemaking authority. (2) The reasons for a cancellation or rejection described in Subsection (1) shall be made part of the contract file. Section 63G-6a-903 states: (1) A determination of nonresponsibility of a bidder or offeror made by an issuing procurement unit shall be made in writing, in accordance with the rules of the applicable rulemaking authority. (2) The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to the bidder or offeror. (3) Subject to Title 63G, Chapter 2, Government Records Access and Management Act, information furnished by a bidder or offeror pursuant to this section may not be disclosed outside of a procurement unit without prior written consent by the bidder or offeror."

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 comments received either opposing or supporting the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it establishes the procedures for cancellations, rejections, and debarment for bids, requests for proposals and other solicitations.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ◆ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
- ◆ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

Administrative Services, Purchasing and General Services

R33-10

Preferences

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38698
FILED: 07/08/2014

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 the Utah Procurement Code, Title 63G, Chapter 6a. In addition to the reciprocal preference requirements contained in Section 63G-6a-1002 for the providers of procurement items produced, manufactured, mined, grown, or performed in Utah, Rule R33-10 outlines the process for award of a contract when there is more than one equally low preferred bidder.

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it

outlines the process for award of contract when there is more than one equally low preferred bidder. This rule provides additional requirements and procedures and must be used in conjunction with the Procurement Code.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ◆ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
- ◆ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

Administrative Services, Purchasing and General Services

R33-11

Form of Bonds

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38699
FILED: 07/08/2014

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 under the Utah Procurement Code, Subsections 63G-6a-1102(2), 63G-6a-1103(3), and 63G-6a-1105(1). Subsection 63G-6a-1102(2) states: "When a bidder fails to comply with the requirement for bid security described in the invitation for bids, the bid shall be rejected unless, pursuant to rules of the applicable rulemaking authority, the issuing procurement unit determines that the failure to comply with the security requirements is nonsubstantial." Subsection 63G-6a-1103(3) states: "Rules of the applicable rulemaking authority may provide for waiver of the requirement of a bid, performance, or payment bond for circumstances in which the procurement officer considers any or all of the bonds to be unnecessary to protect the procurement unit." Subsection 63G-6a-1105(1)

states: "The forms of bonds required by this part shall be established by rule made by the applicable rulemaking authority."

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it provides the bid security requirements for projects.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ◆ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
- ◆ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

Administrative Services, Purchasing and General Services

R33-12

Terms and Conditions, Contracts,
Change Orders and Costs

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38700
FILED: 07/08/2014

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 under the Utah Procurement Code, Title 63G, Chapter 6a. Public entities shall comply with Section 63G-6a-1202 considering clauses for contracts. Executive Branch procurement units shall also comply with the requirements of Subsection 63G-6a-402(6).

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 comments received either supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it establishes the terms and conditions, contracts, change orders, and costs for procurements. This rule also provides additional requirements and procedures and must be used in conjunction with the Procurement Code.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ◆ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov
- ◆ Paul Mash by phone at 801-538-3138, by FAX at 801-538-3882, or by Internet E-mail at pmash@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 07/08/2014

Human Services, Aging and Adult Services

R510-104

Nutrition Programs for the Elderly
(NPE)

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38670
FILED: 07/02/2014

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 rulemaking authority granted to the Utah Division of Aging and Adult Services by Section 62A-3-104 and by the Older Americans Act, which requires the maintenance of a nutrition program for the elderly as a condition of the state receiving federal funding.

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 THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: As stated above, the state is required to create and maintain a nutrition program for the elderly in order to be considered a state unit on aging by the federal government and to continue receiving federal funding. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 AGING AND ADULT SERVICES
 195 N 1950 W
 SALT LAKE CITY, UT 84116
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Nels Holmgren by phone at 801-538-3921, by FAX at 801-538-4395, or by Internet E-mail at nholmgrn@utah.gov

AUTHORIZED BY: Nels Holmgren, Director

EFFECTIVE: 07/02/2014

**Insurance, Administration
 R590-254
 Annual Financial Reporting Rule**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 38669
 FILED: 07/02/2014

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 31A-2-201(1) authorizes the commissioner to make rules to implement the provisions of Title 31A. Subsections (2) of 31A-2-203(6)(b)(ii) and 31A-5-412(2)(f) authorizes the commissioner to make rules pertaining to annual financial reporting requirements.

