

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

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: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3003. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://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 <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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# SPECIAL NOTICES

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## Commerce Occupational and Professional Licensing

### **Public Notice for a Hearing on the Proposed Amendments to Rule R156-42a, Occupational Therapy Practice Act Rule, Filing No. 42381**

The Division of Occupational and Professional Licensing will hold a public rule hearing on Monday, February 5, 2018, at 9:00 a.m. in the Heber M. Wells Building, 160 East 300 South, Room 475, Salt Lake City, Utah, with respect to a proposed rule amendments affecting Rule R156-42a, Occupational Therapy Practice Act Rule. Said proposed rule amendments were filed with the Office of Administrative Rules on December 12, 2017, and was published in the January 1, 2018, Utah State Bulletin under Filing No. 42381.

Please also note that the mandatory comment period for this filing (No. 42381) affecting Rule R156-42a will now end on February 5, 2018, and the first possible effective date will be February 12, 2018.

*For further information, please contact Jeff Busjahn at 801-530-6789.*

**End of the Special Notices Section**



## NOTICES OF PROPOSED RULES

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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 January 03, 2018, 12:00 a.m., and January 16, 2018, 11:59 p.m. are included in this, the February 01, 2018, 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 Office 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 Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least March 5, 2018. 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 June 1, 2018, the agency may notify the Office 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 Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE OF 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.

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

**Agriculture and Food, Administration**  
**R51-6**  
**Agricultural Advisory Board Electronic Meeting**

**NOTICE OF PROPOSED RULE**

(New Rule)  
 DAR FILE NO.: 42472  
 FILED: 01/16/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** In accordance with Section 52-4-207, this rule is being proposed to allow the Agricultural Advisory Board to have electronic meetings in order to more efficiently conduct business.

**SUMMARY OF THE RULE OR CHANGE:** This proposed rule makes it possible for the Agricultural Advisory Board (Board) and subcommittees of that board to hold electronic meetings. This rule also specifies the procedures that must be followed by the board in order for the board or subcommittees to have an electronic meeting.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 4-2-108 and Section 52-4-207 and Subsection 4-2-103(i)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The Board consists of 21 members representing the various agricultural industries in the state. These members come from all over the state. Many members of the Board have extensive travel which the state reimburses at \$0.53 per mile. Additionally, the state pays \$15 per hour for the length of the meeting. Allowing electronic meetings would result in the state saving the \$0.53 per mile per member of the Board who choose not to travel for the meetings. It is not feasible to estimate the savings to the state for electronic meetings due to the inability of the Department of Agriculture and Food (Department) to determine which members would be participating in the phone calls, as well as the continual change in the makeup of the board which would change the amount of mileage.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or benefits to local governments as the rule neither requires action from nor provides benefit to local governments.

◆ **SMALL BUSINESSES:** There are no anticipated costs or benefits to small businesses as the rule neither requires action from nor provides benefit to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Members of the board and subcommittees will have the benefit of not having to travel to the meetings. As many of them live outside of the Wasatch Front, the availability of electronic meetings will allow them to continue to participate

in the meetings, but not have to spend time traveling to and from the meetings. It is not feasible for the Department to estimate the savings to the individuals as the will vary based on the makeup of the Board.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There will be no costs associated with this rule as the rule does not require action from any person affected.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The Board is made up of 21 representatives of the agricultural industry. Due to the nature of the agricultural industry, many of the members live away from the Wasatch Front and have extensive travel. This travel takes them away from their regular work responsibilities. This proposed rule will make it easier for Board members to participate in the meeting without having to take the time from their other responsibilities.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**  
 AGRICULTURE AND FOOD  
 ADMINISTRATION  
 350 N REDWOOD RD  
 SALT LAKE CITY, UT 84116-3034  
 or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Melissa Ure by phone at 801-538-4976, or by Internet E-mail at mure@utah.gov
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018**

**THIS RULE MAY BECOME EFFECTIVE ON: 03/14/2018**

**AUTHORIZED BY: LuAnn Adams, Commissioner**

**Appendix: Regulatory Impact Analysis for Small and Non-Small Businesses**

<b>Fiscal Costs</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Net Fiscal Benefits:	\$0	\$0	\$0

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**

This new rule could lead to a benefit for the state budget by not requiring board members to be present at each meeting for the Agricultural Advisory Board. The use of teleconferences will allow the state to save some money on for not having to reimburse the Board members mileage to travel to the Board meetings. It is not feasible for the state to accurately assess the amount of the savings due to the varied nature of who may call into the meetings and changes in board membership. There are no additional costs associated with this rule.

The Commissioner of the Department of Agriculture and Food, LuAnn Adams, has reviewed and approved this fiscal analysis.

**R51 Agriculture and Food, Administration.**

**R51-6. Agricultural Advisory Board Electronic Meetings.**

**R51-6-1. Authority and Purpose.**

(1) Promulgated under Utah Code Section 52-4-207 which requires any public body that convenes or conducts an electronic meeting to establish written procedures for such meetings. This rule establishes procedures for conducting Agricultural Advisory Board (Board) meetings or meetings of the Board's subcommittees by electronic means.

(2) This rule is enacted under the authority of Sections 52-4-207, 4-2-108, and 4-2-103(1)(i).

(3) The following provisions govern any meeting at which a voting majority of Board members appear at the anchor location, by telephone, or electronically pursuant to Utah Code Section 52-4-207:

(a) If enough Board members which constitute a voting majority intend to participate electronically or by telephone, public notices of the meeting shall be posted. In addition, the notice shall specify the anchor location where the members of the Board not participating electronically or by telephone will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(b) Notice of the meeting and the agenda shall be posted at the anchor location. Written or electronic notice shall also be posted on the Public Notice Website. These notices shall be provided at least 24 hours before the meetings.

(c) Notice of the possibility of an electronic meeting shall be given to the Board members at least 24 hours before the meeting. In addition, the notice shall describe how a Board member may participate in the meeting electronically or by telephone.

(d) When notice is given of the possibility of a member appearing electronically or by telephone, any Board member may do so and shall be counted as present for purposes of a quorum and

may fully participate and vote on any matter coming before the Board. At the commencement of the meeting, or at such time as any Board member initially appears electronically or by telephone, the chair shall identify for the record all those who are appearing by telephone or electronically. Votes by members of the Board who are not at the physical location of the meeting shall be confirmed by the chair.

(e) The anchor location, unless otherwise designated in the notice, shall be at the offices of the Department of Agriculture and Food, 350 N Redwood Road, Salt Lake City, Utah. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. In addition, the anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

**KEY: electronic meetings**

**Date of Enactment or Last Substantive Amendment: 2018**

**Authorizing, and Implemented or Interpreted Law: 4-2-108; 4-2-103(i); 52-4-207**

**Education, Administration**  
**R277-404**  
**Requirements for Assessments of Student Achievement**

**NOTICE OF PROPOSED RULE**  
(Amendment)

DAR FILE NO.: 42479  
FILED: 01/16/2018

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-404 is amended to provide procedures for the administration of statewide assessments as required by state and federal law.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-404 remove language regarding U-PASS and replaces it with the term "statewide assessments". The changes mirror the repeal of references to U-PASS passed in the 2017 General Session in S.B. 220, Student Assessment and School Accountability Amendments.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X Sec 3 and Section 53A-1-401 and Section 53A-1-603 and Subsection 53A-15-1403(9)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: This rule change is not estimated to have a fiscal impact on the state budget. The changes to Rule R277-404 provide technical changes.

◆ LOCAL GOVERNMENTS: This rule change is not estimated to have a fiscal impact on local governments. The changes to Rule R277-404 provide technical changes.

◆ **SMALL BUSINESSES:** This rule change is not estimated to have a fiscal impact on small businesses. The changes to Rule R277-404 provide technical changes.  
 ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule change is not estimated to have a fiscal impact on persons other than small businesses, businesses, or local government entities. The changes to Rule R277-404 provide technical changes.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The amendments to Rule R277-404 remove language regarding U-PASS and replaces it with the term "statewide assessments". The changes mirror the repeal of references to U-PASS passed in S.B. 220 (2017). This rule change defines high school assessment to align it with statute, Section 53A-1-611.5. It also defines "standards assessment" and "statewide assessment" although most of the wording used for these definitions were already in the rule. This rule change makes further adjustments to assessment requirements. However, these changes are not estimated to have a fiscal impact.

**THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:**  
 EDUCATION  
 ADMINISTRATION  
 250 E 500 S  
 SALT LAKE CITY, UT 84111-3272  
 or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018**

**THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2018**

**AUTHORIZED BY:** Angela Stallings, Deputy Superintendent, Policy and Communication

**Appendix 1: Regulatory Impact Summary Table\***

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>			
	\$0	\$0	\$0

The head of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

**\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

**Appendix 2: Fiscal Impact Analysis**

This rule change (R277-404) removes language regarding U-PASS and replaces it with the term statewide assessments. This change mirrors the repeal of references to U-PASS passed in the 2017 General Session in S.B. 220, Student Assessment and School Accountability Amendments. The rule change defines high school assessment to align with statute, 53A-1-611.5. It also defines standards assessment and statewide assessment although most of the wording used for these definitions was already in the rule. The rule makes further adjustments to assessment requirements. However, these changes are not estimated to have a fiscal impact.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

**R277. Education, Administration.**

**R277-404. Requirements for Assessments of Student Achievement.**

**R277-404-1. Authority and Purpose.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Section[s] 53A-1-603[~~through 53A-1-611~~], which directs the Board to adopt rules for the[~~maintenance and~~] administration of [~~U-PASS~~]statewide assessments;

(c) Subsection 53A-15-1403(9)(b), which requires the Board to adopt rules to establish a statewide procedure for ~~[excusing]~~ exempting a student from taking certain assessments; and

(d) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to:

(a) provide consistent definitions; and

(b) assign responsibilities and procedures for ~~[a Board developed and directed comprehensive assessment system for all students]~~ the administration of statewide assessments, as required by state and federal law.

**R277-404-2. Definitions.**

(1) "Benchmark reading assessment" means the Board approved literacy assessment that is administered to a student in grade 1, grade 2, and grade 3 at the beginning, middle, and end of year.

(2) "College readiness assessment" means the:

(a) same as that term is defined in Section 53A-1-611;

and

(b) American College Testing exam, or ACT.

(3) "English Learner" or "EL[<sup>2</sup>] student" means a student who is learning in English as a second language.

(4) "English language proficiency assessment" means the World-class Instructional Design and Assessment (WIDA) Assessing Comprehension in English State-to-State (ACCESS), which is designed to measure the acquisition of the academic English language for an English Learner student.

(5) "Family Educational Rights and Privacy Act of 1974" or "FERPA," 20 U.S.C. 1232g, means a federal law designed to protect the privacy of students' education records.

(6) "High school assessment":

(a) means the same as that term is defined in Section 53A-1-611.5;

(b) means the "Student Assessment of Growth and Excellence" or "SAGE"; and

(c) includes the SAGE assessment of proficiency in:

(i) English language arts grades 9 and 10;

(ii) Secondary Mathematics I, II, and III; and

(iii) science, including:

(A) earth science;

(B) biology;

(C) physics; and

(D) chemistry.

([6]Z) "National Assessment of Education Progress" or "NAEP" means the national achievement assessment administered by the United States Department of Education to measure and track student academic progress.

~~[(7) "Online writing assessment" means the SAGE writing portion of the SAGE English Language Arts Assessment that measures writing performance for a student in grades 3 through 11.~~

~~(8) "Pre-post assessment" means an assessment administered at the beginning of the school year and at the end of the school year to determine individual student growth in academic proficiency that has occurred during the school year.]~~

([9]8) "State required assessment" means an assessment described in Subsection 53A-15-1403(9)(a).

(9) "Standards Assessment":

(a) means the same as that term is defined in Section 53A-1-604; and

(b) means the "Student Assessment of Growth and Excellence" or "SAGE";

(c) for the 2017-18 school year, includes one writing prompt from the writing portion of the SAGE English language arts assessment for each of grades 3 through 8.

(10) "Statewide assessment" means the:

(a) standards assessment;

(b) high school assessment;

(c) college readiness assessment;

(d) Utah alternative assessment;

(e) benchmark reading assessment; and

(f) English language proficiency assessment.

~~[(10) "Student Assessment of Growth and Excellence" or "SAGE" means a computer adaptive assessment for:~~

~~(a) English language arts grades 3 through 11;~~

~~(b) mathematics:~~

~~(i) grades 3 through 8; and~~

~~(ii) Secondary I, II, and III; and~~

~~(c) science:~~

~~(i) grades 4 through 8;~~

~~(ii) earth science;~~

~~(iii) biology;~~

~~(iv) physics; and~~

~~(v) chemistry.]~~

(11) "Section 504 accommodation plan" means a plan:

(a) required by Section 504 of the Rehabilitation Act of 1973; and

(b) designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

[(12) "Summative adaptive assessment" means the SAGE assessment, which:

~~(a) is administered upon completion of instruction to assess a student's achievement;~~

~~(b) is administered online under the direct supervision of a licensed educator;~~

~~(c) is designed to identify student achievement on the standards for the respective grade and course; and~~

~~(d) measures a range of student ability, within the grade or course level standards the student was taught, by adapting to each student's responses, selecting more difficult questions when a student answers correctly and less difficult questions when a student answers incorrectly.]~~

[(13]12)(a) "Utah alternate assessment" means an assessment instrument:

(i) for a student in special education with a disability so severe the student is not able to participate in [the components of U-PASS] a statewide assessment even with an assessment accommodation or modification; and

(ii) that measures progress on the Utah core instructional goals and objectives in the student's IEP.

(b) "Utah alternate assessment" means:

(i) for science, the Utah Alternate Assessment (UAA);

and

(ii) for English language arts and mathematics, the Dynamic Learning Maps (DLM).

~~(14)~~<sup>13</sup> "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows:

(a) an LEA and the Superintendent to electronically exchange an individual detailed student record; and

(b) electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.[]

~~(15)~~ "Utah Performance Assessment System for Students" or "U-PASS" means:

~~(a) the summative adaptive assessment of a student in grades 3 through 12 in basic skills courses;~~

~~(b) the online writing assessment in grades 3 through 11;~~

~~(c) the college readiness assessment; and~~

~~(d) the summative assessment of a student in grade 3 to measure reading grade level using the end of year benchmark reading assessment.[]~~

### **R277-404-3. Incorporation of Standard Test Administration and Testing Ethics Policy by Reference.**

(1) This rule incorporates by reference the Standard Test Administration and Testing Ethics Policy, [~~September 9~~]<sup>November 2, 201</sup>~~[6]~~<sup>7</sup>, which establishes:

(a) the purpose of testing;

(b) the statewide assessments to which the policy applies;

(c) teaching practices before assessment occurs;

(d) required procedures for after an assessment is complete and for providing assessment results;

(e) unethical practices;

(f) accountability for ethical test administration;

(g) procedures related to testing ethics violations; and

(h) additional resources.

(2) A copy of the Standard Test Administration and Testing Ethics Policy is located at:

(a)

[<http://www.schools.utah.gov/assessment/Directors/Resources.aspx>] [<https://www.schools.utah.gov/assessment>]; and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

### **R277-404-4. [~~Assessment System~~] Superintendent Responsibilities.**

(1) The Superintendent shall facilitate:

(a) administration of statewide assessments; and

(b) participation in NAEP, in accordance with Section 53A-1-603.

~~(1) The Board's comprehensive assessment system for all students in grades K-12 includes:~~

~~(a) the U-PASS assessments;~~

~~(b) pre-post kindergarten assessment for a kindergarten student as determined by the LEA;~~

~~(c) the benchmark reading assessment;~~

~~(d) the Utah alternate assessment, for an eligible student with a disability;~~

~~(e) the English language proficiency assessment;~~

~~(f) the National Assessment of Educational Progress (NAEP); and~~

~~(g) reporting by the Superintendent of U-PASS results.~~

~~(2) The report required by Subsection(1)(g) shall include:~~

~~(a) student performance based on information that is~~

~~disaggregated with respect to race, ethnicity, gender, English proficiency, eligibility for special education services, and free or reduced-price school lunch status;~~

~~(b) security features to maintain the integrity of the system, including statewide uniform assessment dates, assessment administration protocols, and training; and~~

~~(c) summative adaptive assessment results disseminated by the Superintendent to an LEA, parent, and other, as appropriate, consistent with FERPA.[]~~

~~(3)~~<sup>2</sup> The Superintendent shall provide guidelines, timelines, procedures, and assessment ethics training and requirements for all [~~required~~]<sup>statewide</sup> assessments.

~~(4)~~<sup>3</sup> The Superintendent shall designate a testing schedule for each state[~~required~~]<sup>wide</sup> assessment and publish the testing window dates on the Board's website before the beginning of the school year.

### **R277-404-5. LEA Responsibilities - Time Periods for Assessment Administration.**

(1)(a) Except as provided in Section (1)(b), (1)(c), and R277-404-7 an LEA shall administer statewide assessments to all students enrolled in the grade level or course to which the assessment applies.

(b) An LEA is not required to administer the high school assessment to students in grades 11 or 12.

(c) A student's IEP team, English Learner team, or Section 504 accommodation plan team shall determine an individual student's participation in statewide assessments consistent with the Utah Participation and Accommodations Policy.

~~(1)~~<sup>2</sup> [~~Except as provided in Section 53A-1-603, a~~]<sup>An</sup> LEA shall develop a [~~comprehensive assessment system~~]<sup>plan</sup> to [~~include the~~]<sup>administer statewide</sup> assessments[~~described in Subsection R277-404-5(1)~~].

~~(2)~~<sup>3</sup> The plan shall include:

~~(a) the dates that the LEA will administer each~~ [~~required~~]<sup>statewide</sup> assessment;

~~(b) [if]an indication of whether the LEA [decided]elects to offer [its]the LEA's grade 11 students[only the college readiness assessment and not] the SAGE assessment;~~

~~(c) professional development for an educator to fully implement the assessment system;~~

~~(d) training for an educator and an appropriate paraprofessional in the requirements of assessment administration ethics; and~~

~~(e) training for an educator and an appropriate paraprofessional to [utilize]use statewide assessment results effectively to inform instruction[; and].~~

~~(f) adequate oversight of test administration to ensure compliance with Section 53A-1-603 as follows:~~

~~(i) an LEA or online provider shall test all enrolled students unless a student has a written parental excuse under Subsection 53A-15-1403(9);~~

~~(ii) a student participating in the Statewide Online Education Program is assessed consistent with Section 53A-15-1210; and~~

~~(iii) a third party vendor or contractor may not administer or supervise U-PASS.~~

~~(3)~~<sup>4</sup> An LEA shall submit the plan to the Superintendent by September 15 annually.

([4]5) At least once each school year, an LEA shall provide professional development for all educators, administrators, and ~~standardized~~ assessment administrators concerning guidelines and procedures for ~~standardized~~ statewide assessment administration, including educator responsibility for assessment security and proper professional practices.

([5]6) LEA assessment staff shall use the Standard Test Administration and Testing Ethics Policy in providing training for all assessment administrators and proctors.

([6]7) An LEA may not release state assessment data publicly until authorized to do so by the Superintendent.

([7]8) An LEA educator or trained employee shall administer statewide assessments ~~[required under R277-404-5]~~ consistent with the testing schedule published on the Board's website.

([8]9) An LEA educator or trained employee shall complete all required assessment procedures prior to the end of the assessment window defined by the Superintendent.

([9]10)(a) If an LEA requires an alternative schedule with assessment dates outside of the Superintendent's published schedule, the LEA shall submit the alternative testing plan to the Superintendent by September 15 annually.

(b) The alternative testing plan shall set dates for ~~summative adaptive~~ assessment administration for courses taught face-~~[-]to-[-]~~face or online.

**R277-404-6. School Responsibilities.**

(1)(a) An LEA, school, or educator may not use a student's score on a state required assessment to determine:

([a]i) the student's academic grade, or a portion of the student's academic grade, for the appropriate course; or

([b]ii) whether the student may advance to the next grade level.

(b)(i) An LEA may consider, as one of multiple lines of evidence, a student's score on a state required assessment to determine whether a student may enroll in an honors, advanced placement, or International Baccalaureate course.

(ii) An LEA may not prohibit a student from enrolling in an honors, advanced placement, or International Baccalaureate course:

(A) based on a student's score on a state required assessment; or

(B) because the student was exempted from taking a state required assessment.

(c) In accordance with Subsection 53A-15-1403(1), an LEA shall reasonably accommodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.

~~\_\_\_\_\_~~(2) An LEA and school shall require an educator~~[and]~~, assessment administrator, and proctor to individually sign ~~[the Testing Ethics signature page]~~ a document provided by the Superintendent acknowledging or assuring that the educator administers statewide assessments consistent with ethics and protocol requirements.

(3) ~~[AH]~~An educator[s] and assessment administrator[s] shall conduct assessment preparation, supervise assessment administration, and certify assessment results before providing results to the Superintendent.

(4) ~~[AH]~~An educator~~[s and]~~, assessment administrator~~[s]~~, and proctor~~[s]~~ shall securely handle and return all protected assessment materials, where instructed, in strict accordance with the procedures and directions specified in assessment administration manuals, LEA rules and policies, and the Standard Test Administration and Testing Ethics Policy.

~~\_\_\_\_\_~~(5) ~~A student's IEP, EL, or Section 504 accommodation plan team shall determine an individual student's participation in statewide assessments consistent with the Utah Participation and Accommodations Policy.~~

**R277-404-7. Student and Parent Participation in Student Assessments in Public Schools; Parental Exclusion from Testing and Safe Harbor Provisions.**

(1) As used in this section, "penalize" means to put in an unfavorable position or at an unfair disadvantage.

~~\_\_\_\_\_~~([1]2)(a) Parents are primarily responsible for their children's education and have the constitutional right to determine which aspects of public education, including assessment systems, in which their children participate.

(b) Parents may further exercise their inherent rights to exempt their children from a state required assessment without further consequence by an LEA.

~~\_\_\_\_\_~~(2) ~~An LEA shall administer state required assessments to all students unless:~~

~~\_\_\_\_\_~~(a) ~~the Utah alternate assessment is approved for specific students consistent with federal law and as specified in the student's IEP; or~~

~~\_\_\_\_\_~~(b) ~~students are excused by a parent or guardian under Section 53A-15-1403(9) and as provided in this rule.~~

~~\_\_\_\_\_~~(3)(a) A parent may exercise the right to exempt their child from a state required assessment.

(b) Except as provided in Subsection (3)(c), an LEA may not penalize a student who is exempted from a state required assessment under this section~~[upon exercising the right to exempt a child from a state required assessment under this provision, an LEA may not impose an adverse consequence on a child as a result of the exercise of rights under this provision].~~

(c) If a parent exempts the parent's child from the basic civics test required in Sections 53A-13-109.5 and R277-700-8, the parent's child is not exempt from the graduation requirement in Subsection 53A-13-109.5(2), and may not graduate without successfully completing the requirements of Sections 53A-13-109.5 and R277-700-8.

(4)(a) ~~[In order to]~~To exercise the right to exempt a child from a state required assessment under this provision and ~~[i]~~ensure the protections of this provision, a parent shall:

(i) fill out:

(A) the Parental Exclusion from State Assessment Form provided on the Board's website; or

(B) an LEA specific form as described in Subsection (4)

(b); and

(ii) submit the form:

(A) to the principal or LEA either by email, mail, or in person; and

(B) on an annual basis; and

~~\_\_\_\_\_~~(C) except as provided in Subsection (4)(b), at least one day prior to the beginning of the assessment.

(b) An LEA may allow a parent to exempt a student from taking a state required assessment less than one day prior to the beginning of the assessment upon parental request.

~~(b)~~(c) An LEA may create an LEA specific form for a parent to fill out as described in Subsection (4)(a)(i)(B) if:

(i) the LEA includes a list of local LEA assessments that a parent may exempt the parent's student from as part of the LEA's specific form; and

(ii) the LEA's specific form includes all of the information described in the Parental Exclusion from State Assessment Form provided on the Board's website as described in Subsection (4)(a)(i)(A).

(5)(a) A teacher, principal, or other LEA administrator may contact a parent to verify that the parent submitted a parental exclusion form described in Subsection (4)(a)(i).

(b) An LEA may request, but may not require, a parent to meet with a teacher, principal, or other LEA administrator regarding the parent's request to exclude the parent's student from taking a state required assessment.

~~(6) School grading, teacher evaluations, and student progress reports or grades may not be negatively impacted by students excused from taking a state required assessment.~~

~~(7)~~(6) ~~[Any assessment that is not a state required assessment, t]The administration of [the]any assessment[s, and the] that is not a state required assessment, including consequences [of]associated with taking or failing to take the assessment[s], is governed by policy adopted by each LEA.~~

~~(8)~~(7) An LEA shall provide a student's individual test results and scores to the student's parent or guardian upon request and consistent with the protection of student privacy.

~~(9)~~(8) An LEA may not reward a student for ~~taking~~ a student's participation in or performance on a state required assessment.

(9) An LEA shall ensure that a student who has been exempted from participating in a state required assessment under this section is provided with an alternative learning experience if the student is in attendance during test administration.

(10) An LEA may allow a student who has been exempted from participating in a state required assessment under this section to be physically present in the room during test administration.

#### **R277-404-8. Public Education Employee Compliance with Assessment Requirements, Protocols, and Security.**

(1) An educator, test administrator or proctor, administrator, or school employee may not:

(a) provide a student directly or indirectly with a specific question, answer, or the content of any specific item in a ~~standardized~~ statewide assessment prior to assessment administration;

(b) download, copy, print, take a picture of, or make any facsimile of protected assessment material prior to, during, or after assessment administration without express permission of the Superintendent and an LEA administrator;

(c) change, alter, or amend any student online or paper response answer or any other ~~standardized assessment~~ statewide material at any time in a way that alters the student's intended response;

(d) use any prior form of any ~~standardized~~ statewide assessment, including pilot assessment materials, that the Superintendent has not released in assessment preparation without express permission of the Superintendent and an LEA administrator;

(e) violate any specific assessment administrative procedure specified in the assessment administration manual, violate any state or LEA ~~standardized~~ statewide assessment policy or procedure, or violate any procedure specified in the Standard Test Administration and Testing Ethics Policy;

(f) fail to administer a state-~~required~~ wide assessment;

(g) fail to administer a state-~~required~~ wide assessment within the designated assessment window;

(h) submit falsified data;

(i) allow a student to copy, reproduce, or photograph an assessment item or component; or

(j) knowingly do anything that would affect the security, validity, or reliability of ~~standardized~~ statewide assessment scores of any individual student, class, or school.

(2) A school employee shall promptly report an assessment violation or irregularity to a building administrator, an LEA superintendent or director, or the Superintendent.

(3) An educator who violates this rule or an assessment protocol is subject to Utah Professional Practices Advisory Commission or Board disciplinary action consistent with R277-515.

(4) All assessment material, questions, and student responses for required assessments is designated protected, consistent with Section 63G-2-305, until released by the Superintendent.

(5)(a) Each LEA shall ensure that all assessment content is secured so that only authorized personnel have access and that assessment materials are returned to Superintendent following testing, as required by the Superintendent.

(b) An individual educator or school employee may not retain or distribute test materials, in either paper or electronic form, for purposes inconsistent with ethical test administration or beyond the time period allowed for test administration.

#### **R277-404-9. Data Exchanges.**

(1) The Board's IT Section shall communicate regularly with an LEA regarding the required format for electronic submission of required data.

(2) An LEA shall update UTREx data using the processes and according to schedules determined by the Superintendent.

(3) An LEA shall ensure that any computer software for maintaining or submitting LEA data is compatible with data reporting requirements established in Rule R277-484.

(4) The Superintendent shall provide direction to an LEA detailing the data exchange requirements for each statewide assessment.

(5) An LEA shall ensure that all ~~summative testing~~ statewide assessment data have been collected and certify that the data are ready for accountability purposes no later than July 12.

(6) An LEA shall verify that it has satisfied all the requirements of the Superintendent's directions described in this section.

(7) Consistent with Utah law, the Superintendent shall return assessment results from all ~~required~~ statewide assessments to the school before the end of the school year.

**KEY: assessments, student achievements**

**Date of Enactment or Last Substantive Amendment:** ~~January 24, 2017~~ **2018**

**Notice of Continuation:** November 29, 2016

**Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53A-1-603 through 53A-1-611; 53A-1-401

**Education, Administration**  
**R277-415**  
**School Nurses Matching Funds**

**NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE NO.: 42480

FILED: 01/16/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Rule R277-415 is a new rule to provide rules for awarding of matching funds under Section 53A-17a-154.

**SUMMARY OF THE RULE OR CHANGE:** The proposed Rule R277-415 puts matching funds for school nurses program into Board rule. Enacting this rule may cause a redistribution among local education agencies (LEAs) of some of the grant funds since the rule is enacting criteria on the award. This rule outlines what matching funds may be used for, but these uses appear to include the categories of expenditures LEAs are utilizing currently for school nurses as detailed in the Annual Program Report on Restricted State and Federal Funds.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Art X Sec 3 and Section 53A-1-401 and Section 53A-17a-154

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** It is possible that under this proposed rule, some LEAs will receive less funding and some will receive more funding than in previous years. However, the magnitude of this impact cannot be quantified. Matching funds for school nurses are awarded through an application process so it is difficult to know how this rule may impact LEAs decisions to apply for the grant.

◆ **LOCAL GOVERNMENTS:** It is possible that under this proposed rule, some LEAs will receive less funding and some will receive more funding than in previous years. However, the magnitude of this impact cannot be quantified. Matching funds for school nurses are awarded through an application process so it is difficult to know how this rule may impact LEAs decisions to apply for the grant.

◆ **SMALL BUSINESSES:** It is possible that under this proposed rule, some LEAs will receive less funding and some will receive more funding than in previous years. However, the magnitude of this impact cannot be quantified. Matching

funds for school nurses are awarded through an application process so it is difficult to know how this rule may impact LEAs decisions to apply for the grant.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** It is possible that under this proposed rule, some LEAs will receive less funding and some will receive more funding than in previous years. However, the magnitude of this impact cannot be quantified. Matching funds for school nurses are awarded through an application process so it is difficult to know how this rule may impact LEAs decisions to apply for the grant.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance cost for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The proposed new Rule R277-415 puts matching funds for school nurses program into Board rule. Enacting this rule may cause a redistribution among LEAs of some of the grant funds since the rule is enacting criteria on the award. This rule outlines what matching funds may be used for, but these uses appear to include the categories of expenditures LEAs are utilizing currently for school nurses as detailed in the Annual Program Report on Restricted State and Federal Funds. It is possible that under this proposed rule, some LEAs will receive less funding and some will receive more funding than in previous years. However, the magnitude of this impact cannot be quantified. There is currently variation in how much of the matching fund LEAs receive year to year. Matching funds for school nurses are awarded through an application process so it is difficult to know how the rule change may impact LEAs decisions to apply for the grant.

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY, UT 84111-3272

or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at [angie.stallings@schools.utah.gov](mailto:angie.stallings@schools.utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018**

**THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2018**

**AUTHORIZED BY:** Angela Stallings, Deputy Superintendent, Policy and Communication

**Appendix 1: Regulatory Impact Summary Table\***

<b>Fiscal Costs</b>	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Net Fiscal Benefits:	\$0	\$0	\$0

The head of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

**\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

**Appendix 2: Fiscal Impact Analysis**

This rule change puts the matching funds for school nurses program into Board rule. Enacting this rule may cause a redistribution among local education agencies (LEAs) of some of the grant funds since the rule is enacting criteria on the award. The rule outlines what matching funds may be used for, but these uses appear to include the categories of expenditures LEAs are utilizing currently for school nurses as detailed in the Annual Program Report on Restricted State and Federal Funds. It's possible that under this rule change, some LEAs will receive less funding and some will receive more funding than in previous years. However, the magnitude of this impact cannot be quantified. There is currently variation in how much of the matching fund LEAs receive year to year. Matching funds for school nurses are awarded through an application process so it is difficult to know how the

rule change may impact LEA decisions to apply for the grant.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

**R277. Education, Administration.**

**R277-415. School Nurses Matching Funds.**

**R277-415-1. Authority and Purpose.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
  - (c) Section 53A-17a-154, which requires the Board to distribute grant money to LEAs for school nurses.
- (2) The purpose of this rule is to provide rules for awarding of matching funds under Section 53A-17a-154.