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 has not received any written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is important in fulfilling a major responsibility of the department to maintain surveillance of the financial condition of insurers licensed to do business in Utah. One way this is done is by requiring insurers to submit reports and documents relating to their financial stability, as specified in this rule. Making sure that the financial strength of insurers doing business in Utah is important to maintaining the financial health of their policyholders when they file covered claims. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 INSURANCE
 ADMINISTRATION
 ROOM 3110 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:
 ♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Todd Kiser, Commissioner

EFFECTIVE: 07/02/2014

**Public Safety, Emergency Management
 R704-1
 Search and Rescue Financial Assistance Program**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38688
FILED: 07/07/2014

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 Section 53-2a-1102 which requires the Division of Emergency Management, with the approval of the Search and Rescue Advisory Board, to make rules for the administration of the Search and Rescue Financial Assistance Program.

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 received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY

DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule is necessary because the rule sets forth the procedures for obtaining reimbursement from the Search and Rescue Financial Assistance Program for costs and expenses related to search and rescue activities in accordance with Title 53, Chapter 2, Part 11.

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

PUBLIC SAFETY
EMERGENCY MANAGEMENT
ROOM 1110 STATE OFFICE BUILDING
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jerrienne Kolby by phone at 801-209-7513, or by Internet E-mail at jkolby@utah.gov

AUTHORIZED BY: Keith Squires, Commissioner

EFFECTIVE: 07/07/2014

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

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Division of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

No. 38506 (R&R): R33-7. Cost Principles

Published: 06/01/2014

Effective: 07/08/2014

No. 38507 (R&R): R33-8. Property Management

Published: 06/01/2014

Effective: 07/08/2014

Administrative Services

Purchasing and General Services

No. 38500 (R&R): R33-1. Utah State Procurement Rules

Definitions

Published: 06/01/2014

Effective: 07/08/2014

No. 38501 (R&R): R33-2. Procurement Organization

Published: 06/01/2014

Effective: 07/08/2014

No. 38502 (R&R): R33-3. Source Selection and Contract Formation

Published: 06/01/2014

Effective: 07/08/2014

No. 38503 (R&R): R33-4. Specifications

Published: 06/01/2014

Effective: 07/08/2014

No. 38504 (R&R): R33-5. Construction and Architect-Engineer Selection

Published: 06/01/2014

Effective: 07/08/2014

No. 38505 (R&R): R33-6. Modification and Termination of Contracts for Supplies, Services, Construction, and Technology

Published: 06/01/2014

Effective: 07/08/2014

No. 38508 (R&R): R33-9. Insurance Procurement

Published: 06/01/2014

Effective: 07/08/2014

No. 38509 (R&R): R33-10. State Construction Contracts and Drug and Alcohol Testing

Published: 06/01/2014

Effective: 07/08/2014

No. 38524 (R&R): R33-11. Surplus Property

Published: 06/01/2014

Effective: 07/08/2014

No. 38510 (R&R): R33-12. Rules of Procedure for Procurement Policy Board and Procurement Appeals Panel

Published: 06/01/2014

Effective: 07/08/2014

No. 38511 (NEW): R33-13. General Construction Provisions

Published: 06/01/2014

Effective: 07/08/2014

No. 38512 (NEW): R33-14. Procurement of Design-Build Transportation Project Contracts

Published: 06/01/2014

Effective: 07/08/2014

No. 38513 (NEW): R33-15. Architect-Engineer Services

Published: 06/01/2014

Effective: 07/08/2014

NOTICES OF RULE EFFECTIVE DATES

No. 38514 (NEW): R33-16. Controversies and Protests
Published: 06/01/2014
Effective: 07/08/2014

No. 38515 (NEW): R33-17. Procurement Appeals Board
Published: 06/01/2014
Effective: 07/08/2014

No. 38516 (NEW): R33-18. Appeal to the Utah Court of Appeals
Published: 06/01/2014
Effective: 07/08/2014

No. 38518 (NEW): R33-19. General Provisions Related to Protest or Appeal
Published: 06/01/2014
Effective: 07/08/2014

No. 38519 (NEW): R33-20. Records
Published: 06/01/2014
Effective: 07/08/2014

No. 38520 (NEW): R33-21. Interaction Between Procurement Units
Published: 06/01/2014
Effective: 07/08/2014

No. 38526 (NEW): R33-22. Reserved
Published: 06/01/2014
Effective: 07/08/2014

No. 38527 (NEW): R33-23. Reserved
Published: 06/01/2014
Effective: 07/08/2014

No. 38521 (NEW): R33-24. Unlawful Conduct
Published: 06/01/2014
Effective: 07/08/2014