**R277-415-2. Definitions.**

- (1) "Advanced Practice Registered Nurse" or "APRN" is a nurse practitioner who may practice as a school nurse, or in a supervisory role.
- (2) "Health aid or clerk" means an unlicensed assistive person who must work under the supervision of an RN.
- (3) "Licensed Practical Nurse" or "LPN" means a nurse who may only assist or work under the supervision of a registered nurse or a medical doctor.
- (4) "Physician" means a licensed doctor with a doctorate in medicine or osteopathic medicine from an accredited college or university.
- (5) "Registered nurse" or "RN" is a licensed practicing nurse with a degree in nursing from an accredited college or university.
- (6) "Typical school nurse" means a licensed RN specializing in school nursing that serves as a health care expert in a school.

**R277-415-3. Appropriation for School Nurses.**

- (1) The Superintendent shall award an appropriation for school nurses to LEAs subject to the requirements of this Rule R277-415 and Section 53A-17a-154.
- (2) An LEA that seeks an appropriation for school nurses under this Rule shall submit an application for school nurse funds annually.
- (3) The Superintendent shall determine the amount of an LEA's allocation taking into account:
  - (a) an LEA's student enrollment;
  - (b) an LEA's ability to match funds as provided in this Section R277-415-3;
  - (c) the percentage of change to an LEA's school nursing staff since state fiscal year 2007; and
  - (d) the annual allocation of funds towards the school nursing program by the Legislature.
- (4) An LEA shall provide a dollar for dollar match for an appropriation for school nurses awarded in accordance with this rule.

(5) An LEA shall provide a physician or APRN consultant to provide oversight to the LEA's school nursing program.

(6) Beginning with the 2018-19 school year, an LEA may use matching funds for paid personnel costs of:

- (a) a typical school nurse;
- (b) a registered professional nurse; or
- (c) a licensed medical physician.

(7) Beginning with the 2018-19 school year, an LEA may not use matching funds for:

- (a) an LPN;
- (b) a special education school nurse;
- (c) a pre-school school nurse;
- (d) a health aid or clerk;
- (e) a certified nurse assistant;
- (f) office space; or
- (g) medical supplies.

(8) An LEA may not count a school nurse as a full FTE at one school and a partial FTE at another school.

(9) An LEA shall provide documentation to the Superintendent to ensure that an appropriation for school nurses received does not supplant previous school nursing costs, including the LEA's:

(a) funding amounts and sources of funding for school nurses employed prior to state fiscal year 2008;

(b) funding amounts and sources of funding for current school nurses;

(c) current personnel cost information; and

(d) names and license numbers of employed school nurses.

(10) An LEA shall provide names and license numbers of the LEA's school nurses, including new hires, and overseeing consultants to the Superintendent by November 30 annually.

(11)(a) An LEA may provide an in-kind service match to qualify for state funds under this rule.

(b) An in-kind match under Subsection (11)(a) may include:

(i) a collaborative agreement with a local health department supported by an executed memorandum of understanding or contract, which shall include an hourly rate attributable to the services provided;

(ii) volunteer hours by a registered professional nurse valued at any hourly market rate approved by the Superintendent;

(iii) volunteer hours by a licensed medical physician valued at an hourly market rate approved by the Superintendent;

(iv) funds paid by a local health department towards school nurse personnel costs; and

(v) funds paid by any other outside source towards school nurse personnel costs.

(12) The Superintendent may require an LEA receiving an appropriation for school nurses to:

(a) submit reports to the Superintendent and Utah Department of Health regarding the LEA's school nursing activities; and

(b) participate in standardized data collection as established by the Utah Department of Health, including the annual school health workload census.

(13) An LEA that fails to meet its matching obligations shall reimburse any state funds awarded in accordance with this rule.

(14) Nothing in this rule gives any medical provider authorization to prescribe medications to a student without the written consent of the student's parent or guardian.

**KEY: school nurses, awarding, funds**

**Date of Enactment or Last Substantive Amendment: 2018**

**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53A-1-401**

Education, Administration  
**R277-490**  
 Beverley Taylor Sorenson Elementary  
 Arts Learning Program (BTSALP)

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 42481

FILED: 01/16/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Rule R277-490 is amended to make technical changes. This amendment also adds that the Superintendent shall determine the exact percentage awarded following review of available program funding and exact costs for continuing programs.

**SUMMARY OF THE RULE OR CHANGE:** This rule amendment to Rule R277-490 makes technical changes and adds that the Superintendent shall determine the exact percentage awarded following a review of available program funding and exact costs for continuing programs. The Superintendent may also not award funds to a local education agencies for a new program specialist unless program funding can provide 80% funding for all continuing grants.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Art X Sec 3 and Section 53A-1-401 and Section 53A-17a-162

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** This rule amendment is not estimated to have a fiscal impact on the state budget. This rule is amended to provide technical, conforming, and stylistic changes.

◆ **LOCAL GOVERNMENTS:** This rule amendment is not estimated to have a fiscal impact on local governments. This rule is amended to provide technical, conforming, and stylistic changes.

♦ **SMALL BUSINESSES:** This rule amendment is not estimated to have a fiscal impact on small businesses. This rule is amended to provide technical, conforming, and stylistic changes.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule amendment is not estimated to have a fiscal impact on small businesses, businesses, or local government entities. This rule is amended to provide technical, conforming, and stylistic changes.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule amendment to Rule R277-490 is not estimated to have a fiscal impact. Amendments to Rule R277-490 make technical changes and add that the Superintendent shall determine the exact percentage awarded following a review of available program funding and exact costs for continuing programs. The Superintendent may also not award funds to a local education agencies for a new program specialist unless program funding can provide 80% funding for all continuing grants.

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

EDUCATION  
ADMINISTRATION  
250 E 500 S  
SALT LAKE CITY, UT 84111-3272  
or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at [angie.stallings@schools.utah.gov](mailto:angie.stallings@schools.utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018**

**THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2018**

**AUTHORIZED BY:** Angela Stallings, Deputy Superintendent, Policy and Communication

Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

The head of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

**\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

**Appendix 2: Fiscal Impact Analysis**

This rule change (R277-490) is not estimated to have a fiscal impact. It makes technical changes. The rule changes also add that the Superintendent shall determine the exact percentage awarded following review of available program funding and exact costs for continuing programs. The Superintendent also may not award funds to a local education agencies for a new program specialist unless program funding provides 80 percent funding for all continuing grants. These changes will not have a fiscal impact.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

**Appendix 1: Regulatory Impact Summary Table\***

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

**R277. Education, Administration.**

**R277-490. Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP).**

**R277-490-1. Authority and Purpose.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53A-17a-162, which directs the Board to establish a grant program for LEAs to hire qualified arts professionals to encourage student participation in the arts in Utah public schools and embrace student learning in Core subject areas.

(2) The purpose of this rule is:

(a) to implement the BTSALP model in public schools through LEAs and consortia that submit grant applications to hire arts specialists who are paid on the licensed teacher salary schedule;

(b) to distribute funds to LEAs to purchase supplies and equipment as provided for in Subsections 53A-17a-162(4) and (6);

(c) to fund activities at endowed universities to provide pre-service training, professional development, research, and leadership for arts educators and arts education in Utah public schools; and

(d) to appropriately monitor, evaluate, and report programs and program results.

#### **R277-490-2. Definitions.**

(1) "Arts equipment and supplies" includes musical instruments, recording and play-back devices, cameras, projectors, computers to be used in the program, CDs, DVDs, teacher reference books, and art-making supplies.

(2) "Arts Program coordinator" or "coordinator" means an individual, employed full-time, who is responsible to:

(a) coordinate arts programs for an LEA or consortium;

(b) inform arts teachers;

(c) organize arts professional development including organizing arts local learning communities;

(d) oversee, guide, and organize the gathering of assessment data;

(e) represent the LEA or consortium arts program; and

(f) provide general leadership for arts education throughout the LEA or consortium.

(3) "Beverly Taylor Sorenson Elementary Arts Learning Program model," "BTSALP model," or "Program" means a program in grades K-6 with the following components:

(a) a qualified arts specialist to work collaboratively with the regular classroom teacher to deliver quality, sequential, and developmental arts instruction in alignment with the state ~~[F]ine [A]rts [C]ore [C]urriculum [S]tandards;~~

(b) regular collaboration between the classroom teacher and arts specialist in planning arts integrated instruction; and

(c) other activities that may be proposed by an LEA on a grant application and approved by the Board.

(4) "Endowed university" means an institution of higher education in the state as defined in Subsection 53A-17a-162(1)(b).

(5) "Highly qualified school arts program specialist" or "arts specialist" means:

(a) an educator with:

(i) a current educator license; and

(ii) a Level 2 or K-12 specialist endorsement in the art form;

(b) an elementary classroom teacher with a current educator license who is currently enrolled in a Level 2 specialist endorsement program in the art form;

(c) a professional artist employed by a public school and accepted into the Board Alternative Routes to License (ARL) program under Rule R277-503 to complete a K-12 endorsement in

the art form, which includes the Praxis exam in the case of art, music, or theatre; or

(d) an individual who qualifies for an educator license under Board rule that qualifies the individual for the position provided that:

(i) an LEA provides an affidavit verifying that a reasonable search was conducted for an individual who would qualify for an educator license through other means; and

(ii) the LEA reopens the position and conducts a new search every two years.

(e) In addition to required licensure and endorsements, prospective teachers should provide evidence of facilitating elementary Core learning in at least one art form.

(6) "Matching funds" means funds that equal at least 20% of the total costs for salary plus benefits incurred by an LEA or consortium to fund the LEA or consortium's arts specialist.

#### **R277-490-3. Arts Specialist Grant Program - LEA Consortium.**

(1) LEAs may form a consortium to employ arts specialists appropriate for the number of students served.

(2) An LEA or a consortium of LEAs may submit a grant request consistent with time lines provided in this rule.

(3) An LEA or a consortium shall develop its proposal consistent with the BTSALP model outlined under R277-490-2(3).

(4) A consortium grant request shall explain the necessity or greater efficiency and benefit of an arts specialist serving several elementary schools within a consortium of LEAs.

(5) A consortium grant shall explain a schedule for each specialist to serve the group of schools within several of the LEAs similarly to an arts specialist in a single school.

(6) A consortium grant request shall provide information for a consortium arts specialist's schedule that minimizes the arts specialist's travel and allows the arts specialist to be well integrated into several schools.

(7) An LEA's grant application shall include the collaborative development of the application with the LEA's partner endowed university and School Community Councils if matching funds come from School LAND Trust Funds.

#### **R277-490-4. Arts Specialist Grant Program Timelines.**

(1) An LEA or a consortium shall complete a program grant application annually.

(2) The Board shall grant funding priority to renewal applications.

(3) An LEA or consortium shall submit a completed application requesting funding to the Superintendent by May 1 annually.

(4) The Board shall designate an LEA or a consortium for funding no later than June 1 annually.

#### **R277-490-5. Distribution of Funds for Arts Specialist.**

(1) A program LEA or consortium shall submit a projection of salaries, including benefits, of all program specialists the LEA or consortium expects to employ in the coming school year by May 1 annually.

~~(1)~~ (2) A program LEA or consortium shall submit complete information of salaries, including benefits, of all program specialists employed by the LEA or consortium no later than September 30 annually.

([2]3)(a) If a program LEA or consortium provides matching funds, the Superintendent shall distribute funds to program grant recipients annually ~~[equal]~~ up to 80% of the salaries plus benefits for approved hires in the program, and not to exceed the amount projected in accordance with Subsection (1), consistent with Subsections 53A-17a-162(5) and(6).

(b) The Superintendent shall determine the exact percentage awarded following review of available program funding and exact costs for continuing programs.

(c) The Superintendent may not award funds to an LEA for a new program specialist unless program funding provides 80% funding for all continuing grants.

~~(3)4(a) An individual program specialist grant amount may not exceed \$70,000 in FY 2016.~~

~~(b) The Superintendent shall annually set the upper limit on [the]a grant amount, which may [shall adjust each year at the same rate as]not exceed the increase in the WPU.~~

([4]5) A grant recipient shall provide matching funds for each specialist funded through the program.

**R277-490-6. Distribution of Funds for Arts Specialist Supplies.**

(1) The Board shall distribute funds for arts specialist supplies to an LEA or consortium as available.

(2) A grant recipient shall distribute funds to participating schools as provided in the approved LEA or consortium grant and consistent with LEA procurement policies.

(3) A grant recipient shall require arts specialists to provide adequate documentation of arts supplies purchased consistent with the grant recipient's plan, this rule, and the law.

(4) Summary information about effective supplies and equipment shall be provided in the school or consortium evaluation of the program.

**R277-490-7. LEA or Consortium Employment of Arts Coordinators.**

(1)(a) An LEA or consortium may apply for funds to employ arts coordinators in the LEA or consortium.

(b) These are intended as small stipends for educators who are already employed in rural districts to help support arts education and the implementation of BTSALP.

(2) An applicant shall explain:

(a) how an arts coordinator will be used, consistent with the BTSALP model;

(b) what requirements an arts coordinator must meet; and

(c) what training will be provided, and by whom.

(3) The Superintendent shall notify an LEA that receives a grant award no later than June 1 annually.

**R277-490-8. Endowed University Participation in the BTSALP.**

(1) The Superintendent may consult with endowed chairs and integrated arts advocates regarding program development and guidelines.

(2) An endowed university may apply for grant funds to fulfill the purposes of this program, which include:

(a) delivery of high quality professional development to participating LEAs;

(b) the design and completion of research related to the program;

(c) providing the public with elementary arts education resources; and

(d) other program related activities as may be included in a grant application and approved by the Board.

(3) An endowed university grant application shall include documentation of collaborative development of a plan for delivery of high quality professional development to participating LEAs.

(4) The Superintendent shall determine the LEAs assigned to each endowed university.

(5) The Board may award no more than 10% of the total legislative appropriation for grants to endowed universities.

(6) The Superintendent shall monitor the activities of the grantees to ensure compliance with grant rules, fulfillment of grant application commitments, and appropriate fiscal procedures.

(7) An endowed university shall cooperate with the Superintendent in the monitoring of its grant.

(8) An endowed university that receives grant funds shall consult, as requested by the Superintendent, in the development and presentation of an annual written program report as required in statute.

**R277-490-9. LEAs Cooperation with the Superintendent for BTSALP.**

(1) A BTSALP staff member may visit a school receiving a grant to observe implementation of the grant.

(2) A BTSALP school shall cooperate with the Superintendent to allow visits of members of the Board, legislators, and other invested partners to promote elementary arts integration.

(3) An LEA shall accurately report the number of students impacted by the program grant and report on the delivery systems to those students as requested by the Superintendent.

(4)(a) An LEA found to be out of compliance with the terms of the grant will be notified within 30 days of the discovery of non-compliance.

(b) An LEA found to be in non-compliance will be given 30 days to correct the issues.

(c) If non-compliance is not resolved within that time frame, an LEA is subject to losing the grant funds for the school or schools found to be non-compliant.

**KEY: arts programs, endowed universities, grants, public schools**

**Date of Enactment or Last Substantive Amendment: [August 11, 2016]2018**

**Notice of Continuation: June 10, 2013**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-17a-162**

**Education, Administration**  
**R277-700**  
**The Elementary and Secondary School**  
**General Core**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 42482

FILED: 01/16/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Rule R277-700 is amended to give local education agencies (LEAs) additional flexibility in required courses for middle and junior high school by referencing courses rather than units of credit.

**SUMMARY OF THE RULE OR CHANGE:** These amendments to Rule R277-700 give LEAs additional flexibility in required courses for middle and junior high school by referencing courses rather than units of credit, giving LEA boards discretion to offer additional elective courses, set requirements for a student to complete additional elective courses, and set minimum credit requirements.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53A-1-401 and Section 53A-1-402 and Section 53A-1-402.6

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** These rule amendments are not estimated to have a fiscal impact on the state budget. These amendments to Rule R277-700 provide technical changes.
- ◆ **LOCAL GOVERNMENTS:** These rule amendments are not estimated to have a fiscal impact on local governments. These amendments to Rule R277-700 provide technical changes.
- ◆ **SMALL BUSINESSES:** These rule amendment are not estimated to have a fiscal impact on small businesses. These amendments to Rule R277-700 provide technical changes.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule amendments are not estimated to have a fiscal impact on persons other than small businesses, businesses, or local government entities. The amendments to Rule R277-700 provide technical changes.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Rule R277-700 is not estimated to have a fiscal impact. These amendments to Rule R277-700 give LEAs additional flexibility in required courses for middle and junior high school by referencing courses rather than units of credit, giving LEA boards discretion to offer additional elective courses, set requirements for a student to complete additional elective courses and set minimum credit requirements. These rule amendments also, upon parental or student request, enable an LEA, with parental consent, to substitute a course requirement with a course, extracurricular activity, or experience that is similar to the course requirement or consistent with the student's college and career-ready plan.

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

EDUCATION  
ADMINISTRATION  
250 E 500 S  
SALT LAKE CITY, UT 84111-3272  
or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at [angie.stallings@schools.utah.gov](mailto:angie.stallings@schools.utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018

THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

**Appendix 1: Regulatory Impact Summary Table\***

<b>Fiscal Costs</b>	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

The head of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

**\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

#### Appendix 2: Fiscal Impact Analysis

This rule change (R277-700) is not estimated to have a fiscal impact. The rule gives local education agencies (LEAs) additional flexibility in required courses for middle school/junior high school by referencing courses rather than units of credit, giving LEA boards discretion to offer additional elective courses, set requirements for a student to complete additional courses, and set minimum credit requirements. The rule change also, upon parental or student request, enables an LEA, with parental consent, to substitute a course requirement with a course, extracurricular activity, or experience that is similar to the course requirement or consistent with the student's college and career-ready plan.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

### R277. Education, Administration.

#### R277-700. The Elementary and Secondary School General Core.

##### R277-700-1. Authority and Purpose.

(1) This rule is authorized by:

(a) ~~Article X, Section 3, of the Utah Constitution, which places general control and supervision of the public schools under the Board~~ Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) ~~Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;~~

(b)c) S[abs]ection 53A-1-402[(+)], which directs the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements;

(e)d) Section 53A-1-402.6, which directs;

(i) the Board to establish Core Standards in consultation with LEA boards and superintendents; and

(ii) ~~directs~~ LEA boards to adopt local curriculum and to design programs to help students master the General Core;

(d)e) Title 53A, Chapter 1, Part 12, Career and College Readiness Mathematics Competency, which directs the Board to establish college and career mathematics competency standards; and

(e)f) Section 53A-13-109.5, which requires the Board to provide rules related to a basic civics test[; and

(f) ~~Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law].~~

(2) The purpose of this rule is to specify the minimum Core Standards and General Core requirements for the public schools, and to establish responsibility for mastery of Core Standard requirements.

##### R277-700-2. Definitions.

For purposes of this rule:

(1)(a) "Applied course" means a public school course or class that applies the concepts of a Core subject.

(b) "Applied course" includes a course offered through Career and Technical Education or through other areas of the curriculum.

(2) "Arts" means the visual arts, music, dance, theatre, and media arts.

(2)3) "Assessment" means a summative computer adaptive assessment for:

(a) English language arts grades 3 through 11;

(b) mathematics grades 3 through 8, and Secondary I, II, and III; or

(c) science grades 4 through 8, earth science, biology, physics and chemistry.

(3)4) "Career and Technical Education(CTE)" means an organized educational program or course which directly or indirectly prepares students for employment, or for additional preparation leading to employment, in an occupation, where entry requirements generally do not require a baccalaureate or advanced degree.

(4)5) "Core Standard" means a statement of what a student enrolled in a public school is expected to know and be able to do at a specific grade level or following completion of an identified course.

(5)6) "Core subject" means a course for which there is a declared set of Core Standards as approved by the Board.

(6)7) "Elementary school" for purposes of this rule means a school that serves grades K-6 in whatever kind of school the grade levels exist.

(7)8) "General Core" means the courses, content, instructional elements, materials, resources and pedagogy that are used to teach the Core Standards, including the ideas, knowledge, practice and skills that support the Core Standards.

(8)9) "High school" for purposes of this rule means a school that serves grades 9-12 in whatever kind of school the grade levels exist.

(9)10) "LEA" or "local education agency" includes the Utah Schools for the Deaf and the Blind.

(10)11) "Life Skills document" means a companion document to the Core Standards that describes the knowledge, skills, and dispositions essential for all students; the life skills training helps students transfer academic learning into a comprehensive education.

(11)12) "Middle school" for purposes of this rule means a school that serves grades 7-8 in whatever kind of school the grade levels exist.

(12)13) "Summative adaptive assessment" means an assessment that:

(a) is administered upon completion of instruction to assess a student's achievement;

(b) is administered online under the direct supervision of a licensed educator;

(c) is designed to identify student achievement on the Core Standards for the respective grade and course; and

(d) measures the full range of student ability by adapting to each student's responses, selecting more difficult questions when a student answers correctly and less difficult questions when a student answers incorrectly.

**R277-700-3. General Core and Core Standards.**

(1) The Board establishes minimum course description standards for each course in the required General Core.

(2)(a) The Superintendent shall develop, in cooperation with LEAs, course descriptions for required and elective courses.

(b) The Superintendent shall provide parents and the general public an opportunity to participate in the development process of the course descriptions described in Subsection (2)(a).

(3)(a) The Superintendent shall ensure that the courses described in Subsection (2):

(i) contain mastery criteria for the courses; and

(ii) stress mastery of the course material, Core Standards, and life skills consistent with the General Core and Life Skills document.

(b) The Superintendent shall place a greater emphasis on a student's mastery of course material rather than completion of predetermined time allotments for courses.

(4) An LEA board shall administer the General Core and comply with student assessment procedures consistent with state law.

**R277-700-4. Elementary Education Requirements.**

(1) The Core Standards and a General Core for elementary school students in grades K-6 are described in this section.

(2) The following are the Elementary School Education Core Subject Requirements:

(a) English Language Arts;

(b) Mathematics;

(c) Science;

(d) Social Studies;

(e) Arts:

(i) Visual Arts;

(ii) Music;

(iii) Dance; or

(iv) Theatre;

(f) Health Education;

(g) Physical Education;

(h) Educational Technology; and

(i) Library Media.

(3) An LEA board shall provide access to the General Core to all students within the LEA.

(4) An LEA board is responsible for student mastery of the Core Standards.

(5) An LEA shall conduct informal assessments on a regular basis to ensure continual student progress.

(6) An LEA shall use Board-approved summative adaptive assessments to assess student mastery of the following:

(a) reading;

(b) language arts;

(c) mathematics;

(d) science; and

(e) effectiveness of written expression in grades five and eight.

(7) An LEA shall provide remediation to elementary students who do not achieve mastery of the subjects described in this section.

**R277-700-5. Middle School Education Requirements.**

(1) The Core Standards and a General Core for middle school students are described in this section.

(2) A student in grades 7-8 is required to ~~earn a minimum of 12 units of credit~~ complete the courses described in Subsection (3) to be properly prepared for instruction in grades 9-12.

~~[(3) In addition to the Board requirements described in this section, an LEA board may require a student to complete additional units of credit.~~

~~[(4)3] The following are the Grades 7-8 General Core Requirements~~ and units of credit:

~~(a) Grade 7 Language Arts~~ [-(2.0 units of credit)];

~~(b) Grade 8 Language Arts;~~

~~[(b)c] Grade 7 Mathematics~~ [-(2.0 units of credit)];

~~(d) Grade 8 Mathematics;~~

~~[(e)e] Grade 7 Integrated Science~~ [-(2.0 units of credit)];

~~(f) Grade 8 Integrated Science;~~

~~[(d)g] [Social Studies (1.5 units of credit)]~~ United States

History;

~~(h) Utah History; and~~

~~[(e) The Arts (1.0 units of credit from the following):~~

~~(i) Visual Arts;~~

~~(ii) Music;~~

~~(iii) Dance; or~~

~~(iv) Theatre;~~

~~(f) Physical Education (1.0 units of credit);]~~

(i) at least one course in each of the following in grades 7 or 8:

~~[(g)A] Health Education~~ [-(0.5 units of credit)];

~~[(h)B] College and Career Awareness~~ [-(1.0 units of credit)]; ~~and]~~

~~[(i)C] [beginning no later than the 2018-2019 school year,] Digital Literacy~~ [-(0.5 units of credit)];

~~(D) the Arts; and~~

~~(E) Physical Education.~~

~~[(5)4] An LEA shall use evidence-based best practices, technology, and other instructional media in middle school curricula to increase the relevance and quality of instruction.~~

~~[(6)5] An LEA shall use Board-approved summative adaptive assessments to assess student mastery of the following:~~

~~(a) reading;~~

~~(b) language arts;~~

~~(c) mathematics; and~~

~~(d) science~~ [-in grades 7 and 8].

~~(6) At the discretion of the LEA board, an LEA board may:~~

~~(a) offer additional elective courses;~~

~~(b) require a student to complete additional courses; or~~

~~(c) set minimum credit requirements.~~

~~(7) Upon parental or student request, an LEA may, with parental consent, substitute a course requirement described in Subsection (3) with a course, extracurricular activity, or experience that is:~~

~~(a) similar to the course requirement; or~~

~~(b) consistent with the student's plan for college and career readiness.~~

(8)(a) An LEA shall establish a policy governing the substitution of a course requirement as described in Subsection (7).

(b) An LEA's policy described in Subsection (8)(a) shall include a process for a parent to appeal an LEA's denial of a request for a substitution described in Subsection (7) to the LEA board or the LEA board designee.

**R277-700-6. High School Requirements.**

(1) The General Core and Core Standards for students in grades 9-12 are described in this section.

(2) A student in grades 9-12 is required to earn a minimum of 24 units of credit through course completion or through competency assessment consistent with R277-705 to graduate.

(3) The General Core credit requirements from courses approved by the Board are described in Subsections (4) through (18).

(4) Language Arts (4.0 units of credit from the following):

- (a) Grade 9 level (1.0 unit of credit);
- (b) Grade 10 level (1.0 unit of credit);
- (c) Grade 11 level (1.0 unit of credit); and
- (d) Grade 12 level (1.0 Unit of credit) consisting of

applied or advanced language arts credit from the list of Board-approved courses using the following criteria and consistent with the student's [SEOP]Plan for College and Career Readiness:

- (i) courses are within the field/discipline of language arts with a significant portion of instruction aligned to language arts content, principles, knowledge, and skills;
- (ii) courses provide instruction that leads to student understanding of the nature and disposition of language arts;
- (iii) courses apply the fundamental concepts and skills of language arts;
- (iv) courses provide developmentally appropriate content; and
- (v) courses develop skills in reading, writing, listening, speaking, and presentation.

(5) Mathematics (3.0 units of credit) shall be met minimally through successful completion of a combination of the foundation or foundation honors courses, Secondary Mathematics I, Secondary Mathematics II, and Secondary Mathematics III.

(6)(a) A student may opt out of Secondary Mathematics III if the student's parent submits a written request to the school.

(b) If a student's parent requests an opt out described in Subsection (6)(a), the student is required to complete a third math credit from the Board-approved mathematics list.

(7) A 7th or 8th grade student may earn credit for a mathematics foundation course before 9th grade, consistent with the student's [SEOP]Plan for College and Career Readiness if:

- (a) the student is identified as gifted in mathematics on at least two different [USOE]Board-approved assessments;
- (b) the student is dual enrolled at the middle school/junior high school and the high school;
- (c) the student qualifies for promotion one or two grade levels above the student's age group and is placed in 9th grade; or
- (d) the student takes the [USOE]Board competency test in the summer prior to 9th grade and earns high school graduation credit for the course.

(8) A student who successfully completes a mathematics foundation course before 9th grade is required to earn 3.0 units of additional mathematics credit by:

- (a) taking the other mathematics foundation courses described in Subsection (5); and
- (b) an additional course from the Board-approved mathematics list consistent with:
  - (i) the student's [SEOP]Plan for College and Career Readiness; and
  - (ii) the following criteria:
    - (A) courses are within the field/discipline of mathematics with a significant portion of instruction aligned to mathematics content, principles, knowledge, and skills;
    - (B) courses provide instruction that lead to student understanding of the nature and disposition of mathematics;
    - (C) courses apply the fundamental concepts and skills of mathematics;
    - (D) courses provide developmentally appropriate content; and
    - (E) courses include the five process skills of mathematics: problem solving, reasoning, communication, connections, and representation.

(9) A student who successfully completes a Calculus course with a "C" grade or higher has completed mathematics graduation requirements, regardless of the number of mathematics credits earned.

(10) Science (3.0 units of credit):

(a) shall be met minimally through successful completion of 2.0 units of credit from two of the following five science foundation areas:

- (i) Earth Science (1.0 units of credit);
  - (A) Earth Science;
  - (B) Advanced Placement Environmental Science; or
  - (C) International Baccalaureate Environmental Systems;
- (ii) Biological Science (1.0 units of credit);
  - (A) Biology;
  - (B) Human Biology;
  - (C) Biology: Agricultural Science [~~and~~]& Technology;
  - (D) Advanced Placement Biology;
  - (E) International Baccalaureate Biology; or
  - (F) Biology with Lab Concurrent Enrollment;
- (iii) Chemistry (1.0 units of credit);
  - (A) Chemistry;
  - (B) Advanced Placement Chemistry;
  - (C) International Baccalaureate Chemistry; or
  - (D) Chemistry with Lab Concurrent Enrollment;
- (iv) Physics (1.0 units of credit);
  - (A) Physics;
  - (B) Physics with Technology;
  - (C) Advanced Placement Physics (1, 2, C: Electricity and Magnetism, or C: Mechanics);
  - (D) International Baccalaureate Physics; or
  - (E) Physics with Lab Concurrent Enrollment; or
- (v) Computer Science (1.0 units of credit);
  - (A) Advanced Placement Computer Science;
  - (B) Computer Science Principles; or
  - (C) Computer Programming II; and

(b) one additional unit of credit from:

(i) the foundation courses described in Subsection(10)(a);

or

(ii) the applied or advanced science list:

(A) determined by the LEA board; and

(B) approved by the Board using the following criteria and consistent with the student's [SEOP/Plan for College and Career Readiness:

(i) courses are within the field/discipline of science with a significant portion of instruction aligned to science content, principles, knowledge, and skills;

(ii) courses provide instruction that leads to student understanding of the nature and disposition of science;

(iii) courses apply the fundamental concepts and skills of science;

(iv) courses provide developmentally appropriate content;

(v) courses include the areas of physical, natural, or applied sciences; and

(vi) courses develop students' skills in scientific inquiry.

(11) Social Studies (3.0 units of credit) shall be met minimally through successful completion of:

(a) 2.5 units of credit from the following courses:

(i) Geography for Life (0.5 units of credit);

(ii) World Civilizations (0.5 units of credit);

(iii) U.S. History (1.0 units of credit); and

(iv) U.S. Government and Citizenship (0.5 units of credit);

(b) Social Studies (0.5 units of credit per LEA discretion); and

(c) a basic civics test or alternate assessment described in R277-700-8.

(12) The Arts (1.5 units of credit from any of the following performance areas):

(a) Visual Arts;

(b) Music;

(c) Dance; or

(d) Theatre.

(13) Physical and Health Education (2.0 units of credit from any of the following):

(a) Health (0.5 units of credit);

(b) Participation Skills (0.5 units of credit);

(c) Fitness for Life (0.5 units of credit);

(d) Individualized Lifetime Activities (0.5 units of credit); or

(e) team sport/athletic participation (maximum of ~~[0.5]~~1.0 units of credit with school approval).

(14) Career and Technical Education (1.0 units of credit from any of the following):

(a) Agriculture;

(b) Business;

(c) Family and Consumer Sciences;

(d) Health Science and Technology;

(e) Information Technology;

(f) Marketing;

(g) Technology and Engineering Education; or

(h) Trade and Technical Education.

(15) Digital Studies (0.5 units of credit).

(16) Library Media Skills (integrated into the subject areas).

(17) General Financial Literacy (0.5 units of credit).

(18) Electives (5.5 units of credit).

(19) An LEA shall use Board-approved summative adaptive assessments to assess student mastery of the following subjects:

(a) reading;

(b) language arts through grade 11;

(c) mathematics as defined in Subsection (5); and

(d) science as defined in Subsection (10).

(20) An LEA board may require a student to earn credits for graduation that exceed the minimum Board requirements described in this rule.

(21) An LEA board may establish and offer additional elective course offerings at the discretion of the LEA board.

(22)(a) An LEA may modify a student's graduation requirements to meet the unique educational needs of a student if:

(i) the student has a disability; and

(ii) the modifications to the student's graduation requirements are made through the student's individual IEP.

(b) An LEA shall document the nature and extent of a modification, substitution, or exemption made to a student's graduation requirements described in Subsection (22)(a) in the student's IEP.

(23) The Board and Superintendent may review an LEA board's list of approved courses for compliance with this rule.

(24) An LEA may modify graduation requirements for an individual student to achieve an appropriate route to student success if the modification:

(a) is consistent with:

(i) the student's IEP; or

(ii) SEOP/Plan for College and Career Readiness;

(b) is maintained in the student's file;

(c) includes the parent's signature; and

(d) maintains the integrity and rigor expected for high school graduation, as determined by the Board.

**R277-700-7. Student Mastery and Assessment of Core Standards.**

(1) An LEA shall ensure students master the Core Standards at all levels.

(2) An LEA shall provide remediation for secondary students who do not achieve mastery ~~[under]~~in accordance with Section 53A-13-104.

(3) An LEA shall provide remedial assistance to students who are found to be deficient in basic skills through a statewide assessment in accordance with~~[the provisions of]~~ Subsection 53A-1-606(1).

(4) If a parent objects to a portion of a course or to a course in its entirety under ~~[provisions of]~~Section 53A-13-101.2 and R277-105, the parent shall be responsible for the student's mastery of Core Standards to the satisfaction of the school prior to the student's promotion to the next course or grade level.

(5)(a) A student with a disability served by a special education program is required to demonstrate mastery of the Core Standards.

(b) If a student's disability precludes the student from successfully mastering the Core Standards, the student's IEP team, on a case-by-case basis, may provide the student an accommodation

for, or modify the mastery demonstration to accommodate, the student's disability.

(6) A student may demonstrate competency to satisfy course requirements consistent with R277-705-3.

(7) LEAs are ultimately responsible for and shall comply with all assessment procedures, policies and ethics as described in R277-404.

**R277-700-8. Civics Education Initiative.**

(1) For purposes of this section:

(a) "Student" means:

(i) a public school student who graduates on or after January 1, 2016; or

(ii) a student enrolled in an adult education program who receives an adult education secondary diploma on or after January 1, 2016.

(b) "Basic civics test" means the same as that term is defined in Section 53A-13-109.5.

(2) Except as provided in Subsection (3), an LEA shall:

(a) administer a basic civics test in accordance with the requirements of Section 53A-13-109.5; and

(b) require a student to pass the basic civics test as a condition of receiving:

(i) a high school diploma; or

(ii) an adult education secondary diploma.

(3) An LEA may require a student to pass an alternate assessment if:

(a)(i) the student has a disability; and

(ii) the alternate assessment is consistent with the student's IEP; or

(b) the student is within six months of intended graduation.

(4) Except as provided in Subsection (5), the alternate assessment shall be given:

(a) in the same manner as an exam given to an unnaturalized citizen; and

(b) in accordance with 8 C.F.R. Sec. 312.2.

(5) An LEA may modify the manner of the administration of an alternate assessment for a student with a disability in accordance with the student's IEP.

(6) If a student passes a basic civics test or an alternate assessment described in this section, an LEA shall report to the Superintendent that the student passed the basic civics test or alternate assessment.

(7) If a student who passes a basic civics test or an alternate assessment transfers to another LEA, the LEA may not require the student to re-take the basic civics test or alternate assessment.

**R277-700-9. College and Career Readiness Mathematics Competency.**

(1) For purposes of this section, "senior student with a special circumstance" means a student who:

(a) is pursuing a college degree after graduation; and

(b) has not met one of criteria described in Subsection (2)

(a) before the beginning of the student's senior year of high school.

(2) Except as provided in Subsection (4), in addition to the graduation requirements described in R277-700-6, beginning with the 2016-17 school year, a student pursuing a college degree after graduation shall:

(a) receive one of the following:

(i) a score of 3 or higher on an Advanced Placement (AP) calculus AB or BC exam;

(ii) a score of 3 or higher on an Advanced Placement (AP) statistics exam;

(iii) a score of 5 or higher on an International Baccalaureate (IB) higher level math exam;

(iv) a score of 50 or higher on a College Level Exam Program (CLEP) pre-calculus or calculus exam;

(v) a score of 26 or higher on the mathematics portion of the American College Test (ACT) exam;

(vi) a score of 640 or higher on the mathematics portion of the Scholastic Aptitude Test (SAT) exam; or

(vii) a "C" grade in a concurrent enrollment mathematics course that satisfies a state system of higher education quantitative literacy requirement; or

(b) if the student is a senior student with a special circumstance, take a full year mathematics course during the student's senior year of high school.

(3) Except as provided in Subsection (4), in addition to the graduation requirements described in R277-700-6, beginning with the 2016-17 school year, a non-college and degree-seeking student shall complete appropriate math competencies for the student's career goals as described in the student's [SEOP] Plan for College and Career Readiness.

(4) An LEA may modify a student's college or career readiness mathematics competency requirement under this section if:

(a) the student has a disability; and

(b) the modification to the student's college or career readiness mathematics competency requirement is made through the student's IEP.

(5)(a) ~~Beginning with the 2016-17 cohort, a~~ An LEA shall report annually to the LEA's ~~governing~~ board the number of students within the LEA who:

(i) meet the criteria described in Subsection (2)(a);

(ii) take a full year of mathematics as described in Subsection (2)(b);

(iii) meet appropriate math competencies as established in the students' career goals as described in Subsection (3); and

(iv) meet the college or career readiness mathematics competency requirement established in the students' IEP as described in Subsection (4).

(b) An LEA shall provide the information described in Subsection (5)(a) to the Superintendent by October 1 of each year.

**KEY: graduation requirements, standards**

**Date of Enactment or Last Substantive Amendment: ~~June 21, 2016~~ 2018**

**Notice of Continuation: August 14, 2017**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b); 53A-1-402.6; 53A-1-401**

**Education, Administration**  
**R277-708**  
**Enhancement for At-Risk Students**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 42483  
 FILED: 01/16/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Rule R277-708 establish criteria and procedures for distributing Enhancement for At-Risk Students funds to local education agencies (LEAs). The intent of this amendment and the legislative appropriation is to improve the academic achievement of students who are at risk of academic failure.

**SUMMARY OF THE RULE OR CHANGE:** This amendment to Rule R277-708 cleans up the existing rule to better describe how LEAs apply for and define allowable uses of the Enhancement for At-Risk Students funds. The funding formula and tasks required of LEAs remain the same.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Art X Sec 3 and Section 53A-1-401 and Section 53A-17a-166

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** This rule amendment is not estimated to have a fiscal impact on the state budget. This amendment cleans up the existing rule to better describe how LEAs apply for and define allowable uses of Enhancement for At-Risk Students funds. The funding formulas and tasks required of LEAs remain the same.
- ◆ **LOCAL GOVERNMENTS:** This rule amendment is not estimated to have a fiscal impact on local governments. This amendment cleans up the existing rule to better describe how LEAs apply for and define allowable uses of Enhancement for At-Risk Students funds. The funding formulas and tasks required of LEAs remain the same.
- ◆ **SMALL BUSINESSES:** This rule amendment is not estimated to have a fiscal impact on small businesses. This amendment cleans up the existing rule to better describe how LEAs apply for and define allowable uses of Enhancement for At-Risk Students funds. The funding formulas and tasks required of LEAs remain the same.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule amendment is not estimated to have a fiscal impact on small businesses, businesses, or local government entities. This amendment cleans up the existing rule to better describe how LEAs apply for and define allowable uses of Enhancement for At-Risk Students funds. The funding formulas and tasks required of LEAs remain the same.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Rule R277-708 is not estimated to have a fiscal impact. It cleans up the existing rule to better describe how LEAs apply for and define allowable uses of the Enhancement for At-Risk Students funds. The funding formula and tasks required of LEAs remain the same.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 EDUCATION  
 ADMINISTRATION  
 250 E 500 S  
 SALT LAKE CITY, UT 84111-3272  
 or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at [angie.stallings@schools.utah.gov](mailto:angie.stallings@schools.utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018**

**THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2018**

**AUTHORIZED BY:** Angela Stallings, Deputy Superintendent, Policy and Communication

**Appendix 1: Regulatory Impact Summary Table\***

<b>Fiscal Costs</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

The head of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

**\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

**Appendix 2: Fiscal Impact Analysis**

This rule change (R277-708) is not estimated to have a fiscal impact. It cleans up the existing rule to better describe how local education agencies (LEAs) apply for and define allowable uses of the Enhancement for At-Risk Students funds. The funding formula and tasks required of LEAs remain the same.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

**R277. Education, Administration.  
R277-708. Enhancement for At-Risk Students.  
R277-708-1. Authority and Purpose.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Section 53A-17a-166, which directs the Board to manage the Enhancement for At-Risk Students interventions by:
    - (i) developing a funding formula;
    - (ii) developing performance criteria;
    - (iii) administering the intervention;
    - (iv) distributing the appropriation; and
    - (v) monitoring and reporting the effectiveness of the interventions; and
  - (c) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2)(a) The purpose of this rule is to establish criteria and procedures for distributing Enhancement for At-Risk Students funds to LEAs.

(b) The intent of the rule and the legislative appropriation is to improve academic achievement of students who are at risk of academic failure.

**R277-708-2. Definitions.**

(1) "At-risk of academic failure" means a k-12 public school student who: ~~[meets any of the following risk factors:]~~

- (a) ~~[low performance] scores below proficient~~ on a Board or LEA approved assessment; or

(b) ~~meets an LEA governing board's approved definition of at-risk of academic failure~~ ~~[poverty;~~

- ~~(c) limited English Proficiency; or~~
- ~~(d) mobility].~~

(2) "Available funds" means the total funds appropriated for the Enhancement for At-Risk Students interventions, less funding designated for gang prevention under Subsection 53A-17a-166(1)(b)(i).

(3) "Data Clearinghouse" means the electronic data collection system used by the Superintendent to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.

(4) "LEA governing board" means:

- ~~(a) a charter school governing board; or~~
- ~~(b) a district's local school board.~~

(5) "LEA share" means the percentage of k-12 students from an LEA who are at risk of academic failure compared to the total count for the state of Utah from the previous school year.

~~([5]6)~~ "Limited English Proficiency" or "LEP" means the total number of English learner or "EL" students in an LEA from the October 1 count from the previous school year, including:

- (a) the number of EL students receiving a score of 1-4 on the English language proficiency assessment; and
- (b) the number of students previously classified as English Proficient based on a score of 5 or 6 on the English language proficiency assessment.

~~([6]7)~~ "Low performance on a ~~[Board approved]~~ statewide assessment" means the unduplicated count of k-12 students from an LEA scoring below proficient in Reading/Language, Math, and Science on one of the following exams from the previous school year:

- (a) the Student Assessment of Growth and Excellence (SAGE);
- (b) the Special Education adaptive testing Dynamic Learning Maps or "DLM"; or
- (c) other Board approved assessment.

~~([7]8)~~ "Mobility" means the number of k-12 students enrolled less than 160 days or its equivalent in one school within a school year, as determined by the prior year's year-end average daily membership submission.

~~([8]9)~~ "Poverty" means the total number of k-12 students in an LEA reported as economically disadvantaged using federal child nutrition income eligibility guidelines for free or reduced-priced under the federal school lunch program from the official October 1 enrollment count from the previous school year.

**R277-708-~~4~~3. Allocation of Enhancement for At-Risk Student Funds.**

(1) The Superintendent shall award available funds to an LEA based on an equal weighting of:

- (a) low performance on a Board approved assessment;
- (b) poverty;
- (c) mobility; and
- (d) limited English proficiency.

(2) The Superintendent shall base an LEA's allocation on the certified data from the Data Clearinghouse using the most recent school year for which data is complete and available.

(3) The Superintendent shall use the following funding formula to determine an LEA base to distribute to LEAs:

(a) the Superintendent shall annually calculate 4% of the state appropriation of the Enhancement for At-Risk Students funding available for LEA grants to provide a base amount to LEAs.

(b) The Superintendent shall divide the base amount described in Subsection (3)(a) equally among all eligible LEAs.

(4) The Superintendent shall annually calculate 20% of the state appropriation of the Enhancement for At-Risk Students on a per school basis to provide a targeted amount to LEAs with traditional elementary schools, secondary schools, and alternative high schools with at least 75% poverty.

(5) Of the funds remaining after the distributions described in Subsections (3) and (4), the Superintendent shall determine an LEA's share based on the LEA's percentage of students with at-risk factors for the state.

(6) The Superintendent shall use data from the Board's Data Warehouse for each LEA from the previous school year to determine the students who qualify under the following definitions:

- (a) low performance on a Board approved assessment;
- (b) poverty;
- (c) mobility; and
- (d) limited English Proficiency.

(7) The Superintendent shall allocate funds appropriated for at-risk factors to each LEA based on the LEA's proportion of at-risk factors in comparison to the statewide total.

(8) The Superintendent shall notify an LEA that qualifies for funding of the LEA's level of funding annually by May 1.

~~(9) An LEA may use funds for activities that support academic achievement of students who are at risk of academic failure.~~

~~(10) An LEA shall provide the following information as part of the application process:~~

- ~~(a) specific goals related to increased academic achievement of students at-risk of academic failure;~~
- ~~(b) proposed activities that are directly tied to the LEA's plan to increase student achievement;~~
- ~~(c) an annual report of the use of funds through the annual financial reporting process; and~~
- ~~(d) an annual report of intervention effectiveness based on performance criteria defined by the Superintendent.]~~

#### **R277-708-[3]4. Fiscal Procedures.**

(1) An LEA shall submit its application to the Superintendent annually by November 1 through the Board's grant management system.

(2) The Superintendent shall distribute available funds to LEAs with an approved application monthly based on a one-twelfth distribution beginning on July 1.

(3) An LEA shall spend all allocated funds annually by June 30.

(4) An LEA that accepts funds for Enhancement for At-Risk Students intervention services shall be subject to Board accounting, auditing, and budgeting rules and policies.

(5)(a) With written approval from the Superintendent, an LEA may carry over and spend ten percent or \$50,000, whichever is less, of state Enhancement for At-Risk Student funds in the next fiscal year.

(b) An LEA shall submit a request to carry over funds under Subsection (5)(a) to the Superintendent ~~[by August 1]~~ annually.

(c) An LEA shall detail approved carry over amounts in a revised budget submitted through the Board's grant management system.

(d) The Superintendent shall review and approve a revised budget submitted under Subsection (5)(c) no later than October 1 in the year submitted.

#### **R277-708-5. Application Process.**

~~(1) An LEA may use funds for activities that support academic achievement of students who are at risk of academic failure.~~

~~(2) An LEA shall establish the following to include in the LEA's application for Enhancement for At-Risk Student money:~~

~~(a) specific measurable goals, including a baseline measurement, related to increased academic achievement of students at-risk of academic failure;~~

~~(b) proposed activities that are directly tied to the LEA's plan to increase student achievement;~~

~~(c) a copy of the LEA's comprehensive plan for student and classroom management, and school discipline required in Section R277-609-4; and~~

~~(d) if the LEA establishes an LEA specific definition of a student at-risk of academic failure as described in Subsection R277-708-2(1)(b), the LEA governing board's approved definition of a student at-risk of academic failure.~~

~~(3) Annually, an LEA shall provide the following information to the Superintendent:~~

~~(a) a report of the LEA's use of funds through the annual financial reporting process;~~

~~(b) the LEA's outcome data related to the specific measurable goals included in the LEA's application; and~~

~~(c) a report of intervention effectiveness based on performance criteria defined by the Superintendent.~~

#### **R277-708-[5]6. Oversight: Monitoring, Evaluation and Reports.**

(1) The Superintendent may recommend that the Board designate no more than one percent of the total appropriation from the Enhancement for At-Risk Students to be used specifically by the Superintendent for oversight, monitoring and evaluation of:

- (a) LEA implementation of the intervention; and
- (b) compliance with state law and this rule.

~~(2)(a) An LEA that receives funding shall submit an annual evaluation report to the Superintendent consistent with Section 53A-17a-166.~~

~~(b) The report shall include the following performance criteria for students at-risk of academic failure:~~

- ~~(i) student attendance information, as defined by the Superintendent;~~
- ~~(ii) graduation rates;~~
- ~~(iii) gains in language proficiency as measured by the English language proficiency assessment;~~
- ~~(iv) gains in reading/language arts proficiency as measured by a Board approved assessment; and~~

~~(v) gains in mathematics and science proficiency as measured by a Board approved assessment.]~~

([3]2)(a) The Superintendent shall conduct tri-annual intervention reviews of each LEA receiving Enhancement for At-Risk Students funding to ensure intervention compliance.

(b) In the Superintendent's discretion or for good cause, the Superintendent may conduct additional formal or informal:

- (i) monitoring;
- (ii) reviews; or
- (iii) site visits.

([4]3) If the Superintendent identifies violations as a result of a review described in Subsection ([3]2)(a), an LEA shall prepare and submit to the Superintendent a written corrective action plan for each finding made by the Superintendent.

([5]4) If an LEA fails to resolve findings identified by the Superintendent under Subsection ([5]3), the Superintendent may withhold funds as provided in R277-114.

**R277-708-[6]7. Gang Prevention and Intervention Funds.**

(1) Consistent with Subsection 53A-17a-166(1)(b), the Superintendent shall distribute funding to LEAs for gang prevention and intervention.

(2) An LEA desiring to receive gang prevention and intervention funds shall submit a proposal consistent with Rule R277-436.

**KEY: students at risk**

**Date of Enactment or Last Substantive Amendment:**  
~~[November 7, 2016]~~2018

**Notice of Continuation:** September 15, 2016

**Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53A-17a-166; 53A-1-401

**Education, Administration**  
**R277-717**  
**High School Course Grading**  
**Requirements**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 42484

FILED: 01/16/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of the amendment to Rule R277-717 is only technical clarifying corrections.

**SUMMARY OF THE RULE OR CHANGE:** This amendment to Rule R277-717 only makes technical corrections to high school course grading requirements.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Art X Sec 3 and Section 53A-1-401

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** This rule amendment is not estimated to have a fiscal impact on the state budget. This amendment only makes technical corrections.

◆ **LOCAL GOVERNMENTS:** This rule amendment is not estimated to have a fiscal impact on local government. This amendment only makes technical and stylistic changes.

◆ **SMALL BUSINESSES:** This rule amendment is not estimated to have a fiscal impact on small businesses. This amendment only makes technical and stylistic changes.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule amendment is not estimated to have a fiscal impact on small businesses, businesses, or local government entities. This amendment only makes technical corrections to high school course grading requirements.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** These changes to Rule R277-717 are not estimated to have a fiscal impact. The amendments to Rule R277-717 only make technical corrections to high school course grading requirements.

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

EDUCATION  
 ADMINISTRATION  
 250 E 500 S  
 SALT LAKE CITY, UT 84111-3272  
 or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at [angie.stallings@schools.utah.gov](mailto:angie.stallings@schools.utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018**

**THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2018**

**AUTHORIZED BY:** Angela Stallings, Deputy Superintendent, Policy and Communication

**Appendix 1: Regulatory Impact Summary Table\***

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

The head of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

**\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

**Appendix 2: Regulatory Impact to Non-Small Businesses**  
 This rule change (R277-717) is not estimated to have a fiscal impact. The rule change only makes technical corrections to high school course grading requirements.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

**R277. Education, Administration.**  
**R277-717. High School Course Grading Requirements.**  
**R277-717-1. Authority and Purpose.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and
  - (b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
- (2) The purpose of this rule is to establish requirements for awarding credit when a student repeats a course or takes a comparable course and earns a higher grade.

**R277-717-2. Definitions.**

- (1) "Comparable course" means a course that fulfills the same graduation credit requirements as a course for which a student seeks to improve a grade.
- (2) "Course" means a course that a student:
  - (a) is enrolled in; and
  - (b)(i) completes; or
  - (ii) withdraws from but still receives a grade.
- (3) "Highest grade" means a grade that reflects the higher grade of:
  - (a) a course and a repeat of the course; or
  - (b) a course and a comparable course.
- (4) "LEA" includes the Utah Schools for the Deaf and the Blind for purposes of this rule.
- (5) "Recurring course" means a course that a student takes more than once to:
  - (a) further the student's understanding and skills in the course subject, such as journalism or band; or
  - (b) satisfy a different credit requirement that the course may fulfill, such as an art class that fulfills an elective requirement and an art requirement.
- (6) "Student" means an individual enrolled in an LEA in grade 9, 10, 11, or 12.

**R277-717-3. Course Grade Forgiveness.**

- (1)(a) A student may, to improve a course grade received by the student:
  - (i) repeat the course one or more times; or
  - (ii) enroll in and complete a comparable course.
- (b) A grade for an additional unit of a recurring course does not change a student's original course grade for purposes of this section.
  - (2) If a student repeats a course, the student's LEA:
    - (a) shall adjust, if necessary, the student's course grade and grade point average to reflect the student's highest grade and exclude a lower grade;
    - (b) shall exclude from the student's permanent record the course grade that is not the highest grade; and
    - (c) may not otherwise indicate on the student's current record that the student repeated the course.
  - (3)(a) If a student enrolls in a comparable course, the student shall, at the time of enrolling in the comparable course, inform the student's LEA of the student's intent to enroll in the course for the purpose of improving a course grade.
    - (b) If a student enrolls in a comparable course, the student's LEA:
      - (i) shall confirm, at the time the student enrolls in the comparable course, that the comparable course fulfills the same credit requirements as the course that the student intends to replace with the comparable course grade;
      - (ii) shall ~~if necessary, on~~ update the student's current record and ~~in the~~ grade point average to reflect the highest grade between the course and the comparable course and exclude the lower grade and corresponding course; and
      - ~~(iii) shall exclude from the student's permanent record the course or comparable course that is not the highest grade upon the request of the student; and~~

—)(iv)iii) may not otherwise indicate the course or comparable course for which the student did not receive the highest grade on the student's record.

**KEY: students, grades, credits**

**Date of Enactment or Last Substantive Amendment:** ~~March 14, 2017~~ **2018**

**Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53A-1-401

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

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 42433

FILED: 01/04/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being updated to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations (CFR).

**SUMMARY OF THE RULE OR CHANGE:** This filing amends the rule to incorporate all changes within the updated version of Title 40 of the Code of Federal Regulations from July 2016 to July 2017.

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

**MATERIALS INCORPORATED BY REFERENCE:**

- ◆ Updates Code of Federal Regulations, published by Office of the Federal Register, 07/01/2017

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** This rule filing incorporates already existing federal regulations. No additional costs or benefits affect the state budget after incorporation.
- ◆ **LOCAL GOVERNMENTS:** This rule filing incorporates already existing federal regulations. No additional costs or benefits affect local governments after incorporation.
- ◆ **SMALL BUSINESSES:** This rule filing incorporates already existing federal regulations. No additional costs or benefits exist for small businesses after incorporation.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule filing incorporates already existing federal regulations. No additional costs or benefits exist for persons other than small businesses, businesses, or local government entities after incorporation.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no new compliance costs as a result of this update to the incorporation by reference.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Due to the nature of incorporating already existing federal regulations into the state rules, there will be no additional fiscal impacts on businesses as a result of this amendment.

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 Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
◆ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018**

**THIS RULE MAY BECOME EFFECTIVE ON: 04/04/2018**

**AUTHORIZED BY:** Bryce Bird, Director

**Appendix 1: Regulatory Impact Summary Table\***

<b>Fiscal Costs</b>	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Net Fiscal Benefits:	\$0	\$0	\$0

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**  
The rules incorporate already existing federal regulations. No additional costs or benefits exist for non-small businesses after incorporation.

The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

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

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 201[6]7.

**KEY: air pollution, definitions**  
**Date of Enactment or Last Substantive Amendment: [June 8, 2017]2018**  
**Notice of Continuation: May 8, 2014**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a)**

**Environmental Quality, Air Quality**  
**R307-210**  
**Standards of Performance for New Stationary Sources**

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 42434  
FILED: 01/04/2018

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being updated to reflect changes to

the federal air quality regulations as published in Title 40 of the Code of Federal Regulations (CFR).

**SUMMARY OF THE RULE OR CHANGE:** This filing amends the rule to incorporate all changes within the updated version of Title 40 of the Code of Federal Regulations from July 2016 to July 2017.

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

**MATERIALS INCORPORATED BY REFERENCE:**  
♦ Updates Title 40 Code of Federal Regulations, published by Office of the Federal Register, 07/01/2017

**ANTICIPATED COST OR SAVINGS TO:**  
♦ **THE STATE BUDGET:** This rule filing incorporates already existing federal regulations. No additional costs or benefits affect the state budget after incorporation.  
♦ **LOCAL GOVERNMENTS:** This rule filing incorporates already existing federal regulations. No additional costs or benefits affect local governments after incorporation.  
♦ **SMALL BUSINESSES:** This rule filing incorporates already existing federal regulations. No additional costs or benefits exist for small businesses after incorporation.  
♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule filing incorporates already existing federal regulations. No additional costs or benefits exist for persons other than small businesses, businesses, or local government entities after incorporation.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no new compliance costs as a result of this update to the incorporation by reference.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Due to the nature of incorporating already existing federal regulations into the state rules, there will be no additional fiscal impacts on businesses as a result of this amendment.

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 Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
♦ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/04/2018

AUTHORIZED BY: Bryce Bird, Director

**Appendix 1: Regulatory Impact Summary Table\***

<b>Fiscal Costs</b>	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>			
	\$0	\$0	\$0

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**  
 The rules incorporate already existing federal regulations. No additional costs or benefits exist for non-small businesses after incorporation. The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

**R307. Environmental Quality, Air Quality.**  
**R307-210. Standards of Performance for New Stationary Sources.**  
**R307-210-1. Standards of Performance for New Stationary Sources.**

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on July 1, 201[6]7, except for Subparts Cb, Cc, Cd, Ce, BBBB, DDDD, and HHHH, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "director" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

**KEY: air pollution, stationary sources, new source review**  
**Date of Enactment or Last Substantive Amendment: [June 8, 2017]2018**  
**Notice of Continuation: May 12, 2016**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108**

**Environmental Quality, Air Quality**  
**R307-214**  
**National Emission Standards for Hazardous Air Pollutants**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 42435  
 FILED: 01/04/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule filing is updated to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations (CFR).

**SUMMARY OF THE RULE OR CHANGE:** This rule filing amends the rule to incorporate all changes within the updated version of Title 40 of the Code of Federal Regulations from July 2016 to July 2017.

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

**MATERIALS INCORPORATED BY REFERENCE:**  
 ♦ Updates Title 40 Code of Federal Regulations, published by Office of the Federal Register, 07/01/2017

**ANTICIPATED COST OR SAVINGS TO:**  
 ♦ **THE STATE BUDGET:** This rule filing incorporates already existing federal regulations. No additional costs or benefits affect the state budget after incorporation.

- ◆ LOCAL GOVERNMENTS: This rule filing incorporates already existing federal regulations. No additional costs or benefits affect local government after incorporation.
- ◆ SMALL BUSINESSES: This rule filing incorporates already existing federal regulations. No additional costs or benefits exist for small businesses after incorporation.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule filing incorporates already existing federal regulations. No additional costs or benefits exist for persons other than small businesses, businesses, or local government entities after incorporation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no new compliance costs as a result of this update to the incorporation by reference.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Due to the nature of incorporating already existing federal regulations into the state rules, there will be no additional fiscal impacts on businesses as a result of this amendment.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/04/2018

AUTHORIZED BY: Bryce Bird, Director

Appendix 1: Regulatory Impact Summary Table\*

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0

Total Fiscal Costs:	\$0	\$0	\$0
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Net Fiscal Benefits:	\$0	\$0	\$0

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**

The rules incorporate already existing federal regulations. No additional costs or benefits exist for non-small businesses after incorporation. The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

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

**R307-214. National Emission Standards for Hazardous Air Pollutants.**

**R307-214-1. Pollutants Subject to Part 61.**

The provisions of Title 40 of the Code of Federal Regulations (40 CFR) Part 61, National Emission Standards for Hazardous Air Pollutants, effective as of July 1, 201[6]Z, are incorporated into these rules by reference. For pollutant emission standards delegated to the State, references in 40 CFR Part 61 to "the Administrator" shall refer to the director.

**R307-214-2. Sources Subject to Part 63.**

The provisions listed below of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, effective as of July 1, 201[6]Z, are incorporated into these rules by reference. References in 40 CFR Part 63 to "the Administrator" shall refer to the director, unless by federal law the authority is specific to the Administrator and cannot be delegated.

- (1) 40 CFR Part 63, Subpart A, General Provisions.
- (2) 40 CFR Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with 42 U.S.C. 7412(g) and (j).