No. 38522 (NEW): R33-25. Executive Branch Insurance Procurement
Published: 06/01/2014
Effective: 07/08/2014

No. 38523 (NEW): R33-26. State Surplus Property
Published: 06/01/2014
Effective: 07/08/2014

Capitol Preservation Board (State)
Administration

No. 38479 (AMD): R131-13. Health Reform - Health Insurance Coverage in State Contracts - Implementation
Published: 06/01/2014
Effective: 07/08/2014

Commerce

Occupational and Professional Licensing
No. 38517 (AMD): R156-40. Recreational Therapy Practice Act Rule
Published: 06/01/2014
Effective: 07/08/2014

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Administration
No. 38541 (AMD): R277-477. Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program
Published: 06/01/2014
Effective: 07/08/2014

No. 38542 (AMD): R277-491. School Community Councils
Published: 06/01/2014
Effective: 07/08/2014

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No. 38539 (AMD): R280-150. Adjudicative Proceedings Under the Vocational Rehabilitation Act
Published: 06/01/2014
Effective: 07/08/2014

Environmental Quality

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No. 38525 (AMD): R305-4. Clean Fuels and Vehicle Technology Fund Grant and Loan Program
Published: 06/01/2014
Effective: 07/08/2014

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Health Care Financing, Coverage and Reimbursement Policy
No. 38528 (AMD): R414-9. Federally Qualified Health Centers
Published: 06/01/2014
Effective: 07/11/2014

No. 38529 (AMD): R414-99. Chiropractic Services
Published: 06/01/2014
Effective: 07/11/2014

No. 38532 (AMD): R414-510. Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program
Published: 06/01/2014
Effective: 07/15/2014

Center for Health Data, Vital Records and Statistics
No. 38537 (NEW): R436-55. Hemp Extract Registration
Published: 06/01/2014
Effective: 07/08/2014

Housing Corporation (Utah)

Administration

No. 38452 (AMD): R460-6. Adjudicative Proceedings

Published: 05/15/2014

Effective: 07/10/2014

No. 38484 (AMD): R657-67. Utah Hunter Mentoring Program

Published: 06/01/2014

Effective: 07/08/2014

Natural Resources

Wildlife Resources

No. 38483 (AMD): R657-13. Taking Fish and Crayfish

Published: 06/01/2014

Effective: 07/08/2014

No. 38482 (AMD): R657-45. Wildlife License, Permit, and Certificate of Registration Forms

Published: 06/01/2014

Effective: 07/08/2014

Transportation

Motor Carrier

No. 38449 (AMD): R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification

Published: 05/15/2014

Effective: 07/08/2014

End of the Notices of Rule Effective Dates Section

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

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2014 through July 15, 2014. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules 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).

Questions regarding the index and the information it contains should be addressed to the Division of Administrative Rules (801-538-3764).

A copy of the **RULES INDEX** is available for public inspection at the Division of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
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<u>Child Welfare Parental Defense (Office of)</u>					
R19-1	Parental Defense Counsel Training	38547	5YR	05/21/2014	2014-12/53
<u>Debt Collection</u>					
R21-2	Office of State Debt Collection Administrative Procedures	38497	NSC	05/29/2014	Not Printed
R21-3	Debt Collection Through Administrative Offset	38496	NSC	05/29/2014	Not Printed
<u>Facilities Construction and Management</u>					
R23-3	Planning and Programming for Capital Projects	38405	5YR	04/03/2014	2014-9/49
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	38587	5YR	06/10/2014	2014-13/133
R23-29	Across the Board Delegation	38404	5YR	04/03/2014	2014-9/49
R23-29	Across the Board Delegation	38425	R&R	06/09/2014	2014-9/4
R23-33	Rules for the Prioritization and Scoring of Capital Improvements by the Utah State Building Board	38247	NEW	03/10/2014	2014-3/2
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	38175	AMD	02/07/2014	2014-1/4
R25-7	Travel-Related Reimbursements for State Employees	38471	AMD	06/23/2014	2014-10/4
R25-10	State Entities' Posting of Financial Information to the Utah Public Notice Website	38653	5YR	06/25/2014	2014-14/79
<u>Fleet Operations</u>					
R27-4-13	Disposal of State Vehicles	38312	AMD	04/22/2014	2014-6/4
R27-7-3	Driver Eligibility to Operate a State Vehicle	38073	AMD	03/11/2014	2013-22/14
<u>Purchasing and General Services</u>					
R33-1	Utah State Procurement Rules Definitions	38500	R&R	07/08/2014	2014-11/4
R33-1	Utah Procurement Rules, "General Procurement Provisions," Definitions	38689	5YR	07/08/2014	Not Printed
R33-2	Procurement Organization	38501	R&R	07/08/2014	2014-11/6
R33-2	Rules of Procedure for Procurement Policy Board	38690	5YR	07/08/2014	Not Printed
R33-3	Source Selection and Contract Formation	38502	R&R	07/08/2014	2014-11/9
R33-3	Procurement Organization	38691	5YR	07/08/2014	Not Printed
R33-4	Specifications	38503	R&R	07/08/2014	2014-11/28