- (3) 40 CFR Part 63, Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- (4) 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
- (5) 40 CFR Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
- (6) 40 CFR Part 63, Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
- (7) 40 CFR Part 63, Subpart J, National Emission Standards for Polyvinyl Chloride and Copolymers Production.
- (8) 40 CFR Part 63, Subpart L, National Emission Standards for Coke Oven Batteries.
- (9) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- (10) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- (11) 40 CFR Part 63, Subpart O, National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations.
- (12) 40 CFR Part 63, Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- (13) 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
- (14) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning.
- (15) 40 CFR Part 63, Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
- (16) 40 CFR Part 63, Subpart AA, National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing.
- (17) 40 CFR Part 63, Subpart BB, National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizer Production.
- (18) 40 CFR Part 63, Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.
- (19) 40 CFR Part 63, Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
- (20) 40 CFR Part 63, Subpart EE, National Emission Standards for Magnetic Tape Manufacturing Operations.
- (21) 40 CFR Part 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- (22) 40 CFR Part 63, Subpart HH, National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production.
- (23) 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.
- (24) 40 CFR Part 63, Subpart KK, National Emission Standards for the Printing and Publishing Industry.
- (25) 40 CFR Part 63, Subpart MM, National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills.
- (26) 40 CFR Part 63, Subpart OO, National Emission Standards for Tanks - Level 1.
- (27) 40 CFR Part 63, Subpart PP, National Emission Standards for Containers.
- (28) 40 CFR Part 63, Subpart QQ, National Emission Standards for Surface Impoundments.
- (29) 40 CFR Part 63, Subpart RR, National Emission Standards for Individual Drain Systems.
- (30) 40 CFR Part 63, Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Generic MACT).
- (31) 40 CFR Part 63, Subpart TT, National Emission Standards for Equipment Leaks- Control Level 1 (Generic MACT).
- (32) 40 CFR Part 63, Subpart UU, National Emission Standards for Equipment Leaks-Control Level 2 Standards (Generic MACT).
- (33) 40 CFR Part 63, Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- (34) 40 CFR Part 63, Subpart WW, National Emission Standards for Storage Vessels (Tanks)-Control Level 2 (Generic MACT).
- (35) 40 CFR Part 63, Subpart XX, National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- (36) 40 CFR Part 63, Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT.
- (37) 40 CFR Part 63, Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
- (38) 40 CFR Part 63, Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
- (39) 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.
- (40) 40 CFR Part 63, Subpart GGG, National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production.
- (41) 40 CFR Part 63, Subpart HHH, National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage.
- (42) 40 CFR Part 63, Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- (43) 40 CFR Part 63, Subpart JJJ, National Emission Standards for Hazardous Air Pollutants for Group IV Polymers and Resins.
- (44) 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry.
- (45) 40 CFR Part 63, Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
- (46) 40 CFR Part 63, Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

- (47) 40 CFR Part 63, Subpart OOO, National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production (Resin III).
- (48) 40 CFR Part 63, Subpart PPP, National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.
- (49) 40 CFR Part 63, Subpart QQQ, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelters.
- (50) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- (51) 40 CFR Part 63, Subpart TTT, National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
- (52) 40 CFR Part 63, Subpart UUU, National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
- (53) 40 CFR Part 63, Subpart VVV, National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- (54) 40 CFR Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.
- (55) 40 CFR Part 63, Subpart CCCC, National Emission Standards for Manufacturing of Nutritional Yeast.
- (56) 40 CFR Part 63, Subpart DDDD, National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products.
- (57) 40 CFR Part 63, Subpart EEEE, National Emission Standards for Hazardous Air Pollutants for Organic Liquids Distribution (non-gasoline).
- (58) 40 CFR Part 63, Subpart FFFF, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing.
- (59) 40 CFR Part 63, Subpart GGGG, National Emission Standards for Vegetable Oil Production; Solvent Extraction.
- (60) 40 CFR Part 63, Subpart HHHH, National Emission Standards for Wet-Formed Fiberglass Mat Production.
- (61) 40 CFR Part 63, Subpart IIII, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Automobiles and Light-Duty Trucks.
- (62) 40 CFR Part 63, Subpart JJJJ, National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Surface Coating Operations.
- (63) 40 CFR Part 63, Subpart KKKK, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Cans.
- (64) 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- (65) 40 CFR Part 63, Subpart NNNN, National Emission Standards for Large Appliances Surface Coating Operations.
- (66) 40 CFR Part 63, Subpart OOOO, National Emission Standards for Hazardous Air Pollutants for Fabric Printing, Coating and Dyeing Surface Coating Operations.
- (67) 40 CFR Part 63, Subpart PPPP, National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- (68) 40 CFR Part 63, Subpart QQQQ, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products.
- (69) 40 CFR Part 63, Subpart RRRR, National Emission Standards for Hazardous Air Pollutants for Metal Furniture Surface Coating Operations.
- (70) 40 CFR Part 63, Subpart SSSS, National Emission Standards for Metal Coil Surface Coating Operations.
- (71) 40 CFR Part 63, Subpart TTTT, National Emission Standards for Leather Tanning and Finishing Operations.
- (72) 40 CFR Part 63, Subpart UUUU, National Emission Standards for Cellulose Product Manufacturing.
- (73) 40 CFR Part 63, Subpart VVVV, National Emission Standards for Boat Manufacturing.
- (74) 40 CFR Part 63, Subpart WWWW, National Emissions Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production.
- (75) 40 CFR Part 63, Subpart XXXX, National Emission Standards for Tire Manufacturing.
- (76) 40 CFR Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- (77) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- (78) 40 CFR Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- (79) 40 CFR Part 63, Subpart BBBBB, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- (80) 40 CFR Part 63, Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- (81) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
- (82) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- (83) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing.
- (84) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Site Remediation.
- (85) 40 CFR Part 63, Subpart HHHHH, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing.
- (86) 40 CFR Part 63, Subpart IIIII, National Emission Standards for Hazardous Air Pollutants for Mercury Emissions from Mercury Cell Chlor-Alkali Plants.
- (87) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- (88) 40 CFR Part 63, Subpart KKKKK, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- (89) 40 CFR Part 63, Subpart LLLLL, National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing.

(90) 40 CFR Part 63, Subpart MMMMM, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.

(91) 40 CFR Part 63, Subpart NNNNN, National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production.

(92) 40 CFR Part 63, Subpart PTTTT, National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.

(93) 40 CFR Part 63, Subpart QQQQQ, National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

(94) 40 CFR Part 63, Subpart RRRRR, National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing.

(95) 40 CFR Part 63, Subpart SSSSS, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

(96) 40 CFR Part 63, Subpart TTTTT, National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

(97) 40 CFR Part 63, Subpart UUUUU, National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units.

(98) 40 CFR Part 63, Subpart WWWW, National Emission Standards for Hospital Ethylene Oxide Sterilizers.

(99) 40 CFR Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.

(100) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

(101) 40 CFR Part 63 Subpart BBBB National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

(102) 40 CFR Part 63 Subpart CCCCC National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

(103) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

(104) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

(105) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

(106) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.

(107) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

(108) 40 CFR Part 63, Subpart LLLLL, National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.

(109) 40 CFR Part 63, Subpart MMMMM, National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.

(110) 40 CFR Part 63, Subpart NNNNN, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.

(111) 40 CFR Part 63, Subpart OOOOO, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.

(112) 40 CFR Part 63, Subpart PTTTT, National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.

(113) 40 CFR Part 63, Subpart QQQQQ, National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.

(114) 40 CFR Part 63, Subpart RRRRR, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.

(115) 40 CFR Part 63, Subpart SSSSS, National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.

(116) 40 CFR Part 63, Subpart VVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.

(117) 40 CFR Part 63, Subpart TTTTT, National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.

(118) 40 CFR Part 63, Subpart WWWW, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

(119) 40 CFR Part 63, Subpart XXXXX, National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

(120) 40 CFR Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.

(121) 40 CFR Part 63, Subpart ZZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.

(122) 40 CFR Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.

(123) 40 CFR Part 63, Subpart BBBB, National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.

(124) 40 CFR Part 63, Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.

(125) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

(126) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.

**KEY: air pollution, hazardous air pollutant, MACT, NESHAP**  
**Date of Enactment or Last Substantive Amendment: ~~June 8, 2017~~ 2018**  
**Notice of Continuation: September 8, 2017**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-15  
Standards for the Management of Used  
Oil**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 42451

FILED: 01/12/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Subsections R315-15-13.3(a) and (b) contradict each other. It appears that at some point in time a word was inadvertently changed in (a) that makes it contradictory to (b). This proposed change will place (a) and (b) in agreement. Section R315-15-17.1 states that all financial assurance filings shall be signed in duplicate. However, not all filings need to be signed in duplicate and some need to be signed in triplicate. The number of signatures needed for each mechanism is determined by the mechanism, therefore, there is no reason for the rule to require all filings to be signed in duplicate.

**SUMMARY OF THE RULE OR CHANGE:** A comment was made recently to the Division of Waste Management and Radiation Control, Waste Management (Division) that there was a conflict in the wording of Subsections R315-15-13.3(a) and (b). Subsection R315-15-13.3(a) currently states that a person may operate a used oil aggregation point without a registration number if the aggregation point also accepts used oil from household do-it-yourselfers or other generators. Subsection R315-15-13.3(b) then states if an aggregation point accepts used oil from household do-it-yourselfers, it must be registered. It is the intent of the rule that all facilities that manage used oil from household do-it-yourselfers be registered. The Division was unable to determine why the contradiction exists. Previous versions of the rule do not have the contradiction and the Division was unable to find any documentation making the change. The proposed change to Section R315-15-13.3 will remove the contradiction and return the rule to its original intent. It was recently discovered that facilities involved in the management of used oil have been submitting all financial assurance mechanisms signed in duplicate when only certain mechanisms actually need to be signed in duplicate, others in triplicate and some just single. Research into the issue revealed that Section R315-15-17.1 requires all financial assurance mechanisms to be signed in duplicate. The proposed change to Section R315-15-17.1 will remove the requirement from the rules and facilities managing used oil will follow the requirements of each mechanism regarding the number of signatures needed.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-6-704 and Section 19-6-705 and Section 19-6-710

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** It is anticipated that any cost or savings to the Division from these proposed rule changes will be negligible because the Division has been enforcing the rule regarding registration of aggregation points as it was intended and the changes will not change how the rule has been enforced. The proposed changes will not reduce or lengthen the amount of time required to review financial assurance mechanisms and therefore will not affect the Division's budget.

◆ **LOCAL GOVERNMENTS:** It is anticipated that any cost or savings to local governments that may be involved in the management of used oil from these proposed rule changes will be negligible because the changes will not change which facilities managing used oil must register and local governments are exempt from having to submit financial assurance mechanisms to the Division.

◆ **SMALL BUSINESSES:** It is anticipated that any cost or savings to small businesses from these proposed rule changes will be negligible because the changes do not change which facilities managing used oil must register or any requirements regarding financial assurance.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** It is anticipated that any cost or savings to persons other than small businesses, businesses, or local governments from these proposed rule changes will be negligible because the changes do not change which facilities managing used oil must register or any requirements regarding financial assurance.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The proposed rule changes do not change which facilities managing used oil must register or how the Division has enforced this requirement. These proposed rule changes do not change any of the financial assurance requirements for facilities managing used oil. Potential compliance costs will be similar to those described above.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The Division has consistently required facilities that collect used oil from household do-it-yourselfers to be registered with the Division and, therefore, these changes to the rule only correct an inadvertent change that potentially caused some confusion among readers of the rule and will have no fiscal impact on businesses. There are thirteen different types of financial assurance mechanisms that are submitted by various entities involved in the management of used oil. Some of these mechanisms are required, simply by the type of mechanism they are, to be submitted in duplicate or triplicate so that all entities involved, including the Division, have original, signed copies of the mechanism. These proposed rule changes do not reduce any requirements for

financial assurance; they simply allows the mechanism to dictate how many copies need to be submitted instead of the rule dictating the number. Therefore, the fiscal impact of the change is negligible.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 WASTE MANAGEMENT AND RADIATION  
 CONTROL, WASTE MANAGEMENT  
 SECOND FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3097  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
 ♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018

THIS RULE MAY BECOME EFFECTIVE ON: 03/15/2018

AUTHORIZED BY: Scott Anderson, Director

**Appendix 1: Regulatory Impact Summary Table\***

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Net Fiscal Benefits:	\$0	\$0	\$0

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**

There are 46 permitted used oil processors, marketers and transporters (NAICS 324191) in Utah. These businesses will likely not experience a measurable fiscal cost associated with the change in submission of financial assurance documents because they are already required to submit these documents and the only change is to the number of copies that must be submitted. The fiscal benefit to those permitted used oil facilities that will be submitting fewer copies is inestimable due to the differences in the number of pages associated with each of the various acceptable financial assurance mechanisms. Reducing the required number of copies results in a minimal fiscal benefit.

There are 409 registered used oil collection facilities (NAICS 92411, 562111, 562212, 811111, 811113, 811191) in Utah. These businesses will not experience a fiscal cost associated with the change in registration requirements because they are already registered. Additionally, the intent of the regulations, that facilities that collect used oil from do-it-yourselfers be registered, was not changed.

**R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.**

**R315-15. Standards for the Management of Used Oil.**

**R315-15-13. Registration and Permitting of Used Oil Handlers.**

**13.1 DO-IT-YOURSELFER USED OIL COLLECTION CENTERS TYPES A AND B**

(a) Applicability. A person may not operate a do-it-yourselfer (DIYer) Type A or B used oil collection center without holding a registration number issued by the Director.

(b) General. The application for a registration number shall include the following information regarding the DIYer used oil collection center:

- (1) the name and address of the operator;
- (2) the location of the center;
- (3) the type of storage and secondary containment to be used;
- (4) the status of the business, zoning, or other licenses and permits if required by federal, state and local governmental entities;
- (5) a spill containment plan in the event of a release of used oil; and
- (6) proof of insurance or other means of financial responsibility for liabilities that may be incurred in collecting or storing used oil.

(c) Waiver of proof of insurance or other means of financial responsibility for liabilities that may be incurred in collecting or storing used oil. In accordance with Utah Annotated 19-6-710, the Director may waive the requirement of proof of liability insurance or other means of financial responsibility if the following criteria are satisfied:

(1) The used oil storage tank or container is in good condition with no severe rusting, apparent structural defects or deterioration, and no visible leaks;

(2) There is adequate secondary containment for the tank or container that is impervious to used oil to prevent any used oil released into the secondary containment system from migrating out of the system to the soil, groundwater or surface water;

(3) The storage tank or container is clearly labeled with the words "Used Oil;"

(4) DIYer log entries are complete including the name and address of the generator, date and quantity of used oil received;

(5) EPA-approved test kits for total halogens are readily available and operators are trained to perform halogen tests on any used oil received that may have been mixed with hazardous waste; and

(6) Oil sorbent material is readily available on site for immediate clean-up of spills.

(d) Changes in information. The owner or operator of the facility shall notify the Director in writing of any changes in the information submitted to apply for a registration number within 20 days of the change.

#### 13.2 GENERATOR USED OIL COLLECTION CENTERS TYPES C AND D

(a) Applicability. A person may not operate a generator used oil collection center Type C or D without holding a registration number issued by the Director.

(b) General. The application for registration shall include the following information regarding the generator used oil collection center:

- (1) the name and address of the operator;
- (2) the location of the center;
- (3) whether the center will accept DIYer used oil;
- (4) the type of storage and secondary containment to be used;

(5) the status of the business, zoning, or other licenses and permits if required by federal, state and local governmental entities;

(6) a spill containment plan in the event of a release of used oil; and

(7) proof of insurance or other means of financial responsibility for liabilities that may be incurred in collecting or storing used oil.

(c) Permit. Waiver of proof of insurance or other means of financial responsibility for liabilities that may be incurred in collecting or storing used oil. In accordance with Utah Code Annotated 19-6-710, the Director may waive the requirement of proof of liability insurance or other means of financial responsibility if the following criteria are satisfied:

(1) The used oil storage tank or container is in good condition with no severe rusting, apparent structural defects or deterioration, and no visible leaks;

(2) There is adequate secondary containment for the tank or container that is impervious to used oil to prevent any used oil released into the secondary containment system from migrating out of the system to the soil, groundwater or surface water;

(3) The storage tank or container is clearly labeled with the words "Used Oil;"

(4) DIYer log entries are complete including the name and address of the generator, date and quantity of used oil received;

(5) EPA-approved test kits for total halogens are readily available and operators are trained to perform halogen tests on any used oil received that may have been mixed with hazardous waste; and

(6) Oil sorbent material is readily available on site for immediate clean up of spills.

(d) Changes in information. The owner or operator of the facility shall notify the Director in writing of any changes in the information submitted to apply for a registration number within 20 days of the change.

#### 13.3 USED OIL AGGREGATION POINTS

(a) Applicability. A person may operate a used oil aggregation point without holding a registration number issued by the Director [if] unless that aggregation point also accepts used oil from household do-it-yourselfers (DIYers) or other generators.

(b) If an aggregation point accepts used oil from household DIYers, it must register with the Director as a DIYer collection center and comply with the DIYer standards in Section R315-15-3.1.

(c) If an aggregation point accepts used oil from other generators it must register with the Director as a generator collection center and comply with the standards in R315-15-3.2.

#### 13.4 USED OIL TRANSPORTERS AND USED OIL TRANSFER FACILITIES

(a) Applicability. Except as provided by R315-15-13.4(f), a person may not operate as a used oil transporter without holding a used oil transporter permit issued by the Director. A person shall not operate a used oil transfer facility without holding a used oil transfer facility permit specific to that facility, issued by the Director.

(b) General. The application for a permit shall include the following information:

- (1) The name and address of the operator;
- (2) The location of the transporter's base of operations and the location of any transfer facilities, if applicable;
- (3) Maps of all transfer facilities, if applicable;
- (4) The methods to be used for collecting, storing, and delivering used oil;

(5) The methods to be used to determine if used oil received by the transporter or facility is on-specification or off-specification and how the transporter will comply with the rebuttable requirements of R315-15-4.5;

(6) The type of containment and the volume, including type and number of storage vessels to be used and the number and type of transportation vehicles, if applicable;

(7) The methods of disposing of any waste by-products;

(8) The status of business, zoning, and other applicable licenses and permits if required by federal, state, and local government entities;

(9) An emergency spill containment plan, including a list of spill containment equipment to be carried in vehicles used to transport used oil and spill containment equipment maintained at the used oil transfer facility, and how the transporter shall comply with the requirements of R315-15-9;

(10) Proof of liability insurance or other means of financial responsibility for liabilities that may be incurred in collecting, transporting, or storing used oil;

(11) Proof of form and amount of reclamation surety for any facility used in conjunction with transportation or storage of used oil;

(12) A closure plan meeting the requirements of R315-15-11;

(13) Proof of applicant's ownership of any property and facility used for storage of used oil or, if the property and facility is not owned by the applicant, the owners' written statement acknowledging the activities specified in the application;

(14) For transfer facility permit applications, tank certification in accordance with R315-264-190 through 200 for used oil storage tanks at the transfer facility;

(15) For transfer facility permit applications, a facility piping and instrument drawing certified by a Professional Engineer;

(16) If rail transport is part of the application, a loading/off-loading plan for rail tanker cars used to transport used oil. This plan shall include detailed procedures to be followed to minimize the potential for releases and on-site accidents. At a minimum, the following items shall be addressed:

(i) Personal safety equipment;

(ii) Coordination with railroad to ensure exclusive rights to the loading track during the entire period of loading/offloading;

(iii) A minimum number and qualification of workers involved in the loading or off-loading operations;

(iv) Braking and blocking of rail car wheels;

(v) Procedures for Depressurizing tank car prior to opening manhole covers and outlet valves;

(vi) The sequence of valve openings and closings on any hosing or piping involved in the loading or off-loading process;

(vii) A description of how and where pipe and hose fitting will be attached, including a description of which rail car valves/openings will be used;

(viii) Use of catchment container to collect any used oil released from hoses, valves, and pipes during and following the loading/offloading operation;

(ix) Measures to insure ignition sources are not present;

(x) Procedures for cleanup of any spills that occur during the loading/offloading operations; and

(xi) Other site-specific requirements required by the Director to protect human health and the environment.

(c) Permit fees. Registration and permitting fees are established under the terms and conditions of Utah Code Annotated 63J-1-504. A copy of the Division's Fee Schedule is available upon request. Payment of appropriate fees is required prior to issuance of permit approvals and annual used oil handler certificates.

(d) Annual Reporting. Each transporter and transfer facility shall submit an annual report to the Director of its activities during the calendar year. The annual report shall be submitted to the Director no later than March 1, of the year following the reported activities. The Annual report shall either be submitted on a form provided by the Director or shall contain the following information:

(1) the EPA identification number, name, and address of the transporter/transfer facility;

(2) the calendar year covered by the report;

(3) the total amount of used oil transported;

(4) the itemized amounts and types of used oil transferred to permitted transporters and transfer facilities, used oil processors/refiners, off-specification used oil burners, and used oil fuel marketers; and

(5) the itemized amounts and types of used oil transferred inside and outside the state, indicating the state to which used oil is transferred, and the specific name, address and telephone number of the operations or facility to which used oil was transferred.

(e) Changes in information. The owner or operator of the facility shall notify the Director in writing of any changes in the information submitted to apply for a permit within 20 days of the change.

(f) Transporter and Transfer Facility Permit by rule. Notwithstanding any other provisions of R315-15-13.4, a used oil generator who self-transporters used oil generated by that generator at a non-contiguous operation to a central collection facility in the generator's own service vehicles in quantities exceeding 55 gallons shall be deemed to have an approved used oil transporter permit or used oil transfer facility permits, or both if the generator meets all applicable requirements of R315-15-13.4(f)(1) through (4).

(1) All used oil transporters or transfer facilities who qualify for a permit by rule shall submit a notification to the Director of their intent to operate under R315-15-13.4(f) and comply with the following conditions:

(i) The generator's facility is defined under the North American Industry Classification System (NAICS), published, in 2017 Revision, by the US Economic Classification Policy Committee, with a NAICS code of 21 (Mining), 22 (Utilities), 23 (Construction), 485111 (Mixed Mode Transit Systems), or 541360 (Geophysical Surveying and Mapping Services);

(ii) The generator self-transporters and delivers the used oil to facilities that the generator owns, operates, or both.

(iii) The generator notifies the Director with the information required by R315-15-13.4(b)(1) through (10); and

(iv) The generator complies with R315-15-4.3, R315-15-4.4(b) through (d), R315-15-4.6(b) through (f), R315-15-4.7(b) and (d), and R315-15-4.8.

(2) A generator who self-transporters used oil in accordance with R315-15-13.4(f)(1) and who burns all the collected used oil for energy recovery is deemed to be approved by rule to operate as a used oil transporter for that activity if the following additional conditions are met:

(i) The generator only burns the self-collected used oil for energy recovery at that generator's own central collection facility.

(ii) The generator registers as a used oil fuel marketer in accordance with R315-15-13.7 and complies with R315-15-7.

(3) A generator who self-transporters used oil in accordance with R315-15-13.4(f)(1) and only stores the used oil for subsequent collection by permitted used oil transporters is deemed to be approved by rule to operate as a used oil transporter and transfer facility for that activity if the following additional conditions are met:

(i) The generator arranges for permitted used oil transporters to collect the generator's used oil.

(ii) The self-transported used oil is not stored at the generator's facility longer than 35 days. If the self-transported used oil is stored longer than 35 days, the generator becomes a used oil processor in accordance with R315-15-4.6(a) and shall obtain a used oil processor permit in accordance with R315-15-13.5.

(4) A generator who self-transporters used oil in accordance with R315-15-13.4(f)(1), and who both burns their collected used oil for energy recovery and arranges for permitted use oil transporters to

collect that used oil, is deemed to be approved by rule to operate as a used oil transporter and transfer facility for that activity if the following additional conditions are met:

- (i) The self-transported used oil burned for energy recovery is only burned at the generator's central collection facility;
- (ii) The generator registers as a used oil fuel marketer in accordance with R315-15-13.7 and complies with R315-15-7; and
- (iii) The generator arranges for permitted used oil transporters to collect the generator's used oil not burned on site.
- (iv) The self-transported used oil is not stored at the generator's facility longer than 35 days. If the self-transported used oil is stored longer than 35 days, the generator becomes a used oil processor in accordance with R315-15-4.6(a) and shall obtain a used oil processor permit in accordance with R315-15-13.5.
- (g) All used oil transporters and transfer facilities shall obtain and maintain a used oil handler certificates in accordance with R315-15-13.8.

### 13.5 USED OIL PROCESSORS/RE-REFINERS

(a) Applicability. A person may not operate as a used oil processing/re-refining facility without holding a permit issued by the Director.

(b) General. The application for a permit shall include the following information:

- (1) The name and address of the operator;
- (2) The location of the facility;
- (3) A map of the facility;
- (4) The grades of oil to be produced;
- (5) The methods to be used to determine if used oil received by the transporter or facility is on-specification or off-specification;
- (6) The type of containment and the volume, including type and number of storage vessels to be used and the number and type of transportation vehicles, if applicable;
- (7) The methods of disposing of any waste by-products;
- (8) The status of business, zoning, and other applicable licenses and permits if required by federal, state, and local government entities;
- (9) An emergency spill containment plan, including a list of spill containment equipment to be maintained at the used oil processor facility;
- (10) Proof of liability insurance or other means of financial responsibility for liabilities that may be incurred in processing or re-refining used oil;
- (11) Proof of form and amount of reclamation surety for any facility used in conjunction with transportation or storage of used oil;
- (12) Any other information the Director finds necessary to ensure the safe handling of used oil;
- (13) A closure plan meeting the requirements of R315-15-11.
- (14) A contingency plan meeting the requirements of R315-15-5.3(b);
- (15) Proof of applicant's ownership of the property and facility or, if the property and facility is not owned by the applicant, the owner's written statement acknowledging the activities specified in the application;
- (16) Tank certification in accordance with R315-264-190 through 200 for used oil storage tanks at the processor facility; and
- (17) A facility piping and instrument drawing certified by a Professional Engineer.

(c) Permit fees. Registration and permitting fees are established under the terms and conditions of Department fee schedule 63J-1-504. A copy of the Division's Fee Schedule is available upon request. Payment of appropriate fees is required prior to issuance of permit approvals and annual used oil handler certificates.

(d) Annual Reporting. Each used oil processing or re-refining facility shall submit an annual report to the Director of its activities during the calendar year. The annual report shall be submitted to the Director no later than March 1 of the year following the reported activities. The annual report shall either be submitted on a form provided by the Director or shall contain the following information:

- (1) the EPA identification number, name, and address of the processor/re-refiner facility;
- (2) the calendar year covered by the report;
- (3) the quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed;
- (4) the average daily quantities of used oil processed at the beginning and end of the reporting period;
- (5) an itemization of the total amounts of used oil processed or re-refined during the reporting period year specifying the type and amounts of products produced, i.e., lubricating oil, fuel oil, etc.; and
- (6) the amounts of used oil prepared for reuse as a lubricating oil, as a fuel, and for other uses, specifying each type of use, the amounts of used oil consumed or used in the process of preparing used oil for reuse, specifying the amounts and types of waste by-products generated including waste, water, and the methods and specific locations utilized for disposal.

(e) Changes in information. The owner or operator of the facility shall notify the Director in writing of any changes in the information submitted to apply for a permit within 20 days of the change.

(f) Used oil processors and re-refiners shall obtain and maintain a current used oil handler certificate in accordance with R315-15-13.8.

### 13.6 USED OIL BURNERS

(a) On-specification used oil fuel burners. Facilities burning only on-specification used oil fuel are not required to register as used oil burners with the Director for the purpose of R315-15-13.6, if they hold a valid air quality operating order or are exempt under R315-15-2.4.

(b) Off-specification used oil fuel burners

(1) Applicability. The permitting requirements of this section apply to used oil burners who burn off-specification used oil for energy recovery except as specified in R315-15-6.1(a)(1) through (3). A person may not burn off-specification used oil fuel for energy recovery without holding a permit issued by the Director.

(2) Permit application. The application for a permit shall include the following information regarding the facility:

- (i) The name and address of the operator;
- (ii) The location of the facility;
- (iii) The type of containment and type and capacity of storage;
- (iv) The type of burner to be used;
- (v) The methods of disposing of any waste by-products;
- (vi) The status of business, zoning, and other applicable licenses and permits required by federal, state, and local governmental entities;

(vii) An emergency spill containment plan; including a list of spill containment equipment to be maintained at the used oil processor facility.

(viii) Proof of insurance or other means of financial responsibility for liabilities that may be incurred in storing and burning off-specification used oil fuels.

(ix) Proof of form and amount of reclamation surety for any facility receiving and burning off-specification used oil.

(x) A closure plan meeting the requirements of R315-15-11;

(xi) Proof of applicant's ownership of the property and facility or, if the property and facility is not owned by the applicant, the owner's written statement acknowledging the activities specified in the application;

(xii) Tank certification in accordance with R315-264-190 through 200 for used oil storage tanks at the processor facility; and

(xiii) A facility piping and instrument drawing certified by a Professional Engineer.

(3) Permit fees. Registration and permitting fees are established under the terms and conditions of Utah Code Annotated 63J-1-504. A copy of the Division's Fee Schedule is available upon request. Payment of appropriate fees is required prior to issuance of permit approvals and annual used oil handler certificates.

(4) Changes in information. The owner or operator of the facility shall notify the Director in writing of any changes in the information submitted during permit application within 20 days of the change.

(5) Permits by rule. Any facility permitted by rule is not required to obtain a permit as required by R315-15-13.6(b)(1), but may be required to follow operational practices, as determined by the Director, to minimize risk to human health or the environment. A permit by rule is conditional upon continued compliance with the requirements of R315-15-13.6(b), as determined by the Director. Notwithstanding any other provisions of R315-15-13.6, a hazardous waste incinerator facility that has been issued a final permit under R315-270-1, and that implements the requirements of R315-264-340 through 351, shall be deemed to have an approved off-specification used oil burner permit if that facility meets all of the following conditions:

(i) It burns off-specification used oil only in devices specified in R315-15-6.2(a);

(ii) It stores used oil in the manner described in R315-15-6.5;

(iii) It tracks off-specification used oil shipments as described in R315-15-6.6;

(iv) It complies with R315-15-6.3 and R315-15-6.7;

(v) It modifies its closure plan required under R315-264-110 through 120 (Closure and Post Closure), to include used oil storage and burning devices, taking into account any used oil activities at this facility;

(vi) It modifies its financial mechanism or mechanisms required R315-264-140 Through 151 (Financial Requirements), using a mechanism other than a corporate financial test/corporate written guarantee, to reflect the used oil activities at the facility; and

(vii) It submits to the Director the information required by R315-15-13.6(b)(2)(i) through (vi), and a one-time declaration that the facility intends to burn off-specification used oil.

(6) Annual Reporting. Each off-specification used oil burner, including those permitted by rule under R315-15-13.6(b)(5), shall submit an annual report to the Director of their activities during

the calendar year. The annual report shall be submitted to the Director no later than March 1, of the year following the reported activities. The annual report shall either be submitted on a form provided by the Director or shall contain the following information:

(i) The EPA identification number, name, and address of the burner facility;

(ii) The calendar year covered by the report; and

(iii) The total amount of used oil burned.

(c) Off-specification used oil burners shall obtain and maintain a current used oil handler certificate in accordance with R315-15-13.8.

### 13.7 USED OIL FUEL MARKETERS

(a) Applicability. A person may not act as a used oil fuel marketer, as defined in R315-15-7, without holding a registration number issued by the Director.

(b) General. The application for a registration number shall include the following information regarding the facility acting as a used oil fuel marketer:

(1) The name and address of the marketer.

(2) The location of any facilities used by the marketer to collect, transport, process, or store used oil subject to separate permits, or registrations under this section.

(3) The status of business, zoning, and other applicable licenses and permits required by federal, state, and local governmental entities, including registrations or permits required under this part to collect, process/re-refine, transport, or store used oil.

(4) Sampling and Analysis Plan. Marketers shall develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of R315-15, including the applicable portions of R315-15-1.2, R315-15-5.4, R315-15-7.3, and R315-15-18. The owner or operator shall keep the plan at the facility. The plan shall address at a minimum the following:

(i) Specification used oil fuel. The analysis plan shall describe how the marketer will comply with R315-15-1.2, R315-15-5.6, and R315-15-7.3, as applicable.

(ii) Analytical methods. The plan shall specify the preparation and analytical methods for each parameter.

(iii) PCBs. The analysis plan shall describe how the marketer will comply with R315-15-18.

(iv) Generator knowledge. The plan shall describe the requirements for generator knowledge, if applicable.

(v) Sample Quality Control. The plan shall specify the quality control parameters and acceptance limits.

(vi) Rebuttable presumption for used oil. The analysis plan shall describe how the marketer will comply with R315-15-1.1(b)(ii) and R315-15-5.4, if applicable.

(vii) Sampling. The analysis plan shall describe the sampling protocol used to obtain representative samples, including:

(A) Sampling methods. The marketer shall use one of the sampling methods in R315-261 Appendix I, or a method shown to be equivalent under R315-260-21.