R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	38692	5YR	07/08/2014	Not Printed
R33-5	Construction and Architect-Engineer Selection	38504	R&R	07/08/2014	2014-11/32
R33-5	Request for Information	38693	5YR	07/08/2014	Not Printed
R33-6	Modification and Termination of Contracts for Supplies, Services, Construction, and Technology	38218	EXT	01/02/2014	2014-3/57
R33-6	Modification and Termination of Contracts for Supplies, Services, Construction, and Technology	38446	5YR	04/17/2014	2014-10/111
R33-6	Modification and Termination of Contracts for Supplies, Services, Construction, and Technology	38505	R&R	07/08/2014	2014-11/43
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R33-7	Cost Principles	38219	EXT	01/02/2014	2014-3/57
R33-7	Cost Principles	38447	5YR	04/17/2014	2014-10/111
R33-7	Cost Principles	38506	R&R	07/08/2014	2014-11/49
R33-7	Request for Proposals	38695	5YR	07/08/2014	Not Printed
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R33-9	Cancellations, Rejections, and Debarment	38697	5YR	07/08/2014	Not Printed
R33-10	State Construction Contracts and Drug and Alcohol Testing	38509	R&R	07/08/2014	2014-11/62
R33-10	Preferences	38698	5YR	07/08/2014	Not Printed
R33-11	Surplus Property	38524	R&R	07/08/2014	2014-11/64
R33-11	Form of Bonds	38699	5YR	07/08/2014	Not Printed
R33-12	Rules of Procedure for Procurement Policy Board and Procurement Appeals Panel	38510	R&R	07/08/2014	2014-11/71
R33-12	Terms and Conditions, Contracts, Change Orders and Costs	38700	5YR	07/08/2014	Not Printed
R33-13	General Construction Provisions	38511	NEW	07/08/2014	2014-11/79
R33-14	Procurement of Design-Build Transportation Project Contracts	38512	NEW	07/08/2014	2014-11/83
R33-15	Architect-Engineer Services	38513	NEW	07/08/2014	2014-11/84
R33-16	Controversies and Protests	38514	NEW	07/08/2014	2014-11/86
R33-17	Procurement Appeals Board	38515	NEW	07/08/2014	2014-11/87
R33-18	Appeal to the Utah Court of Appeals	38516	NEW	07/08/2014	2014-11/89
R33-19	General Provisions Related to Protest or Appeal	38518	NEW	07/08/2014	2014-11/90
R33-20	Records	38519	NEW	07/08/2014	2014-11/91
R33-21	Interaction Between Procurement Units	38520	NEW	07/08/2014	2014-11/92
R33-22	Reserved	38526	NEW	07/08/2014	2014-11/94
R33-23	Reserved	38527	NEW	07/08/2014	2014-11/95
R33-24	Unlawful Conduct	38521	NEW	07/08/2014	2014-11/95
R33-25	Executive Branch Insurance Procurement	38522	NEW	07/08/2014	2014-11/97
R33-26	State Surplus Property	38523	NEW	07/08/2014	2014-11/98
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R35-4	Compliance with State Records Committee Decisions and Orders	38576	5YR	06/03/2014	2014-13/136
R35-5	Subpoenas Issued by the Records Committee	38577	5YR	06/03/2014	2014-13/136
R35-6	Expedited Hearing	38578	5YR	06/03/2014	2014-13/137
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R70-310	Grade A Pasteurized Milk	38652	NSC	07/11/2014	Not Printed
R70-410	Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes	38315	AMD	05/08/2014	2014-6/5
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Administration