(B) Sample frequency. The plan shall specify the frequency of sampling to be performed, and whether the analysis will be performed on site or off site.

(c) Registration fees. Registration and permitting fees are established under the terms and conditions of Utah Code Annotated 63J-1-504. A copy of the Division's Fee Schedule is available upon request. Payment of appropriate fees is required prior to issuance of registration numbers and annual used oil handler certificates.

(d) A person who acts as used oil fuel marketer shall annually obtain a used oil handler certificate in accordance with R315-15-13.8. A used oil fuel marketer shall not operate without a used oil handler certificate.

(e) Changes in information. The owner or operator of the facility shall notify the Director in writing of any changes in the information submitted to apply for a registration within 20 days of the change.

### 13.8 USED OIL HANDLER CERTIFICATES

(a) Applicability. As well as obtaining permits and registration described in R315-15-13.4 through 13.7, a person shall not act as a used oil transporter, operator of a transfer facility, processor/refiner, off-specification burner, or marketer without applying for, receiving, and maintaining a current used oil handler certificate issued by the Director for each applicable activity. Each used oil permit and marketer registration described in R315-15-13.4 through 13.7 above requires a separate used oil handler certificate.

(b) General. Each application for a used oil handler certificate shall include the following information:

- (1) business name;
- (2) address to include:
  - (i) mailing address; and
  - (ii) site address if different from mailing address
- (3) telephone number
- (4) name of business owner;
- (5) name of business operator;
- (6) permit/registration number; and
- (7) type of permit/registration number (i.e., processor, transporter, transfer facility, off-specification burner, or marketer).

(c) Changes in information. A used oil handler certificate holder shall notify the Director of any changes in the information provided in Subsection R315-15-13.8(b) within 20 days of implementation of the change.

(d) A used oil handler certificate will be issued to an applicant following the:

- (1) completion and approval of the application required by R315-15-13.8(a); and
- (2) payment of the fee required by the Annual Appropriations Act.

(e) A used oil handler certificate is not transferable and shall be valid January 1 through December 31 of the year issued. The certificate shall become void if the permit or registration associated with the used oil activity described in the certificate, in accordance with R315-15-13.8(b)(6) in the application, is revoked under R315-15-15.2 or if the Director, upon the written request of the permittee or registration holder, cancels the certificate.

(f) The certificate registration fee shall be paid prior to operation within any calendar year.

### R315-15-17. Wording of Financial Assurance Mechanisms.

#### 17.1 APPLICABILITY

R315-15-17 presents the standard wording forms to be used for the financial assurance mechanisms found in R315-15-12. The following forms are hereby incorporated by reference and are available at the Division of Waste Management and Radiation Control located at 195 North 1950 West, Salt Lake City, Utah, during normal business hours or on the Division's web site, <http://www.hazardouswaste.utah.gov/>.

(a) The Division requires that the forms described in R315-15-17.2 through R315-15-17.14 shall be used for all financial assurance filings and shall be signed [~~in duplicate~~] original documents. The wording of the forms shall be identical to the wording specified in R315-15-17.2 through R315-15-17.14.

(b) The Director may substitute new wording for the wording found in any of the financial assurance mechanism forms when such language changes are necessary to conform to applicable financial industry changes, when industry-wide consensus language changes are submitted to the Director.

#### 17.2 TRUST AGREEMENTS

The trust agreement for a trust fund must be worded as found in the Trust Agreement Form approved by the Director.

#### 17.3 SURETY BOND GUARANTEEING PAYMENT INTO A STANDBY TRUST AGREEMENT TRUST FUND

The surety bond guaranteeing payment into a standby trust agreement trust fund must be worded as found in the Surety Bond Guaranteeing Payment into a Standby Trust Agreement Trust Fund Form approved by the Director.

#### 17.4 IRREVOCABLE STANDBY LETTER OF CREDIT WITH STANDBY TRUST AGREEMENT

The letter of credit must be worded as found in the Irrevocable Standby Letter of Credit with Standby Trust Agreement Form approved by the Director.

#### 17.5 UTAH USED OIL POLLUTION LIABILITY INSURANCE ENDORSEMENT FOR CLEANUP AND CLOSURE

The insurance endorsement of cleanup and closure must be worded as found in the Utah Used Oil Pollution Liability Insurance Endorsement for Cleanup and Closure Form approved by the Director.

#### 17.6 UTAH USED OIL TRANSPORTER POLLUTION LIABILITY ENDORSEMENT FOR SUDDEN OCCURRENCE

The used oil transporter pollution liability endorsement for sudden occurrence must be worded as found in the Utah Used Oil Transporter Pollution Liability Endorsement for Sudden Occurrence Form approved by the Director.

#### 17.7 UTAH USED OIL POLLUTION LIABILITY ENDORSEMENT FOR SUDDEN OCCURRENCE

The used oil pollution liability endorsement for sudden occurrence for permitted facilities other than permitted transporters must be worded as found in the Utah Used Oil Pollution Liability Endorsement for Sudden Occurrence Form approved by the Director.

#### 17.8 UTAH USED OIL POLLUTION LIABILITY ENDORSEMENT FOR NON-SUDDEN OCCURRENCE

The used oil pollution liability endorsement for non-sudden occurrence must be worded as found in the Utah Used Oil Pollution Liability Endorsement Non-Sudden Occurrence Form approved by the Director.

#### 17.9 UTAH USED OIL POLLUTION LIABILITY ENDORSEMENT FOR COMBINED SUDDEN AND NON-SUDDEN OCCURRENCES

The used oil pollution liability endorsement combined for sudden and non-sudden occurrence must be worded as found in the Utah Used Oil Pollution Liability Endorsement for Combined Sudden and Non-Sudden Occurrences Form approved by the Director.

#### 17.10 LETTER OF CREDIT FOR THIRD-PARTY DAMAGES FROM ENVIRONMENTAL POLLUTION LIABILITY WITH OPTIONAL STANDBY TRUST AGREEMENT TO BE USED BY TRANSFER/PROCESSOR/RE-REFINER/OFF-SPECIFICATION BURNER FACILITY

The letter of credit must be worded as found in the Letter of Credit for Third Party Damages from Environmental Pollution Liability with Optional Standby Trust Agreement to be used by Transfer/Processor/Re-refiner/Off-specification Burner Facility Form approved by the Director.

**17.11 PAYMENT BOND FOR THIRD-PARTY DAMAGES FROM ENVIRONMENTAL POLLUTION LIABILITY TO BE USED BY TRANSFER/PROCESSOR/RE-REFINER/OFF-SPECIFICATION BURNER FACILITY**

A surety bond must be worded as found in the Payment Bond for Third Party Damages from Environmental Pollution Liability to be used by Transfer/Processor/Re-refiner/Off-specification burner Facility Form approved by the Director.

**17.12 TRUST AGREEMENT FOR THIRD-PARTY DAMAGES FROM ENVIRONMENTAL POLLUTION LIABILITY TO BE USED BY TRANSFER/PROCESSOR/RE-REFINER/OFF-SPECIFICATION BURNER FACILITY**

A trust agreement must be worded as found in the Trust Agreement for Third Party Damages from Environmental Pollution Liability to be used by Transfer/Processor/Re-refiner/Off-specification Burner Facility Form approved by the Director.

**17.13 STANDBY TRUST AGREEMENT ASSOCIATED WITH THIRD-PARTY DAMAGES FROM ENVIRONMENTAL POLLUTION LIABILITY REQUIRING A STANDBY TRUST AGREEMENT TO BE USED BY TRANSFER/PROCESSOR/RE-REFINER/OFF-SPECIFICATION BURNER FACILITY**

A standby trust agreement must be worded as found in the Standby Trust Agreement Associated with Third Party Damages from Environmental Pollution Liability Requiring Standby Trust Agreement to be used by Transfer/Processor/Re-refiner/Off-specification Burner Facility Form approved by the Director.

**17.14 STANDBY TRUST AGREEMENT, OTHER THAN LIABILITY, FOR TRANSFER/PROCESSOR/RE-REFINER/OFF-SPECIFICATION BURNER FACILITY**

The standby trust agreement for a trust fund must be worded as found in the Standby Trust Agreement, other than Liability for Transfer/Processor/Re-refiner/Off-specification Burner Facility Form approved by the Director.

**KEY: hazardous waste, used oil, registration, financial assurance**  
**Date of Enactment or Last Substantive Amendment: [February 13, 2017]2018**  
**Notice of Continuation: March 10, 2016**  
**Authorizing, and Implemented or Interpreted Law: 19-6-704**

**Technology Services, Administration**  
**R895-12**  
**Telecommunications Services and Requirements**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 42432  
 FILED: 01/03/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The reason for these changes is to replace "Division" with "Department". Divisions within the Department of Technology Services were eliminated. In addition, these changes remove the delegation of authority section, which is redundant language with Title 63F.

**SUMMARY OF THE RULE OR CHANGE:** As provided in Section 63F-1-206, all state agencies must subscribe to the telecommunications services of the Department of Technology Services, unless excepted by law. The reason for these changes is to replace "Division" with "Department" as divisions within the Department of Technology Services were eliminated. In addition, these changes remove the delegation of authority section (R895-12-4), which is redundant language with Title 63F.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63F-1-206

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local governments.
- ◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no anticipated compliance cost for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no anticipated fiscal impact to businesses. These rule changes are minor language changes.

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

TECHNOLOGY SERVICES  
 ADMINISTRATION  
 ROOM 6000  
 STATE OFFICE BUILDING  
 450 N STATE ST  
 SALT LAKE CITY, UT 84114  
 or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Stephanie Weteling by phone at 801-538-3284, by FAX at 801-538-3622, or by Internet E-mail at stephanie@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/05/2018**

THIS RULE MAY BECOME EFFECTIVE ON: 03/12/2018

AUTHORIZED BY: Michael Hussey, Executive Director and CIO

**Appendix 1: Regulatory Impact Summary Table\***

<b>Fiscal Costs</b>	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>			
Net Fiscal Benefits:	\$0	\$0	\$0

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**  
 This rule is not expected to have any impacts on non-small business government revenues or expenditures. The head of the Department of Technology Services, Michael Hussey, has reviewed and approved this fiscal analysis.

**R895. Technology Services, Administration.**  
**R895-12. Telecommunications Services and Requirements.**  
**R895-12-1. Purpose.**

As provided in Section 63F-1-206, all state agencies must subscribe to the telecommunications services of the Department of Technology Services, unless excepted by law. The purpose of this rule is to specify the standards and procedures required of state agencies for telecommunications services.

**R895-12-2. Definitions.**

- (1) "agency" means all state agencies that fall within the purview 63F-1-102.
- (2) "division" means the Division of Enterprise Services.

**R895-12-3. Required Agency Coordination with the [Division of Enterprise Services] Department of Technology Services.**

A. Pursuant to Section 63F-1-206, all state agencies shall coordinate with and adhere to the requirements of the [Division] Department when:

- 1. in need of consulting assistance on telecommunications systems;
- 2. installing a new telecommunications system;
- 3. making additions or changes to a telecommunications system; or
- 4. moving all or some agency offices to a new location.

B. Agencies shall contact the [Division] Department about, and the [Division] Department shall provide assistance with:

- 1. evaluations of systems and system changes;
- 2. long distance services and costs;
- 3. technical training;
- 4. service and equipment procurement;
- 5. bid and proposal specifications and evaluations;
- 6. liaison with vendors;
- 7. maintenance contracts;
- 8. networking;
- 9. billing and questions on billings;
- 10. repair service;
- 11. operator assistance;
- 12. wiring and wire installation;
- 13. equipment and problems and alternatives;
- 14. line information and installation; and
- 15. other similar services.

**[R895-12-4. Delegation of Authority over Telecommunications Functions.**

A. Pursuant to Section 63F-1-208, the Division may delegate specific telecommunications functions to specific agencies by written interagency agreement signed by the Division director and the head of the agency to which the authority is delegated.

B. Delegation agreements are subject to the approval of the executive director of the Department of Technology Services.

C. Terms of the interagency agreement must adhere to the provisions of Section 63F-1-208 and shall be audited for compliance by the Division at least annually.

D. Upon an audit finding of agency non-compliance, the Division director shall issue a written report to the Director of the Department of Technology Services recommending termination of the agreement or other corrective action. The Division shall send copies to the subject agency and head of the agency's department.

E. The Division shall provide any agency found in non-compliance an opportunity for an informal hearing or written response.

F. If, after receiving the agency's response, the Division still finds non-compliance with agreement terms, the Division shall terminate the agreement, subject to approval of the Director of the Department of Technology Services.

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**R895-12-[5]4. Telecommunications Standards and Specifications.**

A. The ~~[Division]~~Department shall develop and update a listing of statewide telecommunications standards and specifications. Agencies may obtain copies of the current standards and specifications from the ~~[Division]~~Department upon request.

B. Because most standards and specifications may vary considerably from one system to another, the ~~[Division]~~Department shall specify all applicable standards and specifications in each agency contract or interagency delegation agreement.

**R895-12-[6]5. Fee Schedules.**

As provided in Section 63A-6-105, the ~~[Division]~~Department shall determine a schedule of service fees to be charged agencies, based on the most cost effective and economical alternatives.

**KEY: telecommunications, data processing, appellate procedures**

**Date of Enactment or Last Substantive Amendment: ~~[1992]~~2018**

**Notice of Continuation: October 1, 2012**

**Authorizing, and Implemented or Interpreted Law: 63A-6-101 et seq.; 63F-1-102; 63F-1-206; 63F-1-208**

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

## NOTICES OF CHANGES IN PROPOSED RULES

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

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends March 5, 2018.

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

From the end of the 30-day waiting period through June 1, 2018, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective 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. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

**CHANGES IN PROPOSED RULES** are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

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

# Environmental Quality, Air Quality R307-150 Emission Inventories

**NOTICE OF CHANGE IN PROPOSED RULE**  
DAR FILE NO.: 42107  
FILED: 01/04/2018

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Air Quality Board proposed an amendment to Rule R307-150 for public comment on 09/06/2017. A 45-day public comment period and two public hearings were held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the originally proposed rule. This rule is amended to clarify that applicability for the emission inventory requirement is based on one ton of uncontrolled actual emissions of an individual criteria air pollutant.

SUMMARY OF THE RULE OR CHANGE: This change to the proposed rule clarifies that applicability for the emission inventory requirement is based on one ton of uncontrolled actual emissions of an individual criteria air pollutant. Additionally, it corrects subscript issues found throughout the rule. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the October 1, 2017, issue of the Utah State Bulletin, on page 55. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: This change in proposed rule does not affect the original economic impact analysis.
- ◆ LOCAL GOVERNMENTS: This change in proposed rule does not affect the original economic impact analysis.
- ◆ SMALL BUSINESSES: This change in proposed rule does not affect the original economic impact analysis.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This change in proposed rule does not affect the original economic impact analysis.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional compliance costs are expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After thorough review, it has been determined that these changes will not affect the original analysis provided with the originally proposed rule.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
◆ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

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

THIS RULE MAY BECOME EFFECTIVE ON: 03/02/2018

AUTHORIZED BY: Bryce Bird, Director

**Appendix 1: Regulatory Impact Summary Table\***

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

**Appendix 2: Regulatory Impact to Non-Small Businesses**  
 The change in proposed rule does not affect the original economic impact analysis.  
 The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

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

**R307-150. Emission Inventories.**

**R307-150-1. Purpose and General Requirements.**

- (1) The purpose of R307-150 is:
  - (a) to establish by rule the time frame, pollutants, and information that sources must include in inventory submittals; and
  - (b) to establish consistent reporting requirements for stationary sources in Utah to determine whether sulfur dioxide emissions remain below the sulfur dioxide milestones established in the State Implementation Plan for Regional Haze, section XX.E.1.a, incorporated by reference in R307-110-28.
- (2) The requirements of R307-150 replace any annual inventory reporting requirements in approval orders or operating permits issued prior to December 4, 2003.
- (3) Emission inventories shall be submitted on or before ninety days following the effective date of this rule and thereafter on or before April 15 of each year following the calendar year for which an inventory is required. The inventory shall be submitted in a format specified by the Division of Air Quality following consultation with each source.
- (4) The executive secretary may require at any time a full or partial year inventory upon reasonable notice to affected sources when it is determined that the inventory is necessary to develop a state implementation plan, to assess whether there is a threat to public health or safety or the environment, or to determine whether the source is in compliance with R307.
- (5) Recordkeeping Requirements.
  - (a) Each owner or operator of a stationary source subject to this rule shall maintain a copy of the emission inventory submitted to the Division of Air Quality and records indicating how the information submitted in the inventory was determined, including any calculations, data, measurements, and estimates used. The records under R307-150-4 shall be kept for ten years. Other records shall be kept for a period of at least five years from the due date of each inventory.
  - (b) The owner or operator of the stationary source shall make these records available for inspection by any representative of the Division of Air Quality during normal business hours.

**R307-150-2. Definitions.**

- The following additional definitions apply to R307-150.
  - "Acute pollutant" means any noncarcinogenic air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.
  - "Carcinogenic pollutant" means any air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.
  - "Chronic Pollutant" means any noncarcinogenic air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.
  - "Dioxins" and "Furans" mean total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.
  - "Emissions unit" means emissions unit as defined in R307-415-3.
  - "Large Major Source" means a major source that emits or has the potential to emit 2500 tons or more per year of oxides of sulfur, oxides of nitrogen, or carbon monoxide, or that emits or has the potential to emit 250 tons or more per year of PM<sub>10</sub>, PM<sub>2.5</sub>, volatile organic compounds, or ammonia.
  - "Lead" means elemental lead and the portion of its compounds measured as elemental lead.
  - "Major Source" means major source as defined in R307-415-3.

**R307-150-3. Applicability.**

- (1) R307-150-4 applies to all stationary sources with actual emissions of 100 tons or more per year of sulfur dioxide in calendar year 2000 or any subsequent year unless exempted in (a) below. Sources subject to R307-150-4 may be subject to other sections of R307-150.
  - (a) A stationary source that meets the requirements of R307-150-3(1) that has permanently ceased operation is exempt from the requirements of R307-150-4 for all years during which the source did not operate at any time during the year.
  - (b) Except as provided in R307-150-3(1)(a), any source that meets the criteria of R307-150-3(1) and that emits less than 100 tons per year of sulfur dioxide in any subsequent year shall remain subject to the requirements of R307-150-4 until 2018 or until the first control period under the Western Backstop Sulfur Dioxide Trading Program as established in R307-250-12(1)(a), whichever is earlier.
    - (2) R307-150-5 applies to large major sources.
    - (3) R307-150-6 applies to:
      - (a) each major source that is not a large major source;
      - (b) each source with the potential to emit 5 tons or more per year of lead; and
      - (c) each source not included in R307-150-3(2), R307-150-3(3)(a), or R307-150-3(3)(b) that is located in Davis, Salt Lake, Utah, or Weber Counties and that has the potential to emit 25 tons or more per year of any combination of oxides of nitrogen, oxides of sulfur and

PM<sub>10</sub>, or the potential to emit 10 tons or more per year of volatile organic compounds.

(4) R307-150-7 applies to Part 70 sources not included in R307-150-3(2) or R307-150-3(3).

(5) R307-150-9 applies to sources with Standard Industrial Classification codes in the major group 13 that have uncontrolled actual emissions greater than one ton per year for a single pollutant of PM<sub>10</sub>, PM<sub>2.5</sub>, oxides of nitrogen, oxides of sulfur, carbon monoxide or volatile organic compounds. These sources include, but are not limited to, industries involved in oil and natural gas exploration, production, and transmission operations; well production facilities; natural gas compressor stations; and natural gas processing plants and commercial oil and gas disposal wells, and ponds,~~[and sites.]~~

(a) Sources that require inventory submittals under R307-150-3(1) through R307-150-3(4) are excluded from the requirements of R307-150-9.

**R307-150-4. Sulfur Dioxide Milestone Inventory Requirements.**

(1) Annual Sulfur Dioxide Emission Report.

(a) Sources identified in R307-150-3(1) shall submit an annual inventory of sulfur dioxide emissions beginning with calendar year 2003 for all emissions units including fugitive emissions.

(b) The inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, type and efficiency of the air pollution control equipment, percent of sulfur content in fuel and how the percent is calculated, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(2) Each source subject to R307-150-4 that is also subject to 40 CFR Part 75 reporting requirements shall submit a summary report of annual sulfur dioxide emissions that were reported to the Environmental Protection Agency under 40 CFR Part 75 in lieu of the reporting requirements in (1) above.

(3) Changes in Emission Measurement Techniques. Each source subject to R307-150-4 that uses a different emission monitoring or calculation method than was used to report their sulfur dioxide emissions in 2006 under R307-150 or 40 CFR Part 75 shall adjust their reported emissions to be comparable to the emission monitoring or calculation method that was used in 2006. The calculations that are used to make this adjustment shall be included with the annual emission report.

**R307-150-5. Sources Identified in R307-150-3(2), Large Major Source Inventory Requirements.**

(1) Each large major source shall submit an emission inventory annually beginning with calendar year 2002. The inventory shall include PM<sub>10</sub>, PM<sub>2.5</sub>, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, and ammonia for all emissions units including fugitive emissions.

(2) For every third year beginning with 2005, the inventory shall also include all other chargeable pollutants and hazardous air pollutants not exempted in R307-150-8.

(3) For each pollutant specified in (1) or (2) above, the inventory shall include the rate and period of emissions, excess or

breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, composition of air pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

**R307-150-6. Sources Identified in R307-150-3(3).**

(1) Each source identified in R307-150-3(3) shall submit an inventory every third year beginning with calendar year 2002 for all emissions units including fugitive emissions.

(a) The inventory shall include PM<sub>10</sub>, PM<sub>2.5</sub>, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, ammonia, other chargeable pollutants, and hazardous air pollutants not exempted in R307-150-8.

(b) For each pollutant, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit which is the source of the air pollution, composition of air pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(2) Sources identified in R307-150-3(3) shall submit an inventory for each year after 2002 in which the total amount of PM<sub>10</sub>, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory. For each pollutant, the inventory shall meet the requirements of R307-150-6(1)(a) and (b).

**R307-150-7. Sources Identified in R307-150-3(4), Other Part 70 Sources.**

(1) Sources identified in R307-150-3(4) shall submit the following emissions inventory every third year beginning with calendar year 2002 for all emission units including fugitive emissions.

(2) Sources identified in R307-150-3(4) shall submit an inventory for each year after 2002 in which the total amount of PM<sub>10</sub>, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory.

(3) The emission inventory shall include individual pollutant totals of all chargeable pollutants not exempted in R307-150-8.

**R307-150-8. Exempted Hazardous Air Pollutants.**

(1) The following air pollutants are exempt from this rule if they are emitted in an amount less than that listed in Table 1.

TABLE 1

POLLUTANT	Pounds/year
Arsenic	0.21
Benzene	33.90
Beryllium	0.04
Ethylene oxide	38.23
Formaldehyde	5.83

(2) Hazardous air pollutants, except for dioxins or furans, are exempt from being reported if they are emitted in an amount less than the smaller of the following:

- (a) 500 pounds per year; or
- (b) for acute pollutants, the applicable TLV-C expressed in milligrams per cubic meter and multiplied by 15.81 to obtain the pounds-per-year threshold; or
- (c) for chronic pollutants, the applicable TLV-TWA expressed in milligrams per cubic meter and multiplied by 21.22 to obtain the pounds-per-year threshold; or
- (d) for carcinogenic pollutants, the applicable TLV-C or TLV-TWA expressed in milligrams per cubic meter and multiplied by 7.07 to obtain the pounds-per-year threshold.

**R307-150-9. Crude Oil and Natural Gas Source Category**

(1) Sources identified in R307-150-3(5) shall submit an inventory every third year beginning with the 2017 calendar year for all emission units.

(a) The inventory shall include the total emissions for PM<sub>10</sub>, PM<sub>2.5</sub>, oxides of sulfur, oxides of nitrogen, carbon monoxide and volatile organic compounds for each emission unit at the source. The emissions of a pollutant shall be calculated using the emission unit's actual operating hours, product rates, and types of materials processed, stored, or combusted during the inventoried time period. (b) The inventory shall include the type and efficiency of air pollution control equipment.

(c) The inventory shall be submitted in an electronic format determined by the Director specific to this source category.

**KEY: air pollution, reports, inventories**

**Date of Enactment or Last Substantive Amendment: [2017]2018**

**Notice of Continuation: January 28, 2014**

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

(c)

**Environmental Quality, Air Quality  
R307-401  
Permit: New and Modified Sources**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 42108

FILED: 01/04/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Utah Air Quality Board proposed an amendment to Rule R307-401 for public comment on 09/06/2017. A 45-day public comment period and two public hearings were held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the originally proposed rule. This rule is amended to clarify that the exemption for oil and gas wells as defined by 40 CFR 60.5430a does include centralized tank batteries (the 40 CFR definition only includes centralized tank batteries for applicability of fugitive emissions standards).

**SUMMARY OF THE RULE OR CHANGE:** This change to the proposed rule clarifies that the exemption for oil and gas wells as defined by 40 CFR 60.5430a does include centralized tank batteries (the 40 CFR definition only includes centralized tank batteries for applicability of fugitive emissions standards). (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the October 1, 2017, issue of the Utah State Bulletin, on page 58. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **LOCAL GOVERNMENTS:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **SMALL BUSINESSES:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change in proposed rule does not affect the original economic impact analysis.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No additional compliance costs are expected for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** After thorough review, it has been determined that these changes will not affect the original analysis provided in the original proposed rule.

**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 Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

**THIS RULE MAY BECOME EFFECTIVE ON:** 03/02/2018

**AUTHORIZED BY:** Bryce Bird, Director

**Appendix 1: Regulatory Impact Summary Table\***

<b>Fiscal Costs</b>	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Net Fiscal Benefits:	\$0	\$0	\$0

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**

The change in proposed rule does not affect the original economic impact analysis.

The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

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

**R307-401. Permit: New and Modified Sources.**

**R307-401-1. Purpose.**

This rule establishes the application and permitting requirements for new installations and modifications to existing installations throughout the State of Utah. Additional permitting

requirements apply to larger installations or installations located in nonattainment or maintenance areas. These additional requirements can be found in R307-403, R307-405, R307-406, R307-420, and R307-421. Modeling requirements in R307-410 may also apply. Each of the permitting rules establishes independent requirements, and the owner or operator must comply with all of the requirements that apply to the installation. Exemptions under R307-401 do not affect applicability of the other permitting rules.

**R307-401-2. Definitions.**

"Actual emissions" (a) means the actual rate of emissions of an air pollutant from an emissions unit, as determined in accordance with R307-401-2(b) through R307-401-2(d).

(b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the air pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(c) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each air pollutant which would be emitted from any proposed stationary source or modification which the director, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement

(U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

"Emissions unit" means any part of a stationary source that emits or would have the potential to emit any air pollutant.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Indirect source" means a building, structure, facility or installation which attracts or may attract mobile source activity that results in emission of a pollutant for which there is a national standard.

"Potential to emit" means the maximum capacity of a stationary source to emit an air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Stationary source" means any building, structure, facility, or installation which emits or may emit an air pollutant.

#### **R307-401-3. Applicability.**

(1) R307-401 applies to any person intending to:

(a) construct a new installation which will or might reasonably be expected to become a source or an indirect source of air pollution, or

(b) make modifications or relocate an existing installation which will or might reasonably be expected to increase the amount or change the effect of, or the character of, air pollutants discharged, so that such installation may be expected to become a source or indirect source of air pollution, or

(c) install a control apparatus or other equipment intended to control emissions of air pollutants.

(2) R307-403, R307-405 and R307-406 may establish additional permitting requirements for new or modified sources.

(a) Exemptions contained in R307-401 do not affect applicability or other requirements under R307-403, R307-405 or R307-406.

(b) Exemptions contained in R307-403, R307-405 or R307-406 do not affect applicability or other requirements under R307-401, unless specifically authorized in this rule.

#### **R307-401-4. General Requirements.**

The general requirements in R307-401-4(1) through R307-401-4(3) apply to all new and modified installations, including installations that are exempt from the requirement to obtain an approval order.

(1) Any control apparatus installed on an installation shall be adequately and properly maintained.

(2) If the director determines that an exempted installation is not meeting an approval order or State Implementation Plan limitation, is creating an adverse impact to the environment, or would be injurious to human health or welfare, then the director may require the owner or operator to submit a notice of intent and obtain an approval order in accordance with R307-401-5 through R307-401-8. The director will complete an appropriate analysis and evaluation in consultation with the owner or operator before determining that an approval order is required.

(3) Low Oxides of Nitrogen Burner Technology.

(a) Except as provided in R307-401-4(3)(b), whenever existing fuel combustion burners are replaced, the owner or operator shall install low oxides of nitrogen burners or equivalent oxides of nitrogen controls, as determined by the director, unless such equipment is not physically practical or cost effective. The owner or operator shall submit a demonstration that the equipment is not physically practical or cost effective to the director for review and approval prior to beginning construction.

(b) The provisions of (a) above do not apply to non-commercial, residential buildings.

#### **R307-401-5. Notice of Intent.**

(1) Except as provided in R307-401-9 through R307-401-17, any person subject to R307-401 shall submit a notice of intent to the director and receive an approval order prior to initiation of construction, modification or relocation. The notice of intent shall be in a format specified by the director.

(2) The notice of intent shall include the following information:

(a) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.

(b) Expected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air pollutant types, and concentration of air pollutants.

(c) Size, type and performance characteristics of any control apparatus.

(d) An analysis of best available control technology for the proposed source or modification. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, the owner or operator of the source shall consider EPA Control Technique Guidance (CTG) documents and Alternative Control Technique documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.

(e) Location and elevation of the emission point and other factors relating to dispersion and diffusion of the air pollutant in relation to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.

(f) The location of planned sampling points and the tests of the completed installation to be made by the owner or operator when necessary to ascertain compliance.

(g) The typical operating schedule.

(h) A schedule for construction.

(i) Any plans, specifications and related information that are in final form at the time of submission of notice of intent.

(j) Any additional information required by:

(i) R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

(ii) R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) R307-406, Visibility;

(iv) R307-410, Emissions Impact Analysis;

(v) R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; or

(vi) R307-421, Permits: PM10 Offset Requirements in Salt Lake County and Utah County.

(k) Any other information necessary to determine if the proposed source or modification will be in compliance with Title R307.

(3) Notwithstanding the exemption in R307-401-9 through R307-401-16, any person that is subject to R307-403, R307-405, or R307-406 shall submit a notice of intent to the director and receive an approval order prior to initiation of construction, modification, or relocation.

#### **R307-401-6. Review Period.**

(1) Completeness Determination. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the director will advise the applicant of any deficiency in the notice of intent or the information submitted.

(2) Within 90 days of receipt of a complete application including all the information described in R307-401-5, the director will

(a) issue an approval order for the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of R307-401-8, or

(b) issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is deemed that any part of the proposal is inadequate to meet the applicable requirements of R307.

(3) The review period under R307-401-6(2) may be extended by up to three 30-day extensions if more time is needed to review the proposal.

#### **R307-401-7. Public Notice.**

(1) Issuing the Notice. Prior to issuing an approval or disapproval order, the director will advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment.

(2) Opportunity for Review and Comment.

(a) At least one location will be provided where the information submitted by the owner or operator, the director's analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.

(b) Public Comment.

(i) A 30-day public comment period will be established.

(ii) A request to extend the length of the comment period, up to 30 days, may be submitted to the director within 15 days of the date the notice in R307-401-7(1) is published.

(iii) Public Hearing. A request for a hearing on the proposed approval or disapproval order may be submitted to the director within 15 days of the date the notice in R307-401-7(1) is published.

(iv) The hearing will be held in the area of the proposed construction, installation, modification, relocation or establishment.