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R156-24b	Physical Therapy Practice Act Rule	38473	AMD	06/23/2014	2014-10/9
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R156-40	Recreational Therapy Practice Act Rule	38517	AMD	07/08/2014	2014-11/105
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R156-67	Utah Medical Practice Act Rule	38106	AMD	01/07/2014	2013-23/5
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R651-205	Zoned Waters	38444	AMD	06/09/2014	2014-9/36
R651-213	Dealer Numbers and Registrations	38443	AMD	06/09/2014	2014-9/37
R651-213	Dealer Numbers and Registrations	38488	NSC	06/24/2014	Not Printed
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R651-411	OHV Use in State Parks	38216	5YR	01/02/2014	2014-3/51
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ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

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	38327	R602-7	5YR	03/05/2014	2014-7/94	
	38328	R602-8	5YR	03/05/2014	2014-7/94	
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	38332	R307-357-4	AMD	05/08/2014	2014-7/16
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	38589	R277-472	5YR	06/10/2014	2014-13/138
	38588	R277-480	5YR	06/10/2014	2014-13/139
	38187	R277-481	AMD	02/07/2014	2014-1/15
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<u>chief procurement officer</u>					
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	38691	R33-3	5YR	07/08/2014	Not Printed
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Health, Family Health and Preparedness, Child Care Licensing	38543	R430-70	5YR	05/19/2014	2014-12/55
Workforce Services, Employment Development	38159	R986-700	AMD	03/01/2014	2013-24/38
	38269	R986-700	AMD	04/15/2014	2014-4/46

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	38543	R430-70	5YR	05/19/2014	2014-12/55	
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	38336	R527-275	5YR	03/06/2014	2014-7/93	
	38550	R527-332	5YR	05/22/2014	2014-12/55	
	38551	R527-394	5YR	05/22/2014	2014-12/56	
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	38217	R512-43	AMD	03/10/2014	2014-3/15	
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	38400	R382-10	AMD	06/01/2014	2014-8/18	
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Health, Health Care Financing, Coverage and Reimbursement Policy	38529	R414-99	AMD	07/11/2014	2014-11/151	
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Health, Center for Health Data, Health Care Statistics	38144	R428-15	AMD	01/07/2014	2013-23/43	
<u>Class I area</u>						
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<u>class size average reporting</u>						
Education, Administration	38590	R277-463	5YR	06/10/2014	2014-13/138	
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Health, Administration	38256	R380-70	5YR	01/24/2014	2014-4/71	
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	38495	R307-357-4	NSC	05/29/2014	Not Printed	
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	38253	R156-1-501	NSC	01/31/2014	Not Printed	
	38337	R156-15	AMD	05/08/2014	2014-7/5	
	38473	R156-24b	AMD	06/23/2014	2014-10/9	
	38475	R156-31b	R&R	06/23/2014	2014-10/11	
	38533	R156-38a-401	NSC	05/29/2014	Not Printed	
	38517	R156-40	AMD	07/08/2014	2014-11/105	
	38254	R156-42a	5YR	01/21/2014	2014-4/68	
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	38249	R156-44a	5YR	01/16/2014	2014-4/69	
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	38380	R156-55a-301	NSC	04/14/2014	Not Printed	
	38421	R156-60	5YR	04/08/2014	2014-9/50	
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	38106	R156-67	AMD	01/07/2014	2013-23/5	
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	38149	R156-69	AMD	01/21/2014	2013-24/20	
	38165	R156-72	AMD	02/10/2014	2014-1/8	
	38375	R156-77	AMD	05/22/2014	2014-8/7	
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	38407	R708-24	5YR	04/03/2014	2014-9/59	
	38486	R708-24	NSC	05/29/2014	Not Printed	

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	38290	R590-226-5	NSC	02/27/2014	Not Printed	
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	38465	R414-303	AMD	07/01/2014	2014-10/51	
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	38561	R414-14	5YR	05/30/2014	2014-12/54	
	38630	R414-14A	5YR	06/17/2014	2014-14/80	
	38132	R414-21	AMD	01/10/2014	2013-23/28	
	38650	R414-31	5YR	06/24/2014	2014-14/80	
	38431	R414-45	REP	06/11/2014	2014-9/29	
	38133	R414-49	AMD	01/10/2014	2013-23/30	
	38201	R414-49	NSC	01/23/2014	Not Printed	
	38631	R414-49	5YR	06/17/2014	2014-14/81	
	38134	R414-50	REP	01/10/2014	2013-23/32	
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	38141	R414-503	R&R	01/07/2014	2013-23/37
	38660	R414-503	5YR	07/01/2014	2014-14/83
	38584	R414-503-2	NSC	06/18/2014	Not Printed
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