(v) The public comment and hearing procedure shall not be required when an order is issued for the purpose of extending the time required by the director to review plans and specifications.

(3) The director will consider all comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the proposal in response to comments before issuing an approval order or disapproval order.

#### **R307-401-8. Approval Order.**

(1) The director will issue an approval order if the following conditions have been met:

(a) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, best available control technology shall be at least as stringent as any Control Technique Guidance document that has been published by EPA that is applicable to the source.

(b) The proposed installation will meet the applicable requirements of:

(i) R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

(ii) R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) R307-406, Visibility;

(iv) R307-410, Emissions Impact Analysis;

(v) R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties;

(vi) R307-210, National Standards of Performance for New Stationary Sources;

(vii) National Primary and Secondary Ambient Air Quality Standards;

(viii) R307-214, National Emission Standards for Hazardous Air Pollutants;

(ix) R307-110, Utah State Implementation Plan; and

(x) all other provisions of R307.

(2) The approval order will require that all pollution control equipment be adequately and properly maintained.

(3) Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of R307 or the State Implementation Plan.

(4) To accommodate staged construction of a large source, the director may issue an order authorizing construction of an initial stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other information the proposal is determined feasible by the director under the intent of R307. Subsequent detailed plans will then be processed as prescribed in this paragraph. For staged construction projects the previous determination under R307-401-8(1) and (2) will be reviewed

and modified as appropriate at the earliest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

(5) If the director determines that a proposed stationary source, modification or relocation does not meet the conditions established in (1) above, the director will not issue an approval order.

**R307-401-9. Small Source Exemption.**

(1) A small stationary source is exempt from the requirement to obtain an approval order in R307-401-5 through R307-401-8 if the following conditions are met.

(a) its actual emissions are less than 5 tons per year per air pollutant of any of the following air pollutants: sulfur dioxide, carbon monoxide, nitrogen oxides, PM<sub>10</sub>, ozone, or volatile organic compounds;

(b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;

(c) its actual emissions are less than 500 pounds per year of any air pollutant not listed in (a) or (b) above and less than 2000 pounds per year of any combination of air pollutants not listed in (a) or (b) above.

(d) Air pollutants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon, helium, krypton, xenon should not be included in emission calculations when determining applicability under (a) through (c) above.

(2) The owner or operator of a source that is exempted from the requirement to obtain an approval order under (1) above shall no longer be exempt if actual emissions in any subsequent year exceed the emission thresholds in (1) above. The owner or operator shall submit a notice of intent under R307-401-5 no later than 180 days after the end of the calendar year in which the source exceeded the emission threshold.

(3) Small Source Exemption - Registration. The director will maintain a registry of sources that are claiming an exemption under R307-401-9. The owner or operator of a stationary source that is claiming an exemption under R307-401-9 may submit a written registration notice to the director. The notice shall include the following minimum information:

(a) identifying information, including company name and address, location of source, telephone number, and name of plant site manager or point of contact;

(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;

(c) identification of expected emissions;

(d) estimated annual emission rates;

(e) any control apparatus used; and

(f) typical operating schedule.

(4) An exemption under R307-401-9 does not affect the requirements of R307-401-17, Temporary Relocation.

(5) A stationary source that is not required to obtain a permit under R307-405 for greenhouse gases, as defined in R307-405-3(9)(a), is not required to obtain an approval order for greenhouse gases under R307-401. This exemption does not affect the requirement to obtain

an approval order for any other air pollutant emitted by the stationary source.

**R307-401-10. Source Category Exemptions.**

The source categories described in R307-401-10 are exempt from the requirement to obtain an approval order found in R307-401-5 through R307-401-8. The general provisions in R307-401-4 shall apply to these sources.

(1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah, unless there are emissions other than combustion products.

(2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6,

(3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour.

(4) Exhaust systems for controlling steam and heat that do not contain combustion products.

(5) A well site as defined in 40 CFR 60.5430a, including centralized tank batteries, that is not a major source as defined in R307-101-2, and is registered with the Division as required by R307-505.

**R307-401-11. Replacement-in-Kind Equipment.**

(1) Applicability. Existing process equipment or pollution control equipment that is covered by an existing approval order or State Implementation Plan requirement may be replaced using the procedures in (2) below if:

(a) the potential to emit of the process equipment is the same or lower;

(b) the number of emission points or emitting units is the same or lower;

(c) no additional types of air [~~contaminants~~]pollutants are emitted as a result of the replacement;

(d) the process equipment or pollution control equipment is identical to or functionally equivalent to the replaced equipment;

(e) the replacement does not change the basic design parameters of the process unit or pollution control equipment;

(f) the replaced process equipment or pollution control equipment is permanently removed from the stationary source, otherwise permanently disabled, or permanently barred from operation;

(g) the replacement process equipment or pollution control equipment does not trigger New Source Performance Standards or National Emissions Standards for Hazardous Air Pollutants under 42 U.S.C. 7411 or 7412; and

(h) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.

(2) Replacement-in-Kind Procedures.

(a) In lieu of filing a notice of intent under R307-401-5, the owner or operator of a stationary source shall submit a written notification to the director before replacing the equipment. The notification shall contain a description of the replacement-in-kind equipment, including the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.

(b) If the replacement-in-kind meets the conditions of (1) above, the director will update the source's approval order and notify the owner or operator. Public review under R307-401-7 is not required for the update to the approval order.

(3) If the replaced process equipment or pollution control equipment is brought back into operation, it shall constitute a new emissions unit.

**R307-401-12. Reduction in Air Pollutants.**

(1) Applicability. The owner or operator of a stationary source of air pollutants that reduces or eliminates air pollutants is exempt from the requirement to submit a notice of intent and obtain an approval order prior to construction if:

(a) the project does not increase the potential to emit of any air pollutant or cause emissions of any new air pollutant, and

(b) the director is notified of the change and the reduction of air pollutants is made enforceable through an approval order in accordance with (2) below.

(2) Notification. The owner or operator shall submit a written description of the project to the director no later than 60 days after the changes are made. The director will update the source's approval order or issue a new approval order to include the project and to make the emission reductions enforceable. Public review under R307-401-7 is not required for the update to the approval order.

**R307-401-13. Plantwide Applicability Limits.**

A plantwide applicability limit under R307-405-21 does not exempt a stationary source from the requirements of R307-401.

**R307-401-14. Used Oil Fuel Burned for Energy Recovery.**

(1) Definitions.

"Boiler" means boiler as defined in R315-1-1(b).

"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.

(2) Boilers burning used oil for energy recovery are exempt from the requirement to obtain an approval order in R307-401-5 through R307-401-8 if the following requirements are met:

(a) the heat input design is less than one million BTU/hr;

(b) contamination levels of all used oil to be burned do not exceed any of the following values:

(i) arsenic - 5 ppm by weight,

(ii) cadmium - 2 ppm by weight,

(iii) chromium - 10 ppm by weight,

(iv) lead - 100 ppm by weight,

(v) total halogens - 1,000 ppm by weight,

(vi) Sulfur - 0.50% by weight; and

(c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.

(3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the director to ensure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the director. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is in operation. The records shall be kept on site and made available to the director or the director's representative upon request. Records must be kept for a three-year period.

**R307-401-15. Air Strippers and Soil Venting Projects.**

(1) The owner or operator of an air stripper or soil venting system that is used to remediate contaminated groundwater or soil is exempt from the notice of intent and approval order requirements of R307-401-5 through R307-401-8 if the following conditions are met:

(a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in R307-401-9(1)(a), and

(b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in R307-410-5(1)(c)(i)(C).

(2) The owner or operator shall submit documentation that the project meets the exemption requirements in R307-401-15(1) to the director prior to beginning the remediation project.

(3) After beginning the soil remediation project, the owner or operator shall submit emissions information to the director to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in R307-401-15(1) are not exceeded.

(a) Emissions estimates of volatile organic compounds shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8260c or 8261a, or the most recent EPA revision of either test method if approved by the director.

(b) Emissions estimates of hazardous air pollutants shall be based on test data obtained in accordance with the test method in EPA document SW-846, Test #8021B or the most recent EPA revision of the test method if approved by the director.

(c) Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the director within one month of sampling.

(d) The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the director.

(4) The following control devices do not require a notice of intent or approval order when used in relation to an air stripper or soil venting project exempted under R307-401-15:

(a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or

(b) carbon adsorption unit.

**R307-401-16. De minimis Emissions From Soil Aeration Projects.**

An owner or operator of a soil remediation project is not subject to the notice of intent and approval order requirements of R307-401-5 through R307-401-8 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits the following information to the director prior to beginning the remediation project:

(1) documentation that the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from the project are less than the de minimis emissions listed in R307-401-9(1)(a);

(2) documentation that the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in R307-410-5(1)(d); and

(3) the location of the remediation and where the remediated material originated.

**R307-401-17. Temporary Relocation.**

The owner or operator of a stationary source previously approved under R307-401 may temporarily relocate and operate the stationary source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial relocation date. The director will evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the bases for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at each site, and actual production rate shall be submitted to the director at the end of each 180 calendar days. These records shall also be kept on site by the owner or operator for the entire project, and be made available for review to the director as requested. R307-401-7, Public Notice, does not apply to temporary relocations under R307-401-17.

**R307-401-18. Eighteen Month Review.**

Approval orders issued by the director in accordance with the provisions of R307-401 will be reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the director may revoke the approval order.

**R307-401-19. General Approval Order.**

(1) The director may issue a general approval order that would establish conditions for similar new or modified sources of the same type or for specific types of equipment. The general approval order may apply throughout the state or in a specific area.

(a) A major source or major modification as defined in R307-403, R307-405, or R307-420 for each respective area is not eligible for coverage under a general approval order.

(b) A source that is subject to the requirements of R307-403-5 is not eligible for coverage under a general approval order.

(c) A source that is subject to the requirements of R307-410-4 is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of R307-410-4 was conducted.

(d) A source that is subject to the requirements of R307-410-5(1)(c)(ii) is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of R307-410-5(1)(c)(ii) was conducted.

(e) A source that is subject to the requirements of R307-410-5(1)(c)(iii) is not eligible for coverage under a general approval order.

(2) A general approval order shall meet all applicable requirements of R307-401-8.

(3) The public notice requirements in R307-401-7 shall apply to a general approval order except that the director will advertise the notice of intent in a newspaper of statewide circulation.

(4) Application.

(a) After a general approval order has been issued, the owner or operator of a proposed new or modified source may apply to be covered under the conditions of the general approval order.

(b) The owner or operator shall submit the application on forms provided by the director in lieu of the notice of intent requirements in R307-401-5 for all equipment covered by the general approval order.

(c) The owner or operator may request that an existing, individual approval order for the source be revoked, and that it be covered by the general approval order.

(d) The owner or operator that has applied to be covered by a general approval order shall not initiate construction, modification, or relocation until the application has been approved by the director.

(5) Approval.

(a) The director will review the application and approve or deny the request based on criteria specified in the general approval order for that type of source. If approved, the director will issue an authorization to the applicant to operate under the general approval order.

(b) The public notice requirements in R307-401-7 do not apply to the approval of an application to be covered under the general approval order.

(c) The director will maintain a record of all stationary sources that are covered by a specific general approval order and this record will be available for public review.

(6) Exclusions and Revocation.

(a) The director may require any source that has applied for or is authorized by a general approval order to submit a notice of intent and obtain an individual approval order under R307-401-8. Cases where an individual approval order will be required include, but are not limited to, the following:

(i) the director determines that the source does not meet the criteria specified in the general approval order;

(ii) the director determines that the application for the general approval order did not contain all necessary information to evaluate applicability under the general approval order;

(iii) modifications were made to the source that were not authorized by the general approval order or an individual approval order;

(iv) the director determines the source may cause a violation of a national ambient air quality standard; or

(v) the director determines that one is required based on the compliance history and current compliance status of the source or applicant.

(b)(i) Any source authorized by a general approval order may request to be excluded from the coverage of the general approval order by submitting a notice of intent under R307-401-5 and receiving an individual approval order under R307-401-8.

(ii) When the director issues an individual approval order to a source subject to a general approval order, the applicability of the general approval order to the individual source is revoked on the effective date of the individual approval order.

(7) Modification of General Approval Order. The director may modify, replace, or discontinue the general approval order.

(a) Administrative corrections may be made to the existing version of the general approval order. These corrections are to correct typographical errors or similar minor administrative changes.

(b) All other modifications or the discontinuation of a general approval order shall not apply to any source authorized under previous versions of the general approval order unless the owner or operator submits an application to be covered under the new version of the general approval order. Modifications under R307-401-19(7)(b) shall meet the public notice requirements in R307-401-19(3).

(c) A general approval order shall be reviewed at least every three year. The review of the general approval order shall follow the public notice requirements of R307-401-19(3).

(8) Modifications at a source covered by a general approval order. A source may make modifications only as authorized by the approved general approval order. Modifications outside the scope

authorized by the approved general approval order shall require a new application for either an individual approval order under R307-401-8 or a general approval order under R307-401-19.

**KEY:** air pollution, permits, approval orders, greenhouse gases  
**Date of Enactment or Last Substantive Amendment:** ~~2017~~2018  
**Notice of Continuation:** June 6, 2012  
**Authorizing, and Implemented or Interpreted Law:** 19-2-104(3)(g); 19-2-108

**Environmental Quality, Air Quality**  
**R307-504**  
**Oil and Gas Industry: Tank Truck**  
**Loading**

**NOTICE OF CHANGE IN PROPOSED RULE**  
DAR FILE NO.: 42109  
FILED: 01/04/2018

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Utah Air Quality Board proposed an amendment to Rule R307-504 for public comment on 09/06/2017. A 45-day public comment period and two public hearings were held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the originally proposed rule. This rule is amended to clarify the definition of "vapor capture line". The change to the definition does not substantially alter the requirements of the proposed rule but makes compliance with the rule easier. Applicable sites currently in operation will have 18 months to comply with the proposed rule.

**SUMMARY OF THE RULE OR CHANGE:** This change to the proposed rule clarifies the definition of "vapor capture line". (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the October 1, 2017, issue of the Utah State Bulletin, on page 70. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** This rule does not have a cost or benefit to the state budget because this rule regulates oil and gas sources.
- ◆ **LOCAL GOVERNMENTS:** This rule does not have a cost or benefit to local governments because this rule regulates oil and gas sources.

◆ **SMALL BUSINESSES:** Based on the most current inventory, no small businesses will incur the one-time charge to install equipment required to comply with this rule. Although unlikely, if a small business is later identified, with a non-compliant site, the business will experience a fiscal cost associated with the installation of vapor capture lines at each site. The full impact to these businesses cannot be estimated because the cost of installation can vary from site to site, depending on cost variances of supplies, design, and installation methods. It is estimated that the cost of each site, depending on operator preference, will be between \$1,000 and \$10,000. Any future sites that require permitting would require the same VOC emission controls that are contained in this proposed amendment. Therefore, there would be no future costs or benefits to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule does not have a cost or benefit to "other persons" because the rule impacts owners or operators of oil and gas wells. The owners and operators of these wells are businesses.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are five oil and gas extraction companies (NAICS 2111) operating in Utah that will incur a one-time cost to comply with the amendments to Rule R307-504 (based on 2014 Tank Control inventory). These businesses will experience a fiscal cost associated with the installation of vapor capture lines at each site. The full impact to these non-small businesses cannot be estimated because the cost of installation can vary from site to site, depending on cost variances of supplies, design, and installation methods. It is estimated that the cost of each site, depending on operator preference, will be between \$1,000 and \$10,000.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** After conducting a thorough analysis, it was determined that this proposed rule will result in a fiscal impact to approximately five oil and gas extraction companies operating in Utah. This rule will require non-compliant sites to install a vapor capture line on each piece of equipment currently not in compliance. This impact will be a one-time expense per installation, between \$1,000 and \$10,000 depending on the supplies, design, and installation methods chosen by the company. Since permitting will require the same VOC emissions controls contained in these proposed amendments, there is no additional cost or benefit to future businesses equipment, resulting in no economic impact.

**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 Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

**THIS RULE MAY BECOME EFFECTIVE ON: 03/02/2018**

**AUTHORIZED BY: Bryce Bird, Director**

installation of vapor capture lines at each site. The full impact to these non-small businesses cannot be estimated because the cost of installation can vary from site to site, depending on cost variances of supplies, design, and installation methods. It is estimated that the cost of each site, depending on operator preference, will be between \$1,000 and \$10,000. The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

**Appendix 1: Regulatory Impact Summary Table\***

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>			
	\$0	\$0	\$0

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**  
 There are approximately five oil and gas extraction companies (NAICS 2111) operating in Utah that will incur a one-time cost to comply with the amendments to R307-504 (based on 2014 Tank Control inventory). These businesses will experience a fiscal cost associated with the

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

**R307-504. Oil and Gas Industry: Tank Truck Loading.**

**R307-504-1. Purpose.**

R307-504 establishes control requirements for the loading of liquids containing volatile organic compounds (VOCs) at oil or gas well sites.

**R307-504-2. Definitions.**

The definitions in 40 CFR 60, Subpart OOOO Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution, [that are] incorporated by reference in R307-210, apply to R307-504.

"Bottom Filling" means the filling of a tank through an inlet at or near the bottom of the tank designed to have the opening covered by the liquid after the pipe normally used to withdraw liquid can no longer withdraw any liquid.

"Submerged Fill Pipe" means any fill pipe with a discharge opening which is entirely submerged when the liquid level is six inches above the bottom of the tank and the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.

"Vapor Capture Line" means a connection hose, fitted with a valve that can be connected to tanker trucks during truck loading operations. ~~The vapor capture line shall be designed, installed, operated, and maintained to optimize capture efficiency. [used to collect VOC emissions from truck loading operations. The other end of the vapor capture line is connected to an existing tank battery or enclosed vapor combustor for the destruction of VOC emissions.]~~

"Well [production facility] Site" means all equipment at a single stationary source directly associated with one or more oil wells or gas wells.

**R307-504-3. Applicability.**

(1) R307-504-4(1) applies to any person who loads or permits the loading of any intermediate hydrocarbon liquid or produced water at a well [production facility] site after January 1, 2015.

(2) R307-504-4(2) applies to owners and operators that are required to control emissions from storage vessels in accordance with R307-506.

**R307-504-4. Tank Truck Loading Requirements.**

(1) Tanker trucks used for intermediate hydrocarbon liquid or produced water shall be loaded using bottom filling or a submerged fill pipe.

(2) VOC emissions during truck loading operations shall be controlled at all times using a vapor capture line. The vapor capture line shall [achieve no less than 70% capture efficiency and 98% destruction efficiency (95% efficiency from VOC control device and 3% from auto ignitor requirements of R307-503) resulting in an overall control efficiency of no less than 68.6%. An equivalent control technology can be utilized if approved by the director and capable of

~~meeting or exceeding a 68.6% overall control efficiency.] be connected from the tanker truck to a control device or process, resulting in a minimum 95 percent VOC destruction efficiency.~~

(a) Well sites in operation on January 1, 2018 shall comply with R307-504-4(2) no later than July 1, 2019.

**KEY:** air pollution, oil, gas

**Date of Enactment or Last Substantive Amendment:** ~~2017~~2018

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

(a)

## Environmental Quality, Air Quality

### R307-506

## Oil and Gas Industry: Storage Vessels

### NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 42111

FILED: 01/04/2018

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Utah Air Quality Board proposed a new Rule R307-506 for public comment on 09/06/2017. A 45-day public comment period and two public hearings were held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the original proposed rule. This rule is amended to clarify the definition of a "Centralized Tank Battery", the definition of "Emergency Relief Storage Vessel", the definition of "Uncontrolled Emissions", how emergency relief storage vessels would be regulated under the rule, and to broaden the methods for determining emissions and type of emissions (uncontrolled versus controlled). These changes provide more flexibility to determination of emissions and clarify applicability of rules. The emergency relief storage vessels changes were due to questions regarding their applicability to the proposed rule. This required the addition of requirements for such vessels as they are regulated differently from production and operational vessels.

**SUMMARY OF THE RULE OR CHANGE:** This change to the proposed rule clarifies the definition of a "Centralized Tank Battery", the definition of "Emergency Relief Storage Vessel", the definition of "Uncontrolled Emissions", how emergency relief storage vessels would be regulated under this rule, and to broaden the methods for determining emissions and type of emissions (uncontrolled versus controlled). These changes provide more flexibility to determination of emissions and clarify applicability of rules. The emergency relief storage vessels changes were due to questions regarding their applicability to the proposed rule. This required the addition of requirements for such vessels as they are regulated differently from production and operational vessels. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the October 1, 2017, issue of the Utah State

Bulletin, on page 73. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

#### ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **LOCAL GOVERNMENTS:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **SMALL BUSINESSES:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change in proposed rule does not affect the original economic impact analysis.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No additional compliance costs are expected for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** After thorough review, it has been determined that these changes will not affect the original analysis provided in the original proposed rule.

**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 Office of Administrative Rules.

#### DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

**THIS RULE MAY BECOME EFFECTIVE ON:** 03/02/2018

**AUTHORIZED BY:** Bryce Bird, Director

#### Appendix 1: Regulatory Impact Summary Table\*

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>			
	\$0	\$0	\$0

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**  
 The change in proposed rule does not affect the original economic impact analysis.  
 The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

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

**R307-506. Oil and Gas Industry: Storage Vessel[s].**

**R307-506-1. Purpose.**

R307-506 establishes requirements to control emissions of volatile organic compounds (VOCs) from storage vessels associated with ~~oil and gas operations~~ a well site.

**R307-506-2. Definitions.**

"Centralized Tank Battery" means a separate tank battery surface site collecting crude oil, condensate, intermediate hydrocarbon liquids, or produced water from wells not located at the well site.

"Emergency Relief Storage Vessel" means a storage vessel receiving oil, condensate, or produced water as a result of emergency situations, process upsets, or other equipment malfunctions.

"Modification to a well site" means;

- (1) a new well is drilled at an existing well site,
- (2) a well at an existing well site is hydraulically fractured,

or

- (3) a well at an existing well site is hydraulically refractured.

"Storage Vessel" means storage vessel as defined in 40 CFR 60.5430a, Subpart OOOOa Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution, which is incorporated by reference in R307-210.

"Uncontrolled emissions" means actual emissions or the potential to emit without consideration of controls.

**R307-506-3. Applicability.**

(1) R307-506 applies to each storage vessel located at a well site as defined in 40 CFR 60.5430a, Subpart OOOOa, Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.

(2) R307-506 shall apply to centralized tank batteries.

~~[(a)3]~~ R307-506 does not apply to storage vessels that are subject to an approval order issued under R307-401-8.

**R307-506-4. Storage Vessel Requirements.**

(1) Thief hatches on storage vessels shall be kept closed and latched except during vessel unloading or other maintenance activities.

(2) ~~All storage vessels [or collection of storage vessels] located at a well site that [is] are in operation as of January 1, 2018, with a site-wide throughput of 8,000 barrels or greater of crude oil or 2,000 barrels or greater of condensate per year on a rolling 12-month basis shall comply with R307-506-4(2)(a) unless the exemption in R307-506-4(2)(b) applies.~~

(a) VOC emissions from storage vessels shall either be routed to a process unit where the emissions are recycled, incorporated into a product and/or recovered, or be routed to a VOC control device that is in compliance with R307-508.

(b) ~~All storage vessels [or collection of storage vessels] located at a well site shall be exempt from R307-506-4(2) (a) if combined VOC emissions are demonstrated to be less than four tons per year of uncontrolled emissions on a rolling [twelve-] 12-month basis. [by the following methods:]~~

(i) ~~VOC working and breathing losses, and flash emissions shall be calculated using direct site-specific sampling data and [the TANKS 4.09D Emission Estimation S] any software [provided by the EPA] program or calculation methodology in use by industry that is based on AP-42 Chapter 7.~~

~~[(ii) VOC flash emissions shall be calculated using site-specific sampling data and the Vasquez-Beggs Equation.~~

~~[(iii) VOC emissions determined by an alternative method approved by the Director.]~~

(3) ~~[S] All storage vessels that begin operations on or after January 1, 2018, are required to control VOC emissions in accordance with R307-506-4(2)(a) upon startup of operation for a minimum of one year [and then evaluate control requirements in accordance with R307-506-4(6)].~~

(4) An emergency storage vessel located at a well site shall be exempt from R307-506-4(2)(a), if it meets the following requirements:

- (i) The emergency storage vessel shall not be used as an active storage tank.

(ii) The owner or operator shall empty the emergency storage vessel no later than 15 days after receiving fluids.

(iii) The emergency storage vessel shall be equipped with a liquid level gauge or equivalent device.

([4]5) An owner or operator that is required to control emissions in accordance with R307-506-4(2) and R307-506-4(3) shall inspect at least once a month each closed vent system, including vessel openings, thief hatches, and bypass devices, for defects that can result in air emissions according to 40 CFR 60.5416a(c).

(a) If defects are discovered, the defects shall be corrected or repaired within 15 days of identification.

([5]6) Modification to a well site shall require a re-evaluation of site-wide throughput and/or emissions in accordance with R307-506-4(2).

([6]7) After a minimum of one year of operation, controls may be removed ~~when~~ if site-wide throughput is less than 8,000 barrels of crude oil or 2,000 barrels of condensate on a rolling ~~twelve~~ 12-month basis or uncontrolled actual emissions are demonstrated to be less than four tons per year ~~after one year of operation~~.

#### **R307-506-5. Recordkeeping.**

(1) Records of ~~thief hatch~~ each closed vent system inspection, including vessel openings, thief hatches, pressure relief devices and bypass device shall be kept for three years.

(a) Records of ~~thief hatch~~ each closed vent system inspection[s], including vessel openings, thief hatches, pressure relief devices and bypass device shall include the date of the inspection, the status of ~~the thief hatches~~ each closed vent system, including vessel openings, thief hatches, pressure relief devices and bypass device, and the date of corrective action taken if required.

(2) Records of crude oil throughput shall be kept for three years and shall be determined on a monthly basis using the production data reported to the Utah Division of Oil, Gas, and Mining.

(3) Records of emission calculations, actual emissions, and site-specific sampling data used to determine ~~applicability~~ compliance with R307-506-4(2)(b) shall be kept ~~as long as the well site is in operation~~ for a period of three years, post registration.

(4) Records of emergency storage vessel usage shall be kept for a period of three years.

(a) Records of emergency storage vessel usage shall include the date the vessel received fluids or was discovered to have received fluids, the date the overflow tank was emptied, and the volume of fluids emptied in barrels.

**KEY: air pollution, oil, gas**

**Date of Enactment or Last Substantive Amendment: ~~2017~~2018**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)**  
**(a)**

## Environmental Quality, Air Quality **R307-507** Oil and Gas Industry: Dehydrators

### NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 42112

FILED: 01/04/2018

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Utah Air Quality Board proposed a new Rule R307-507 for public comment on 09/06/2017. A 45-day public comment period and two public hearings were held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the originally proposed rule. This rule is amended to clarify the definition of "Well Site", the definition of "Uncontrolled Emissions", the addition of a monthly visual inspection of dehydrators, and additions to the record-keeping requirements. The addition of the monthly inspection is in accordance with Federal NSPS requirements and current oil and gas well approval orders. This does not significantly affect current operation of dehydrators as they are already performing the inspections. The requirement was added because it was missed in the original proposal.

**SUMMARY OF THE RULE OR CHANGE:** This change to the proposed rule clarifies the definition of "Well Site", the definition of "Uncontrolled Emissions", the addition of a monthly visual inspection of dehydrators, and additions to the record-keeping requirements. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the October 1, 2017, issue of the Utah State Bulletin, on page 75. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

#### ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **LOCAL GOVERNMENTS:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **SMALL BUSINESSES:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change in proposed rule does not affect the original economic impact analysis.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No additional compliance costs are expected for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** After thorough review, it has been determined that these

changes will not affect the original analysis provided in the original proposed rule.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Thomas Gunter by phone at 801-536-4419, or by Internet  
 E-mail at thomasgunter@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 03/02/2018

AUTHORIZED BY: Bryce Bird, Director

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\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**  
 The change in proposed rule does not affect the original economic impact analysis. The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

**R307. Environmental Quality, Air Quality.**  
**R307-507. Oil and Gas Industry: Dehydrators.**  
**R307-507-1. Purpose.**

R307-507 establishes requirements to control emissions of volatile organic compounds (VOCs) from dehydrators associated with [oil and gas operations]a well site.

**R307-507-2. Definitions.**

"Dehydrator" means dehydrator as defined in 40 CFR 60.5430a, Subpart OOOOa Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution, which is incorporated by reference in R307-210.

"Uncontrolled emissions" means actual or potential emissions without consideration of controls.

**R307-507-3. Applicability.**

(1) R307-507 applies to each dehydrator located at a well site as defined in 40 CFR 60.5430a, Subpart OOOOa, Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.

(2) R307-507 shall apply to centralized tank batteries, as defined in R307-506-2.

([a]3) R307-507 does not apply to a dehydrator that is subject to an approval order issued under R307-401-8.

**R307-507-4. Dehydrator Requirements.**

(1) Dehydrators with VOC emissions of four tons or uncontrolled emissions per year or greater, either individually or combined with VOC emissions from storage vessels, shall either be routed to a process unit where the emissions are recycled, incorporated into a product, and/or recovered, or be routed to a VOC control device that is in compliance with R307-508. Dehydrators in operation before January 1, 2018, shall determine applicability with calculated actual emissions. Dehydrators in operation on or after January 1, 2018, shall determine applicability using potential to emit.

(2) An owner or operator that is required to control emissions in accordance with R307-507-4(1) shall inspect, at least once a month, each closed vent system, including vessel openings, thief hatches, and bypass devices, for defects that can result in air emissions according to 40 CFR 60.5416a(c).

(a) If defects are discovered, the defects shall be corrected or repaired within 15 days of identification.

(3) Modification to a well site shall require a re-evaluation of emissions in accordance with R307-507-4(1).

**Appendix 1: Regulatory Impact Summary Table\***

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

~~(2)4~~ After a minimum of one year of operation, ~~[C]controls may be removed [when]if uncontrolled~~ actual emissions, individually or combined with VOC emissions from storage vessels, are less than four tons per year on a rolling ~~[twelve]~~12-month basis.

**R307-507-5. Recordkeeping**

(1) Records of emission calculations shall be kept for all periods the plant is in operation if a control device is not installed on-site.

(2) Records of each closed vent system inspection, including vessel openings, thief hatches, pressure relief devices and bypass devices, shall be kept for three years.

(a) Records of each closed vent system inspection, including vessel openings, thief hatches, pressure relief devices and bypass devices, shall include the date of the inspection, the status of each closed vent system, including vessel openings, thief hatches, pressure relief devices and bypass devices, and the date of corrective action taken, if required.

**KEY:** air pollution, oil, gas

**Date of Enactment or Last Substantive Amendment:** ~~[2017]~~**2018**  
**Authorizing, and Implemented or Interpreted Law:** 19-2-104(1) (a)

**Environmental Quality, Air Quality  
R307-508**

**Oil and Gas Industry: VOC Control  
Devices**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 42113  
FILED: 01/04/2018

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Air Quality Board proposed this new Rule R307-508 for public comment on 09/06/2017. A 45-day public comment period and two public hearings were held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the originally proposed rule. This rule is amended to clarify the definition of a "Well Site", and requirements. The clarifications did not substantially change the proposed requirements.

SUMMARY OF THE RULE OR CHANGE: This change to the proposed rule clarifies the definition of a "Well Site", and requirements. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the October 1, 2017, issue of the Utah State Bulletin, on page 77. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes

that will be enforceable should the agency make this rule effective.)

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: This change in proposed rule does not affect the original economic impact analysis.
- ◆ LOCAL GOVERNMENTS: This change in proposed rule does not affect the original economic impact analysis.
- ◆ SMALL BUSINESSES: This change in proposed rule does not affect the original economic impact analysis.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This change in proposed rule does not affect the original economic impact analysis.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional compliance costs are expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After thorough review, it has been determined that these changes will not affect the original analysis provided in the original proposed rule.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 03/02/2018

AUTHORIZED BY: Bryce Bird, Director

**Appendix 1: Regulatory Impact Summary Table\***

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0

<b>Total Fiscal Costs:</b>	\$0	\$0	\$0
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	\$0	\$0	\$0
<b>Net Fiscal Benefits:</b>	\$0	\$0	\$0

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**  
 The change in proposed rule does not affect the original economic impact analysis. The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

**R307. Environmental Quality, Air Quality.**  
**R307-508. Oil and Gas Industry: VOC Control Devices.**  
**R307-508-1. Purpose.**

R307-508 establishes requirements for VOC control devices associated with ~~[oil and gas operations]~~ well sites used to control emissions of VOCs.

**R307-508-2. Applicability.**

(1) R307-508 applies to each VOC control device located at a well site as defined in 40 CFR 60.5430a Subpart OOOOa Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.

(2) R307-508 shall apply to centralized tank batteries, as defined in R307-506-2.

([a]3) R307-508 does not apply to VOC control devices that are subject to an approval order issued under R307-401-8.

**R307-508-3. VOC Control Device Requirements.**

(1) A VOC control device required by R307-506 or R307-507 must have a control efficiency of 95% or greater.

(a) The VOC control device shall operate with no visible emissions.

(b) The VOC control device must comply with R307-503.

~~(2) [To show compliance with the control efficiency, the VOC control device shall be operated according to the manufacturer's specifications and be certified by the manufacturer to reduce VOC emissions by 95% or greater.]~~ A well site shall demonstrate compliance by meeting the performance test methods and procedures specified in 40 CFR 60.5413.

(3) VOC control devices and all associated equipment shall be inspected monthly by audio, visual, or olfactory (AVO) means to ensure the integrity of the equipment is maintained and is operational. If equipment is not operational, corrective action shall be taken within 15 days of discovery.

**R307-508-4. Recordkeeping.**

(1) The owner~~[/]~~or operator shall keep and maintain records of ~~[the following:~~

~~(a) ]the VOC control device's control efficiency guaranteed by the manufacturer[;].~~ These records shall be retained for the life of the control equipment on site.

~~([b]2)~~ The owner or operator shall keep and maintain records of the manufacturer's written operating and maintenance instructions[; and]. These records shall be retained for the life of the control equipment.

~~([e]3)~~ The owner or operator shall keep and maintain records of the VOC control device AVO inspections. These shall be retained for a minimum of three years. These records shall include:

~~([i]a)~~ the date of the inspection;

~~([i]b)~~ the status of the control device and associated equipment; and

~~([i]c)~~ date of corrective action taken, if applicable.

**KEY: air pollution, oil, gas**

**Date of Enactment or Last Substantive Amendment: [2017]2018**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)**  
**(a)**

**Environmental Quality, Air Quality**  
**R307-509**

**Oil and Gas Industry: Leak Detection and Repair Requirements**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 42114

FILED: 01/04/2018

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Air Quality Board proposed a new Rule

R307-509 for public comment on 09/06/2017. A 45-day public comment period and two public hearings were held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the originally proposed rule. This rule is amended to clarify the definition of a "Well Site", add missing definitions, and to clarify that VOC control devices that meet the requirements of Federal NSPS OOOOa automatically meet the requirements of this rule. The clarifications do not substantially change the proposed requirements.

**SUMMARY OF THE RULE OR CHANGE:** This change to the proposed rule clarifies the definition of a "Well Site", adds missing definitions, and clarifies that VOC control devices that meet the requirements of Federal NSPS OOOOa automatically meet the requirements of this rule. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the October 1, 2017, issue of the Utah State Bulletin, on page 79. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

**ANTICIPATED COST OR SAVINGS TO:**  
 ♦ **THE STATE BUDGET:** This change in proposed rule does not affect the original economic impact analysis.  
 ♦ **LOCAL GOVERNMENTS:** This change in proposed rule does not affect the original economic impact analysis.  
 ♦ **SMALL BUSINESSES:** This change in proposed rule does not affect the original economic impact analysis.  
 ♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change in proposed rule does not affect the original economic impact analysis.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No additional compliance costs are expected for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** After thorough review, it has been determined that these changes will not affect the original analysis provided in the original proposed rule.

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 Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ♦ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

**THIS RULE MAY BECOME EFFECTIVE ON:** 03/02/2018

**AUTHORIZED BY:** Bryce Bird, Director

**Appendix 1: Regulatory Impact Summary Table\***

<b>Fiscal Costs</b>	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**  
 The change in proposed rule does not affect the original economic impact analysis. The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

**R307. Environmental Quality, Air Quality.****R307-509. Oil and Gas Industry: Leak Detection and Repair Requirements.****R307-509-1. Purpose.**

R307-509 establishes requirements for conducting leak detection and repairs at ~~[oil and gas operations]~~ well sites to control emissions of volatile organic compounds.

**R307-509-2. Definitions**

"Difficult-to-Monitor" means difficult-to-monitor as defined 40 CFR 60.5397a, which is incorporated by reference in R307-210.

"Fugitive emissions" are considered any visible emissions observed using optical gas imaging or a Method 21 instrument reading of 500 ppm or greater.

"Fugitive emissions component" means any component that has the potential to emit fugitive emissions of VOC, including but not limited to valves, connectors, pressure relief devices, open-ended lines, flanges, covers and closed vent systems, thief hatches or other openings, compressors, instruments, and meters.

"Unsafe-to-Monitor" means unsafe-to-monitor as defined 40 CFR 60.5397a, which is incorporated by reference in R307-210.

**R307-509-3. Applicability.**

(1) R307-509 applies to each fugitive emissions component at a well site as defined in 40 CFR 60.5430a, Subpart OOOOa, Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution and is required to control emissions in accordance with R307-506 and R307-507.

(a) A source meeting the requirements of 40 CFR 60.5397a is meeting the requirements of this rule.

(b) Sources subject to R307-509, are subject until the well is shut in.

([a]c) R307-509 does not apply to a fugitive emissions component that is subject to an approval order issued under R307-401-8.

**R307-509-4. Leak Detection and Repair Requirements.**

(1) Applicable sources shall comply with the following:

(a) The owner~~[/]~~ or operator shall develop an emissions monitoring plan that ~~[will]~~ shall be available upon request to review for each individual well site. At a minimum, the plan shall include:

- (i) monitoring frequency;
- (ii) monitoring technique and equipment;
- (iii) procedures and timeframes for identifying and repairing leaks;
- (iv) recordkeeping practices; and
- (v) calibration and maintenance procedures for monitoring equipment.

(b) The plan shall address monitoring for difficult-to-monitor and unsafe-to-monitor components.

(c) The owner~~[/]~~ or operator shall conduct monitoring surveys on site to observe each fugitive emissions component for fugitive emissions.

(d) Monitoring surveys shall be conducted according to the following schedule:

(i) No later than ~~[180]~~ 365 days after January 1, 2018, or no later than 60 days after startup of production, as defined in 40 CFR 60 Subpart OOOOa Standards of Performance for Crude Oil and

Natural Gas Production, Transmission and Distribution, whichever is later.

(ii) Semiannually after the initial monitoring survey. Consecutive semiannual monitoring surveys shall be conducted at least four months apart.

(iii) Annually after the initial monitoring survey for "difficult-to-monitor" components.

(iv) As required by the owner~~[/]~~ or operator's monitoring plan for "unsafe-to-monitor" components.

(e) Monitoring surveys shall be conducted using one or both of the following to detect fugitive emissions:

(i) Optical gas imaging (OGI) equipment. OGI equipment shall be capable of imaging gases in the spectral range for the compound of highest concentration in the potential fugitive emissions source.

(ii) Monitoring equipment that meets U.S. EPA Method 21, 40 CFR Part 60, Appendix A.

(f) If fugitive emissions are detected at any time, the owner~~[/]~~ or operator shall repair the fugitive emissions component as soon as possible but no later than 15 calendar days after detection. If the repair or replacement is technically infeasible, would require a vent blowdown, a well shutdown or well shut-in, or would be unsafe to repair during operation of the unit, the repair or replacement shall be completed during the next well shutdown, well shut-in, after an unscheduled, planned or emergency vent blowdown or within 24 months, whichever is earlier.

(g) The owner~~[/]~~ or operator shall resurvey the repaired or replaced fugitive emission component no later than 30 calendar days after the fugitive emission component was repaired.

**R307-509-5. Recordkeeping.**

(1) The owner~~[/]~~ or operator shall maintain records of the emissions monitoring plan~~[-]~~. These records shall be retained for the life of the well site.

(2) The owner or operator shall maintain records of the monitoring surveys, repairs, and resurveys. These records shall be retained for a minimum of three years.

**KEY: air pollution, oil, gas**

**Date of Enactment or Last Substantive Amendment:** ~~[2017]~~ **2018**  
**Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)  
**(a)**

**Environmental Quality, Air Quality**  
**R307-510**  
**Oil and Gas Industry: Natural Gas**  
**Engine Requirements**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 42115

FILED: 01/04/2018

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Air Quality Board proposed a new Rule

R307-510 for public comment on 09/06/2017. A 45-day public comment period and two public hearings were held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the originally proposed rule. This rule is amended to reflect specific engine requirements that will allow sources to better understand the intent of the proposed engine requirements. The changes do not substantially change the proposed requirements.

**SUMMARY OF THE RULE OR CHANGE:** This change to the proposed rule clarifies specific engine requirements that will allow sources to better understand the intent of the proposed engine requirements. The changes do not substantially change the proposed requirements. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the October 1, 2017, issue of the Utah State Bulletin, on page 81. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **LOCAL GOVERNMENTS:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **SMALL BUSINESSES:** This change in proposed rule does not affect the original economic impact analysis.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change in proposed rule does not affect the original economic impact analysis.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No additional compliance costs are expected for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** After thorough review, it has been determined that these changes will not affect the original analysis provided in the original proposed rule.

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 Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

**THIS RULE MAY BECOME EFFECTIVE ON:** 03/02/2018

**AUTHORIZED BY:** Bryce Bird, Director

**Appendix 1: Regulatory Impact Summary Table\***

<b>Fiscal Costs</b>	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses**

The change in proposed rule does not affect the original economic impact analysis. The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

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

**R307-510. Oil and Gas Industry: Natural Gas Engine Requirements.**

**R307-510-1. Purpose.**

R307-510 establishes control requirements for stationary engines associated with ~~[oil and gas operations-]well sites.[to control emissions nitrogen oxide emissions.]~~

**R307-510-2. Definitions.**

"Site hp" means the total horse power rating of all engines within the boundaries of the source.

**R307-510-~~[2]~~3. Applicability.**

(1) R307-510 applies to each natural gas-fired engine at a well site as defined in 40 CFR 60.5430a, Subpart OOOOa Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution, that began operations, installed new engines, or made modifications to existing engines after January 1, 2016.

(2) R307-506 shall apply to centralized tank batteries, as defined in R307-506-2.

~~\_\_\_\_\_.~~(a) R307-510 does not apply to a natural gas-fired engine that is subject to an approval order issued under R307-401-8.

**R307-510-~~[3]~~4. Engine Requirements.**

(1) Regardless of construction, reconstruction, or modification date, each stationary engine at a well site shall comply with the emission standards listed in Table 1 when the engine is installed, relocated, or modified.~~[40 CFR Subpart JJJ when the engine is installed or modified.]~~

Table 1

Maximum Engine hp	Emission Standards in (g/hp-hr)			
	NO <sub>x</sub>	CO	VOC	HC+NO <sub>x</sub>
≥25 hp and < 100 hp	- <sup>a</sup>	4.85	-	2.83 <sup>a</sup>
≥100 hp	1.0	2.0	0.7	-

(2) The owner or operator shall either:

(a) purchase a certified stationary internal combustion engine as defined in 40 CFR 60.4248, or

(b) conduct an initial performance test according to 40 CFR 60.4244.

~~(2)3~~ Each engine shall vent exhaust gases vertically unrestricted with the following stack height requirements:

~~(i)a~~ For [S]site hp ratings of 306 or greater, ~~higher shall vent exhaust vertically unrestricted with~~ each engine shall have an attached stack height of no less than 10 feet.

~~(ii)b~~ For [S]site hp ratings of 151 to 305 hp, ~~horsepower shall vent exhaust vertically unrestricted with~~ each engine shall have an attached stack height of no less than 8 feet.

~~(iii)c~~ For [S]site hp ratings of 150 hp ~~horsepower~~ or less, there are ~~have~~ no stack height requirements on engines.

**R307-510-4. Recordkeeping.**

For each engine on site, the owner or operator shall maintain records of the engine certification or initial performance test for the period of time the engine is on the well site.~~[The owner/operator shall maintain documentation demonstrating that each stationary engine on-site meets the requirements contained in R307-510-3.]~~

**KEY: air pollution, oil, gas**

**Date of Enactment or Last Substantive Amendment: ~~[2017]~~2018**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)**  
**(a)**

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



# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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Within five years of an administrative rule's original enactment or last five-year review, the 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 <https://rules.utah.gov/>. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

**REVIEWS** are governed by Section 63G-3-305.

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## Commerce, Occupational and Professional Licensing **R156-31b** Nurse Practice Act Rule

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

DAR FILE NO.: 42448  
FILED: 01/08/2018

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 31b, provides for the licensure/certification and regulation of licensed practical nurses, registered nurses, advanced practice registered nurse interns, advanced practice registered nurse, advanced practice registered nurse-CRNA (certified registered nurse anesthetist) without prescriptive practice and medication aide certified. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-31b-201(3) provides that the Board of Nursing's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 31b, with respect to the above-identified profession types.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in March 2013, it has been amended several times. The

Division has received the following written comments with respect to the rule: 1) a 08/24/2015 email from Mike Broschinsky, Office of Administrative Rules, in which he notified the Division that the word "Division" was missing in Section R156-31b-103. As a result, the Division filed a nonsubstantive rule filing, File No. 39615, on 08/25/2015 to correct the error; and 2) the Division received written comments relating to a June 2014 repeal and reenact rule filing as follows: a 06/03/2014 letter from Laura Upton-Bell, a 06/07/2014 letter from Karen M. Bees, a 06/06/2014 email from Amy Goeser, and a 06/04/2014 email from Nadine Hancy. All of these individuals were associated in some manner with the Washington County School District, and all were concerned that the rules prohibit a licensed practical nurse (LPN) from functioning autonomously as a school nurse. The Board of Nursing reviewed and considered the June 2014 written comments and their position at the 06/12/2014 rule hearing was that the rule governing school nurses has not changed in this proposed rule filing. Although it is permissible for an LPN to work as a school nurse, the school or district must also employ a registered nurse (RN) so that the LPN is appropriately supervised. The Board determined to take the written comments under advisement with the possibility that a rule amendment could be proposed in the future to further clarify the scope of an LPN's practice within a school setting.

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 should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 31b, with respect to the above-identified profession types. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Jeff Busjahn by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at jbusjahn@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 01/08/2018

**Commerce, Occupational and  
 Professional Licensing  
 R156-68**

**Utah Osteopathic Medical Practice Act  
 Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 42447  
 FILED: 01/08/2018

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 68, provides for the licensure and regulation of osteopathic physicians/surgeons. Section 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-68-201(3)(a) provides that the Osteopathic Physician and Surgeon's Licensing Boards duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 68, with respect to osteopathic physicians/surgeons.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was last reviewed in February 2013, the Division has received no written comments with respect to 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: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 68, with respect to osteopathic physicians/surgeons. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions and ethical standards relating to the profession.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Larry Marx by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at lmarx@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 01/08/2018

**Education, Administration  
 R277-490**

**Beverly Taylor Sorenson Elementary  
 Arts Learning Program (BTSALP)**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 42471  
 FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53A-1-401 allows the Utah State Board of Education (Board) to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53A-17a-162 directs the Board to establish a grant program for local education agencies (LEAs) to hire qualified arts professionals to encourage student participation in the arts in Utah public schools and embrace student learning in Core subject areas.

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 comment was received.

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 continues to be necessary because it implements the BTSALP model in public schools through LEAs and consortia that submit grant applications to hire arts specialists who are paid on the licensed teacher salary schedule. Therefore, this rule should be continued.

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

EDUCATION  
ADMINISTRATION  
250 E 500 S  
SALT LAKE CITY, UT 84111-3272  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7656, by FAX at 801-538-7768, or by Internet E-mail at [angie.stallings@schools.utah.gov](mailto:angie.stallings@schools.utah.gov)

AUTHORIZED BY: Angela Stallings, Deputy Superintendent, Policy and Communication

EFFECTIVE: 01/12/2018

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**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-301  
Solid Waste Authority; Definitions, and  
General Requirements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION  
DAR FILE NO.: 42452  
FILED: 01/12/2018**

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j)

requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-301 contains the definitions and the basic prohibitions against disposal of waste except in sites that are approved and contain the necessary design, engineering, and closure elements that will provide protection to public health and the environment. This rule is also the foundation of the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

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**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-302  
Solid Waste Facility Location  
Standards, General Facility  
Requirements, and Closure  
Requirements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 42453  
FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Two amendments to this rule were made since the last five-year review. The first amendment was made to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on this amendment. The second amendment deleted Subsection R315-302-1(2)(a)(iii) which prohibited a new solid waste landfill from being located within "farmland classified or evaluated as "prime", "unique", or of "statewide importance" by the U.S. Department of Agriculture Soil Conservation Service under the Prime Farmland Protection Act". After the Division of Waste Management and Radiation Control received feedback from stakeholders that this requirement is overly broad and likely outside the agency's regulatory purview since such farmland designations are overseen by the U.S. Department of Agriculture under the authority of the Farmland Protection Policy Act (FPPA). No comments were received on this amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-302 contains siting requirements for solid waste disposal facilities and the general outline of the operation, monitoring, closure, and post-closure care of a solid waste disposal facility. This rule forms the basis of the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-303  
Landfilling Standards**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 42454  
FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-303 contains requirements for solid waste disposal facilities performance requirements, design standards, operations, and maintenance standards. This rule forms the basis of the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

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**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-304  
Industrial Solid Waste Landfill  
Requirements**

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

DAR FILE NO.: 42455  
FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-304 is necessary to implement the requirements of the statute to review plans for facilities that dispose of nonhazardous solid waste. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

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**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management**

**R315-305**

**Class IV and VI Landfill Requirements**

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

DAR FILE NO.: 42456  
FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-305 contains requirements for solid waste disposal facilities performance requirements, design standards, operations, and maintenance standards. This rule forms the basis of the permit program required by the Solid and Hazardous Waste Act and is referenced by other solid waste rules. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097

or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)

♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management**

**R315-306**

**Incinerator Standards**

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

DAR FILE NO.: 42457  
FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-306 contains requirements for nonhazardous solid waste incineration facilities performance requirements, design standards, operations, and

maintenance standards. This rule forms the basis of the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)
- ◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

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**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-307  
Landtreatment Disposal Standards**

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

DAR FILE NO.: 42458  
FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with

S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-307 contains requirements for solid waste disposal facilities performance requirements, design standards, operations, and maintenance standards. The rule forms the basis of the permit program required by the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)
- ◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

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**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-308  
Ground Water Monitoring  
Requirements**

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

DAR FILE NO.: 42459  
FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j)

requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

**SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE:** One amendment to this rule was made since the last five-year review to conform with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

**REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY:** Rule R315-308 contains the requirements for ground water monitoring that are an integral part of the solid waste program to protect public health and the environment. Ground water monitoring must be included in a state solid waste program for that program to be approved by EPA. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 WASTE MANAGEMENT AND RADIATION CONTROL, WASTE MANAGEMENT  
 SECOND FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3097  
 or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
 ♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

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**Environmental Quality, Waste  
 Management and Radiation Control,  
 Waste Management  
 R315-309  
 Financial Assurance**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION  
 DAR FILE NO.: 42460  
 FILED: 01/12/2018**

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

**CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE:** Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

**SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE:** One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

**REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY:** Rule R315-309 contains the requirements for financial assurance. Financial assurance is a required part of a solid waste program that is to maintain EPA approval and also meets the requirement for financial assurance found in Subsection 19-6-108(9)(c). Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 WASTE MANAGEMENT AND RADIATION CONTROL, WASTE MANAGEMENT  
 SECOND FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3097  
 or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
 ♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-310  
Permit Requirements for Solid Waste  
Facilities**

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

DAR FILE NO.: 42461

FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Two amendments to this rule were made since the last five-year review. One to conform the rule to S.B. 21 which was passed during the 2012 General Session, and the other to add coal ash facilities operated by electrical generation facilities to the list of facilities requiring a permit. No comments were received on either amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-310 contains the requirement for a permit to operate a nonhazardous facility. The permitting program is an integral part of the solid waste program and is required to maintain EPA program approval and to meet the requirements of Section 19-6-108. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)

♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-311  
Permit Approval For Solid Waste  
Disposal, Waste Tire Storage, Energy  
Recovery, And Incinerator Facilities**

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

DAR FILE NO.: 42462

FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was

made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-311 is an integral part of the solid waste permitting program and defines major and minor modifications to permit and outlines the public comment process. Without this rule, the permit program would not meet the requirements of the Solid and Hazardous Waste Act. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 WASTE MANAGEMENT AND RADIATION  
 CONTROL, WASTE MANAGEMENT  
 SECOND FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3097  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
 ♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
 Management and Radiation Control,  
 Waste Management  
 R315-312  
 Recycling and Composting Facility  
 Standards**

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

DAR FILE NO.: 42463

FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-312 provides the standards for operation of recycling and compost facilities that are allowed by the Solid and Hazardous Waste Act. This rule also sets the standards that will assure that these facilities are operated in a way that protects human health and the environment. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 WASTE MANAGEMENT AND RADIATION  
 CONTROL, WASTE MANAGEMENT  
 SECOND FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3097  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
 ♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-313  
Transfer Stations and Drop Box  
Facilities**

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

DAR FILE NO.: 42464  
FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-313 provides the standards for operation of transfer stations and drop box facilities that are allowed by the Solid and Hazardous Waste Act. This rule also sets the standards that will assure that these facilities are operated in a way that protects human health and the environment. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR

195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)
- ◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-314  
Facility Standards for Piles Used for  
Storage and Treatment**

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

DAR FILE NO.: 42465  
FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-314 provides the standards for operation of facilities that treat and store solid waste in piles as allowed by the Solid and Hazardous Waste Act. This rule also sets the standards that will assure that these facilities are operated in a way that protects human health and the environment. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)
- ◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-315  
Special Waste Requirements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION  
DAR FILE NO.: 42466  
FILED: 01/12/2018**

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-315 sets standards for the management of special wastes. These wastes can present special risks or require special handling which is set forth in Rule R315-315. When these standards are obeyed it will assure that these wastes do not present an unacceptable risk to public health or the environment. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)
- ◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
R315-316  
Infectious Waste Requirements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION  
DAR FILE NO.: 42467  
FILED: 01/12/2018**

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-316 sets standards for the management of infectious waste. This waste can present special risks or require special handling which is set forth in Rule R315-316. When these standards are obeyed, it will assure that these wastes do not present an unacceptable risk to public health or the environment. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT  
SECOND FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3097  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

Environmental Quality, Waste  
Management and Radiation Control,  
Waste Management  
**R315-317**  
Other Processes, Variances, Violations,  
and Petition for Rule Change

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

DAR FILE NO.: 42468

FILED: 01/12/2018

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R315-317 sets the procedures for the granting of variances, issuing of notices of violation, and procedures for rule change petitions. These are all an important part of the permit program for the regulation of solid waste management facilities. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY  
WASTE MANAGEMENT AND RADIATION  
CONTROL, WASTE MANAGEMENT

SECOND FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3097  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
 ♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
 Management and Radiation Control,  
 Waste Management  
 R315-318  
 Permit by Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION  
 DAR FILE NO.: 42469  
 FILED: 01/12/2018**

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j) requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Permitting of solid waste facilities is a requirement to receive program approval from the EPA and is also required by the Solid and Hazardous Waste Act. Rule R315-318 sets out the procedures and conditions that will allow facilities that are permitted under another state program to receive a permit by rule and be in compliance with the Solid and Hazardous Waste Act and the solid waste rules and not be burdened by regulation by two different agencies. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 WASTE MANAGEMENT AND RADIATION  
 CONTROL, WASTE MANAGEMENT  
 SECOND FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3097  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
 ♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

**Environmental Quality, Waste  
 Management and Radiation Control,  
 Waste Management  
 R315-320  
 Waste Tire Transporter and Recycler  
 Requirements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION  
 DAR FILE NO.: 42470  
 FILED: 01/12/2018**

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-6-104(1)(j)

requires the Solid and Hazardous Waste Control Board to require any facility disposing of non-hazardous waste to submit plans, specifications, and other information required by the Board prior to the construction and/or operation of a facility. Subsection 19-6-108(12) requires that operation plans be reviewed every five years. This rule sets out the procedures and information that must be submitted to review a plan approval and meet the requirements of the statute.

**SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE:** One amendment to this rule was made since the last five-year review to conform the rule with S.B. 21 which was passed during the 2012 General Session. No comments were received on the amendment. No other comments were received from any interested persons either supporting or opposing this rule during or since the last five-year review.

**REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY:** Rule R315-320 contains requirements for Waste Tire Transporter and Recycler Requirements. This rule forms the basis for the regulation of the waste tire program in Utah. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 WASTE MANAGEMENT AND RADIATION  
 CONTROL, WASTE MANAGEMENT  
 SECOND FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3097  
 or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ♦ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at [rlundberg@utah.gov](mailto:rlundberg@utah.gov)  
 ♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at [tball@utah.gov](mailto:tball@utah.gov)

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 01/12/2018

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**Health, Health Care Financing,  
 Coverage and Reimbursement Policy  
 R414-301  
 Medicaid General Provisions**

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

DAR FILE NO.: 42440  
 FILED: 01/08/2018

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

**CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE:** Section 26-18-3 requires the Department of Health (Department) to implement the Medicaid program through administrative rules. In addition, 42 CFR 431.220 through 431.246 requires the Department to implement agency procedures for fair hearings and hearing rights for Medicaid members.

**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 or oral comments regarding 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 Department will continue this rule because it defines Medicaid programs, groups, and eligibility; spells out member rights and responsibilities in regard to application and enrollment; implements provisions to safeguard member information; allows members to request agency conferences and fair hearings to resolve problems; and implements provisions that allow the Department to contract with the Department of Human Services and the Department of Workforce Services to do eligibility determinations and provide fair hearings for Medicaid members.

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at [cdevashrayee@utah.gov](mailto:cdevashrayee@utah.gov)

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 01/08/2018

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Health, Health Care Financing,  
Coverage and Reimbursement Policy  
**R414-302**  
Eligibility Requirements

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 42441  
FILED: 01/08/2018

**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: 42 CFR 435 Subpart E sets forth requirements for determining Medicaid eligibility, and Section 26-18-3 requires the Department of Health (Department) to implement these requirements through administrative rules.

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 or oral comments regarding 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 Department will continue this rule because it sets forth eligibility requirements for Medicaid members and applicants that relate to citizenship, residence, child support, institutionalization, identification, applying for other benefits, third party liability, assignment of rights, enforcement of medical support, and financial responsibility.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 01/08/2018

Health, Health Care Financing,  
Coverage and Reimbursement Policy  
**R414-303**  
Coverage Groups

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 42442  
FILED: 01/08/2018

**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: Subparts B, C, and D of 42 CFR 435 set forth requirements and options for mandatory and optional coverage of groups within the Medicaid program. In addition, Section 26-18-3 requires the Department of Health (Department) to implement coverage for these individuals by administrative rule.

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 or oral comments regarding 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 Department will continue this rule because it establishes eligibility and coverage requirements for all categorically and medically needy individuals, including groups covered under the Modified Adjustment Gross Income (MAGI)-based methodology, foster care, adoption, Refugee Medicaid, presumptive eligibility, and the Medicaid Cancer Program.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 01/08/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 01/08/2018

Health, Health Care Financing,  
Coverage and Reimbursement Policy  
**R414-304**  
Income and Budgeting

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

DAR FILE NO.: 42443

FILED: 01/08/2018

**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: Subpart G of 42 CFR 435 sets forth general financial eligibility requirements and options for eligibility determinations. In addition, Section 26-18-3 requires the Department of Health (Department) to implement these requirements and options by administrative rule.

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 or oral comments regarding 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 Department will continue this rule because it establishes income-based requirements for all categorically and medically needy individuals including groups covered under the Medicaid Work Incentive Program and the Modified Adjustment Gross Income (MAGI)-based methodology.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at [cdevashrayee@utah.gov](mailto:cdevashrayee@utah.gov)

Health, Health Care Financing,  
Coverage and Reimbursement Policy  
**R414-305**  
Resources

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

DAR FILE NO.: 42444

FILED: 01/08/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-18-3 requires the Department of Health (Department) to implement the Medicaid program through administrative rules, and 42 CFR 435.840 requires the Department to implement a single resource standard for each medically needy group.

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 or oral comments regarding 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 Department will continue this rule because it establishes resource provisions for categorically and medically needy individuals that include provisions for transfers, disregards, trusts and annuities, and how to apply Modified Adjusted Gross Income (MAGI)-based methodology.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at [cdevashrayee@utah.gov](mailto:cdevashrayee@utah.gov)

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 01/08/2018

**Health, Health Care Financing,  
Coverage and Reimbursement Policy  
R414-306**

**Program Benefits and Date of Eligibility**

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

DAR FILE NO.: 42445

FILED: 01/08/2018

**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: 42 CFR 440 Subpart B establishes requirements and limits that apply to all Medicaid services, and Section 26-18-3 requires the Department of Health (Department) to implement program benefits by administrative rule.

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 or oral comments regarding 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 Department will continue this rule because it establishes effective dates of eligibility and provisions for benefits available to Qualified Medicare Beneficiaries, Specified Low-Income Medicare Beneficiaries, and Qualifying Individuals. The Department will also continue this rule because the rule requires coordination with other programs to inform members of available benefits, refers members to provisions for transportation services, and spells out criteria for supplemental payments to institutionalized individuals.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 01/08/2018

**Health, Health Care Financing,  
Coverage and Reimbursement Policy  
R414-308**

**Application, Eligibility Determinations  
and Improper Medical Assistance**

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

DAR FILE NO.: 42446

FILED: 01/08/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-18-3 requires the Department of Health (Department) to implement the Medicaid program through administrative rules. In addition, 42 CFR 435.952 sets forth agency procedures for uses and requests of additional information when making eligibility determinations.

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 or oral comments regarding 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 Department will continue this rule because it implements procedures for application; establishes protocol for verifications and exchanges; specifies procedures for eligibility decisions and periods of review; sets forth requirements for change reporting; spells out protocols for case closures and redeterminations; and outlines member and agency responsibilities in cases of improper medical coverage.

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

HEALTH  
HEALTH CARE FINANCING,  
COVERAGE AND REIMBURSEMENT POLICY

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

STATE HOSPITAL  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Thomas Dunford by phone at 801-538-4181, by FAX at 801-538-4696, or by Internet E-mail at tdunford@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

AUTHORIZED BY: Doug Thomas, Director

EFFECTIVE: 01/08/2018

EFFECTIVE: 01/16/2018

**Human Services, Substance Abuse  
and Mental Health, State Hospital  
R525-2  
Patient Rights**

**Human Services, Substance Abuse  
and Mental Health, State Hospital  
R525-3  
Medication Treatment of Patients**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 42473  
FILED: 01/16/2018

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 42474  
FILED: 01/16/2018

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

**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 adopted under the authority of Section 62A-15-105, with the purpose of explaining patient rights for patients at the Utah State Hospital.

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 adopted under the authority of Subsection 62A-15-704(3), with the purpose of providing guidance on the medication treatment of patients at the Utah State Hospital.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received by the Division of Substance Abuse and Mental Health over the past five years.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received by the Division of Substance Abuse and Mental Health (Division) over 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 should be continued to ensure that patients at the Utah State Hospital and their family members are provided with basic and reasonable rights in accommodations, participating in treatment and visitations, and a remedy for situations where those rights are not extended.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The individuals receiving treatment and care at the Utah State Hospital are granted certain privileges and due process when being given medications as a part of their treatment regime. This rule should be continued to ensure that all steps necessary to protect patients' rights in this area are preserved and a process is in place to review the medication treatment of patients. In this review, the Division has found some nonsubstantive changes that need to be made and will be submitting a filing to make those changes.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
HUMAN SERVICES  
SUBSTANCE ABUSE AND MENTAL HEALTH,

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

HUMAN SERVICES  
SUBSTANCE ABUSE AND MENTAL HEALTH,  
STATE HOSPITAL  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Thomas Dunford by phone at 801-538-4181, by FAX at 801-538-4696, or by Internet E-mail at tdundford@utah.gov

AUTHORIZED BY: Doug Thomas, Director

EFFECTIVE: 01/16/2018

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**Human Services, Substance Abuse  
and Mental Health, State Hospital**  
**R525-4**  
**Visitors**

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

DAR FILE NO.: 42475  
FILED: 01/16/2018

**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 adopted under the authority of Section 62A-15-105, with the purpose of providing guidance on the visitation of patients at the Utah State Hospital.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received by the Division of Substance Abuse and Mental Health over 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 should be continued to ensure that patient care at the Utah State Hospital is not impeded when appropriate measures are to be taken to limit outside influences that could disrupt the well being and safety of an individual or unit. It will ensure that family members are provided with reasonable access to patients undergoing care and treatment at the hospital, and ensure proper measures

are taken to limit patient access to items that could be brought into the campus that might cause disruption or harm.

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

HUMAN SERVICES  
SUBSTANCE ABUSE AND MENTAL HEALTH,  
STATE HOSPITAL  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Thomas Dunford by phone at 801-538-4181, by FAX at 801-538-4696, or by Internet E-mail at tdundford@utah.gov

AUTHORIZED BY: Doug Thomas, Director

EFFECTIVE: 01/16/2018

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**Human Services, Substance Abuse  
and Mental Health, State Hospital**  
**R525-5**  
**Background Checks**

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

DAR FILE NO.: 42476  
FILED: 01/16/2018

**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 adopted under the authority of Section 62A-15-105, with the purpose of explaining the use of background checks for new employees and volunteers at the Utah State Hospital.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received by the Division of Substance Abuse and Mental Health over 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: The individuals receiving treatment and care at the Utah State Hospital are vulnerable adults, youth, and children. This rule should be continued to ensure that all steps necessary to protect patients from potential abuse or

exploitation are take when hiring staff and approving service provisions from volunteers.

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

HUMAN SERVICES  
SUBSTANCE ABUSE AND MENTAL HEALTH,  
STATE HOSPITAL  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Thomas Dunford by phone at 801-538-4181, by FAX at 801-538-4696, or by Internet E-mail at [tdunford@utah.gov](mailto:tdunford@utah.gov)

AUTHORIZED BY: Doug Thomas, Director

EFFECTIVE: 01/16/2018

## Human Services, Substance Abuse and Mental Health, State Hospital **R525-6**

### Prohibited Items and Devices

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 42477  
FILED: 01/16/2018

#### 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 adopted under the authority of Subsection 76-8-311.3(2), with the purpose of establishing secure areas on the Utah State Hospital campus and procedures for securing prohibited items and devices at the Utah State Hospital.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received by the Division of Substance Abuse and Mental Health (Division) over 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: The Utah State Hospital is designated as a secure area with restrictions on firearms, ammunition, dangerous weapons, implements of escape, explosives, controlled substances, spirituous or fermented liquors,

medicines, or poisons in any quantities. This rule should be continued to ensure that all areas on the Utah State Hospital's campus are designated secure from prohibited devices and that storage sites for such devices are established. In this review, the Division has found some nonsubstantive changes that need to be made and will be submitting a filing for those changes.

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

HUMAN SERVICES  
SUBSTANCE ABUSE AND MENTAL HEALTH,  
STATE HOSPITAL  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Thomas Dunford by phone at 801-538-4181, by FAX at 801-538-4696, or by Internet E-mail at [tdunford@utah.gov](mailto:tdunford@utah.gov)

AUTHORIZED BY: Doug Thomas, Director

EFFECTIVE: 01/16/2018

## Human Services, Substance Abuse and Mental Health, State Hospital **R525-7** Complaints/Suggestions/Concerns

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 42478  
FILED: 01/16/2018

#### 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 adopted under the authority of Section 62A-15-105, with the purpose of explaining the process for patients and their family members to register complaints, suggestions, and concerns.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received by the Division of Substance Abuse and Mental Health over 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 should be continued to ensure that all complaints/suggestions/concerns from patients and family members are received and reviewed properly. This rule places accountability on the Utah State Hospital to consider and review all issues pertaining to the hospital's functions. Also, there is an opportunity for continued process improvement as issues are reviewed and resolved.

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

HUMAN SERVICES  
 SUBSTANCE ABUSE AND MENTAL HEALTH,  
 STATE HOSPITAL  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Thomas Dunford by phone at 801-538-4181, by FAX at 801-538-4696, or by Internet E-mail at tdunford@utah.gov

AUTHORIZED BY: Doug Thomas, Director

EFFECTIVE: 01/16/2018

**Insurance, Administration**

**R590-157**

**Surplus Lines Insurance Premium Tax and Stamping Fee**

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

DAR FILE NO.: 42438  
 FILED: 01/04/2018

**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-3-303(2) requires the Insurance Commissioner to write rules to prescribe accounting and reporting forms and procedures to be used in calculating and paying the surplus lines premium tax. Subsection 31A-15-103(11)(d) requires the Insurance Commissioner to write rules to specify the stamping fee amount and how it is to be collected.

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 of Insurance has received no written comments regarding this rule during 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 provides procedures and reporting forms to be used by insurers, brokers, and policyholders in calculating tax due. As a result of the regulation, all who charge the tax use the same calculation to determine the amount of the fee. It makes the payment uniform and fair. 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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 01/04/2018

**Insurance, Administration**

**R590-218**

**Permitted Language for Reservation of Discretion Clauses**

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

DAR FILE NO.: 42437  
 FILED: 01/04/2018

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 31A-2-201 authorizes the Insurance Commissioner to write rules to enforce the provisions of the Insurance Code, Title 31A. Subsections 31A-21-201(3) and 31A-21-314(2) authorize the Department of Insurance (Department) to regulate the use of "reservation of discretion clauses" in policy forms filed with the Department. This rule prohibits their use in forms not associated with the Employee Retirement Income Security Act (ERISA) employee benefit plans, and prescribes language to be used in reservation of discretion clauses used in ERISA employee benefit plans.

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 received no written comments regarding this rule during 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 creates a safe harbor for insurance companies that provide insurance to ERISA employee benefit plans sponsored by employers, allowing insurers to know what language in insurance forms is acceptable to the Department. 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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 01/04/2018

## Insurance, Administration

### **R590-243**

## Commercial Motor Vehicle Insurance Coverage

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

DAR FILE NO.: 42436  
FILED: 01/04/2018

### **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-22-315(1)(b) requires the Department of Insurance (Department) to write rules defining commercial motor vehicle insurance coverage.

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 received no written comments regarding this rule during 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 must be continued because it defines commercial motor vehicle insurance coverage as it applies to motor vehicle insurance reporting.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 01/04/2018

## Natural Resources, Wildlife Resources

### **R657-58**

## Fishing Contests and Clinics

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

DAR FILE NO.: 42449  
FILED: 01/09/2018

### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Sections 23-14-8 and 23-14-19, the Wildlife Board is authorized to provide standards and procedures for taking fish and crayfish.

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 supporting or opposing Rule R657-58 were received since January 2013, when the rule was first enacted.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE

RULE, IF ANY: Rule R657-58 provides the procedures, standards, and requirements for holding a fishing contest or clinic on a body of water in the state of Utah. The provisions adopted in this rule are effective. Continuation of this rule is necessary for the continued success of allowing the anglers of Utah to take fish and to protect the resource.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED,  
DURING REGULAR BUSINESS HOURS, AT:  
NATURAL RESOURCES  
WILDLIFE RESOURCES  
1594 W NORTH TEMPLE

SALT LAKE CITY, UT 84116-3154  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at [stacicoons@utah.gov](mailto:stacicoons@utah.gov)

AUTHORIZED BY: Mike Fowlks, Deputy Director

EFFECTIVE: 01/09/2018

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

## NOTICES OF RULE EFFECTIVE DATES

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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 Office 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.

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### Abbreviations

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

### Environmental Quality

Air Quality  
No. 42110 (NEW): R307-505. Oil and Gas Industry:  
Registration Requirements  
Published: 10/01/2017  
Effective: 01/26/2018

### Education

Administration  
No. 42322 (AMD): R277-469. Instructional Materials  
Commission Operating Procedures  
Published: 12/01/2017  
Effective: 01/09/2018  
  
No. 42323 (AMD): R277-491-4. School Community Council  
Principal Responsibilities  
Published: 12/01/2017  
Effective: 01/09/2018

### Health

Disease Control and Prevention; HIV/AIDS, Tuberculosis  
Control/Refugee Health  
No. 42328 (AMD): R388-805. Ryan White Part B Program  
Published: 12/01/2017  
Effective: 02/01/2018  
  
Family Health and Preparedness, Licensing  
No. 42201 (AMD): R432-150-8. Administrator  
Published: 11/01/2017  
Effective: 01/11/2018

No. 42324 (AMD): R277-515. Utah Educator Professional  
Standards  
Published: 12/01/2017  
Effective: 01/09/2018

No. 42200 (AMD): R432-270-19. Medication Administration  
Published: 11/01/2017  
Effective: 01/11/2018

No. 42325 (AMD): R277-519. Educator Professional  
Learning Procedures and Credit  
Published: 12/01/2017  
Effective: 01/09/2018

Disease Control and Prevention, Laboratory Services  
No. 42282 (NEW): R438-15. Newborn Screening  
Published: 11/15/2017  
Effective: 01/29/2018

No. 42326 (NEW): R277-621. District of Residence  
Published: 12/01/2017  
Effective: 01/09/2018

### Insurance

Administration  
No. 42319 (AMD): R590-266-1. Authority  
Published: 12/01/2017  
Effective: 01/10/2018

No. 42327 (AMD): R277-920. Implementation of the School  
Turnaround and Leadership Development Act  
Published: 12/01/2017  
Effective: 01/09/2018

NOTICES OF RULE EFFECTIVE DATES

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Pardons (Board Of)

Administration

No. 42295 (AMD): R671-201. Original Hearing Schedule and Notice

Published: 11/15/2017

Effective: 01/08/2018

No. 42294 (AMD): R671-202. Notification of Hearings

Published: 11/15/2017

Effective: 01/08/2018

No. 42297 (AMD): R671-203. Victim Input and Notification

Published: 11/15/2017

Effective: 01/08/2018

No. 42227 (AMD): R671-205. Credit for Time Served

Published: 11/01/2017

Effective: 01/08/2018

No. 42296 (NEW): R671-206. Competency of Offenders

Published: 11/15/2017

Effective: 01/08/2018

No. 42231 (AMD): R671-304. Hearing Record

Published: 11/01/2017

Effective: 01/08/2018

Public Safety

Administration

No. 42269 (NEW): R698-11. Submission and Testing of Sexual Assault Kits

Published: 11/15/2017

Effective: 01/10/2018

Criminal Investigations and Technical Services, Criminal Identification

No. 42258 (AMD): R722-300. Concealed Firearm Permit and Instructor Rule

Published: 11/15/2017

Effective: 01/10/2018

No. 42259 (AMD): R722-350. Certificate of Eligibility

Published: 11/15/2017

Effective: 01/10/2018

No. 42260 (AMD): R722-380. Firearm Background Check Information

Published: 11/15/2017

Effective: 01/10/2018

Public Service Commission

Administration

No. 42331 (AMD): R746-409-1. General Provisions

Published: 12/01/2017

Effective: 01/09/2018

**End of the Notices of Rule Effective Dates Section**

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

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The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2018 through January 16, 2018. 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 Office of Administrative Rules (801-538-3003).

A copy of the **RULES INDEX** is available for public inspection at the Office of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Office's web site (<https://rules.utah.gov/>).

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**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
<b>COMMERCE</b>					
<u>Occupational and Professional Licensing</u>					
R156-31b	Nurse Practice Act Rule	42448	5YR	01/08/2018	Not Printed
R156-68	Utah Osteopathic Medical Practice Act Rule	42447	5YR	01/08/2018	Not Printed
R156-78-502	Unprofessional Conduct	42243	AMD	01/02/2018	2017-22/28
<b>EDUCATION</b>					
<u>Administration</u>					
R277-469	Instructional Materials Commission Operating Procedures	42322	AMD	01/09/2018	2017-23/4
R277-490	Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)	42471	5YR	01/12/2018	Not Printed
R277-491-4	School Community Council Principal Responsibilities	42323	AMD	01/09/2018	2017-23/9
R277-515	Utah Educator Professional Standards	42324	AMD	01/09/2018	2017-23/11
R277-519	Educator Professional Learning Procedures and Credit	42325	AMD	01/09/2018	2017-23/16
R277-621	District of Residence	42326	NEW	01/09/2018	2017-23/17
R277-920	Implementation of the School Turnaround and Leadership Development Act	42327	AMD	01/09/2018	2017-23/19
<b>ENVIRONMENTAL QUALITY</b>					
<u>Air Quality</u>					
R307-356	Appliance Pilot Light	42430	EXT	01/02/2018	2018-2/59
<u>Waste Management and Radiation Control, Waste Management</u>					
R315-301	Solid Waste Authority; Definitions, and General Requirements	42452	5YR	01/12/2018	Not Printed
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	42453	5YR	01/12/2018	Not Printed
R315-303	Landfilling Standards	42454	5YR	01/12/2018	Not Printed
R315-304	Industrial Solid Waste Landfill Requirements	42455	5YR	01/12/2018	Not Printed
R315-305	Class IV and VI Landfill Requirements	42456	5YR	01/12/2018	Not Printed
R315-306	Incinerator Standards	42457	5YR	01/12/2018	Not Printed
R315-307	Landtreatment Disposal Standards	42458	5YR	01/12/2018	Not Printed
R315-308	Ground Water Monitoring Requirements	42459	5YR	01/12/2018	Not Printed
R315-309	Financial Assurance	42460	5YR	01/12/2018	Not Printed
R315-310	Permit Requirements for Solid Waste Facilities	42461	5YR	01/12/2018	Not Printed
R315-311	Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery, And Incinerator Facilities	42462	5YR	01/12/2018	Not Printed
R315-312	Recycling and Composting Facility Standards	42463	5YR	01/12/2018	Not Printed

R315-313	Transfer Stations and Drop Box Facilities	42464	5YR	01/12/2018	Not Printed
R315-314	Facility Standards for Piles Used for Storage and Treatment	42465	5YR	01/12/2018	Not Printed
R315-315	Special Waste Requirements	42466	5YR	01/12/2018	Not Printed
R315-316	Infectious Waste Requirements	42467	5YR	01/12/2018	Not Printed
R315-317	Other Processes, Variances, Violations, and Petition for Rule Change	42468	5YR	01/12/2018	Not Printed
R315-318	Permit by Rule	42469	5YR	01/12/2018	Not Printed
R315-320	Waste Tire Transporter and Recycler Requirements	42470	5YR	01/12/2018	Not Printed

GOVERNOR

Criminal and Juvenile Justice (State Commission on)

R356-4	Juvenile Confinement	42055	NEW	01/02/2018	2017-18/26
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HEALTH

Disease Control and Prevention, Epidemiology

R386-702	Communicable Disease Rule	42285	AMD	01/02/2018	2017-22/31
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Family Health and Preparedness, Licensing

R432-150-8	Administrator	42201	AMD	01/11/2018	2017-21/108
R432-270-19	Medication Administration	42200	AMD	01/11/2018	2017-21/109

Health Care Financing, Coverage and Reimbursement Policy

R414-27	Medicaid Enrollment Process for Nursing Care Facilities	42427	5YR	01/02/2018	2018-2/54
R414-301	Medicaid General Provisions	42440	5YR	01/08/2018	Not Printed
R414-302	Eligibility Requirements	42441	5YR	01/08/2018	Not Printed
R414-303	Coverage Groups	42442	5YR	01/08/2018	Not Printed
R414-304	Income and Budgeting	42443	5YR	01/08/2018	Not Printed
R414-305	Resources	42444	5YR	01/08/2018	Not Printed
R414-306	Program Benefits and Date of Eligibility	42445	5YR	01/08/2018	Not Printed
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	42446	5YR	01/08/2018	Not Printed

HUMAN SERVICES

Substance Abuse and Mental Health, State Hospital

R525-2	Patient Rights	42473	5YR	01/16/2018	Not Printed
R525-3	Medication Treatment of Patients	42474	5YR	01/16/2018	Not Printed
R525-4	Visitors	42475	5YR	01/16/2018	Not Printed
R525-5	Background Checks	42476	5YR	01/16/2018	Not Printed
R525-6	Prohibited Items and Devices	42477	5YR	01/16/2018	Not Printed
R525-7	Complaints/Suggestions/Concerns	42478	5YR	01/16/2018	Not Printed

INSURANCE

Administration

R590-157	Surplus Lines Insurance Premium Tax and Stamping Fee	42438	5YR	01/04/2018	Not Printed
R590-218	Permitted Language for Reservation of Discretion Clauses	42437	5YR	01/04/2018	Not Printed
R590-243	Commercial Motor Vehicle Insurance Coverage	42436	5YR	01/04/2018	Not Printed
R590-266-1	Authority	42319	AMD	01/10/2018	2017-23/66

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R597-5	Electronic Meetings	42262	NEW	01/02/2018	2017-22/68
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R657-58	Fishing Contests and Clinics	42449	5YR	01/09/2018	Not Printed
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R671-201	Original Hearing Schedule and Notice	42295	AMD	01/08/2018	2017-22/75
R671-202	Notification of Hearings	42294	AMD	01/08/2018	2017-22/77
R671-203	Victim Input and Notification	42297	AMD	01/08/2018	2017-22/78
R671-205	Credit for Time Served	42227	AMD	01/08/2018	2017-21/169
R671-206	Competency of Offenders	42296	NEW	01/08/2018	2017-22/81
R671-304	Hearing Record	42231	AMD	01/08/2018	2017-21/171

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R698-11	Submission and Testing of Sexual Assault Kits	42269	NEW	01/10/2018	2017-22/82
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R722-300	Concealed Firearm Permit and Instructor Rule	42258	AMD	01/10/2018	2017-22/89
R722-350	Certificate of Eligibility	42259	AMD	01/10/2018	2017-22/94
R722-380	Firearm Background Check Information	42260	AMD	01/10/2018	2017-22/96

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R746-409-1	General Provisions	42331	AMD	01/09/2018	2017-23/75
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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	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>alternative district of residency</u> Education, Administration	42326	R277-621	NEW	01/09/2018	2017-23/17
<u>applications</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42446	R414-308	5YR	01/08/2018	Not Printed
<u>arts programs</u> Education, Administration	42471	R277-490	5YR	01/12/2018	Not Printed
<u>background checks</u> Human Services, Substance Abuse and Mental Health, State Hospital	42476	R525-5	5YR	01/16/2018	Not Printed
<u>budgeting</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42443	R414-304	5YR	01/08/2018	Not Printed
<u>certificate of eligibility</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42259	R722-350	AMD	01/10/2018	2017-22/94

<u>citizenship</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42441	R414-302	5YR	01/08/2018	Not Printed
<u>client rights</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42440	R414-301	5YR	01/08/2018	Not Printed
<u>commercial motor vehicle insurance</u> Insurance, Administration	42436	R590-243	5YR	01/04/2018	Not Printed
<u>communicable disease</u> Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
<u>complaints</u> Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	Not Printed
<u>concealed firearm permit instructors</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42258	R722-300	AMD	01/10/2018	2017-22/89
<u>concealed firearm permits</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42258	R722-300	AMD	01/10/2018	2017-22/89
<u>concerns</u> Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	Not Printed
<u>coverage groups</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42442	R414-303	5YR	01/08/2018	Not Printed
<u>credit for time served</u> Pardons (Board Of), Administration	42227	R671-205	AMD	01/08/2018	2017-21/169
<u>criminal competency</u> Pardons (Board Of), Administration	42296	R671-206	NEW	01/08/2018	2017-22/81
<u>educators</u> Education, Administration	42324	R277-515	AMD	01/09/2018	2017-23/11
<u>effective date</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42445	R414-306	5YR	01/08/2018	Not Printed
<u>electronic meetings</u> Judicial Performance Evaluation Commission, Administration	42262	R597-5	NEW	01/02/2018	2017-22/68
<u>eligibility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42446	R414-308	5YR	01/08/2018	Not Printed
<u>endowed universities</u> Education, Administration	42471	R277-490	5YR	01/12/2018	Not Printed
<u>essential health benefit insurance</u> Insurance, Administration	42319	R590-266-1	AMD	01/10/2018	2017-23/66
<u>expungement</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42259	R722-350	AMD	01/10/2018	2017-22/94

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<u>financial disclosures</u>						
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<u>firearm background check information</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42260	R722-380	AMD	01/10/2018	2017-22/96	
<u>firearm denials</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42260	R722-380	AMD	01/10/2018	2017-22/96	
<u>firearm purchases</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42260	R722-380	AMD	01/10/2018	2017-22/96	
<u>firearm releases</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42260	R722-380	AMD	01/10/2018	2017-22/96	
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Environmental Quality, Air Quality	42430	R307-356	EXT	01/02/2018	2018-2/59	
<u>fish</u>						
Natural Resources, Wildlife Resources	42449	R657-58	5YR	01/09/2018	Not Printed	
<u>fishing</u>						
Natural Resources, Wildlife Resources	42449	R657-58	5YR	01/09/2018	Not Printed	
<u>former foster care youth</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	42442	R414-303	5YR	01/08/2018	Not Printed	
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Environmental Quality, Air Quality	42430	R307-356	EXT	01/02/2018	2018-2/59	
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Pardons (Board Of), Administration	42231	R671-304	AMD	01/08/2018	2017-21/171	
<u>grants</u>						
Education, Administration	42471	R277-490	5YR	01/12/2018	Not Printed	
<u>health care facilities</u>						
Health, Family Health and Preparedness, Licensing	42201	R432-150-8	AMD	01/11/2018	2017-21/108	
	42200	R432-270-19	AMD	01/11/2018	2017-21/109	
<u>hearings</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	42440	R414-301	5YR	01/08/2018	Not Printed	
Pardons (Board Of), Administration	42295	R671-201	AMD	01/08/2018	2017-22/75	
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Health, Health Care Financing, Coverage and Reimbursement Policy	42443	R414-304	5YR	01/08/2018	Not Printed	
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Pardons (Board Of), Administration	42295	R671-201	AMD	01/08/2018	2017-22/75	
	42294	R671-202	AMD	01/08/2018	2017-22/77	
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Education, Administration	42322	R277-469	AMD	01/09/2018	2017-23/4	
<u>insurance discretion clauses</u>						
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<u>insurance fee</u>						
Insurance, Administration	42438	R590-157	5YR	01/04/2018	Not Printed	

<u>juvenile confinement in adult jails</u> Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
<u>juvenile confinement in lockups</u> Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
<u>juvenile detention in adult jails</u> Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
<u>juvenile detention in lockups</u> Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
<u>licensing</u> Commerce, Occupational and Professional Licensing	42448	R156-31b	5YR	01/08/2018	Not Printed
	42447	R156-68	5YR	01/08/2018	Not Printed
	42243	R156-78-502	AMD	01/02/2018	2017-22/28
<u>MAGI-based</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42442	R414-303	5YR	01/08/2018	Not Printed
<u>Medicaid</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42427	R414-27	5YR	01/02/2018	2018-2/54
	42440	R414-301	5YR	01/08/2018	Not Printed
	42441	R414-302	5YR	01/08/2018	Not Printed
	42444	R414-305	5YR	01/08/2018	Not Printed
	42446	R414-308	5YR	01/08/2018	Not Printed
<u>medical transportation</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42445	R414-306	5YR	01/08/2018	Not Printed
<u>medication treatment</u> Human Services, Substance Abuse and Mental Health, State Hospital	42474	R525-3	5YR	01/16/2018	Not Printed
<u>nurses</u> Commerce, Occupational and Professional Licensing	42448	R156-31b	5YR	01/08/2018	Not Printed
<u>osteopathic physicians</u> Commerce, Occupational and Professional Licensing	42447	R156-68	5YR	01/08/2018	Not Printed
<u>osteopaths</u> Commerce, Occupational and Professional Licensing	42447	R156-68	5YR	01/08/2018	Not Printed
<u>parole</u> Pardons (Board Of), Administration	42295	R671-201	AMD	01/08/2018	2017-22/75
	42294	R671-202	AMD	01/08/2018	2017-22/77
	42227	R671-205	AMD	01/08/2018	2017-21/169
<u>patient rights</u> Human Services, Substance Abuse and Mental Health, State Hospital	42473	R525-2	5YR	01/16/2018	Not Printed
<u>pilot lights</u> Environmental Quality, Air Quality	42430	R307-356	EXT	01/02/2018	2018-2/59
<u>pipelines</u> Public Service Commission, Administration	42331	R746-409-1	AMD	01/09/2018	2017-23/75

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<u>presumptive eligibility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42442	R414-303	5YR	01/08/2018	Not Printed
<u>principals</u> Education, Administration	42327	R277-920	AMD	01/09/2018	2017-23/19
<u>prison release</u> Pardons (Board Of), Administration	42227	R671-205	AMD	01/08/2018	2017-21/169
<u>procedures</u> Judicial Performance Evaluation Commission, Administration	42262	R597-5	NEW	01/02/2018	2017-22/68
<u>professional competency</u> Education, Administration	42325	R277-519	AMD	01/09/2018	2017-23/16
<u>professionals</u> Education, Administration	42324	R277-515	AMD	01/09/2018	2017-23/11
<u>program benefits</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42445	R414-306	5YR	01/08/2018	Not Printed
<u>prohibited items and devices</u> Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	Not Printed
<u>public assistance programs</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42446	R414-308	5YR	01/08/2018	Not Printed
<u>public schools</u> Education, Administration	42471	R277-490	5YR	01/12/2018	Not Printed
<u>rabies</u> Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
<u>reporting</u> Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
<u>resources</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42444	R414-305	5YR	01/08/2018	Not Printed
<u>rules and procedures</u> Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
Public Service Commission, Administration	42331	R746-409-1	AMD	01/09/2018	2017-23/75
<u>safety</u> Public Service Commission, Administration	42331	R746-409-1	AMD	01/09/2018	2017-23/75
<u>school community councils</u> Education, Administration	42323	R277-491-4	AMD	01/09/2018	2017-23/9
<u>school improvements</u> Education, Administration	42327	R277-920	AMD	01/09/2018	2017-23/19
<u>school leaders</u> Education, Administration	42327	R277-920	AMD	01/09/2018	2017-23/19
<u>secure areas</u> Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	Not Printed

<u>sexual assault kit analysis</u> Public Safety, Administration	42269	R698-11	NEW	01/10/2018	2017-22/82
<u>sexual assault kits</u> Public Safety, Administration	42269	R698-11	NEW	01/10/2018	2017-22/82
<u>solid waste disposal</u> Environmental Quality, Waste Management and Radiation Control, Waste Management	42452	R315-301	5YR	01/12/2018	Not Printed
	42455	R315-304	5YR	01/12/2018	Not Printed
	42456	R315-305	5YR	01/12/2018	Not Printed
<u>solid waste management</u> Environmental Quality, Waste Management and Radiation Control, Waste Management	42452	R315-301	5YR	01/12/2018	Not Printed
	42453	R315-302	5YR	01/12/2018	Not Printed
	42454	R315-303	5YR	01/12/2018	Not Printed
	42455	R315-304	5YR	01/12/2018	Not Printed
	42456	R315-305	5YR	01/12/2018	Not Printed
	42457	R315-306	5YR	01/12/2018	Not Printed
	42458	R315-307	5YR	01/12/2018	Not Printed
	42459	R315-308	5YR	01/12/2018	Not Printed
	42460	R315-309	5YR	01/12/2018	Not Printed
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	42462	R315-311	5YR	01/12/2018	Not Printed
	42463	R315-312	5YR	01/12/2018	Not Printed
	42464	R315-313	5YR	01/12/2018	Not Printed
	42465	R315-314	5YR	01/12/2018	Not Printed
	42466	R315-315	5YR	01/12/2018	Not Printed
	42467	R315-316	5YR	01/12/2018	Not Printed
	42468	R315-317	5YR	01/12/2018	Not Printed
	42469	R315-318	5YR	01/12/2018	Not Printed
	42470	R315-320	5YR	01/12/2018	Not Printed
<u>solid waste permit</u> Environmental Quality, Waste Management and Radiation Control, Waste Management	42453	R315-302	5YR	01/12/2018	Not Printed
<u>standards</u> Education, Administration	42324	R277-515	AMD	01/09/2018	2017-23/11
<u>state hospital</u> Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	Not Printed
<u>state residency</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42441	R414-302	5YR	01/08/2018	Not Printed
<u>stoves</u> Environmental Quality, Air Quality	42430	R307-356	EXT	01/02/2018	2018-2/59
<u>students</u> Education, Administration	42326	R277-621	NEW	01/09/2018	2017-23/17
<u>suggestions</u> Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	Not Printed
<u>taxes</u> Insurance, Administration	42438	R590-157	5YR	01/04/2018	Not Printed
<u>teacher certification</u> Education, Administration	42325	R277-519	AMD	01/09/2018	2017-23/16

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Pardons (Board Of), Administration	42297	R671-203	AMD	01/08/2018	2017-22/78	
<u>visitors</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	42475	R525-4	5YR	01/16/2018	Not Printed	
<u>vocational rehabilitation counselor</u>						
Commerce, Occupational and Professional Licensing	42243	R156-78-502	AMD	01/02/2018	2017-22/28	
<u>waste disposal</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	42453	R315-302	5YR	01/12/2018	Not Printed	
	42454	R315-303	5YR	01/12/2018	Not Printed	
	42457	R315-306	5YR	01/12/2018	Not Printed	
	42458	R315-307	5YR	01/12/2018	Not Printed	
	42459	R315-308	5YR	01/12/2018	Not Printed	
	42460	R315-309	5YR	01/12/2018	Not Printed	
	42461	R315-310	5YR	01/12/2018	Not Printed	
	42462	R315-311	5YR	01/12/2018	Not Printed	
	42463	R315-312	5YR	01/12/2018	Not Printed	
	42464	R315-313	5YR	01/12/2018	Not Printed	
	42465	R315-314	5YR	01/12/2018	Not Printed	
	42466	R315-315	5YR	01/12/2018	Not Printed	
	42467	R315-316	5YR	01/12/2018	Not Printed	
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	42469	R315-318	5YR	01/12/2018	Not Printed	
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<u>weapons</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	Not Printed	
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Natural Resources, Wildlife Resources	42449	R657-58	5YR	01/09/2018	Not Printed	
<u>wildlife law</u>						
Natural Resources, Wildlife Resources	42449	R657-58	5YR	01/09/2018	Not Printed	