UTAH STATE BULLETIN

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Nancy L. Lancaster, Managing Editor

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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

Environmental Quality Air Quality

Utah 2010 NO2 Infrastructure State Implementation Plan, Section 110(a)(2)(D)(i), Prongs I and II

On April 19, 2013, Utah submitted an Infrastructure State Implementation Plan (ISIP) for the 2010 NO₂ NAAQS. The ISIP cited EPA Administrator Gina McCarthy's November 19, 2012 memo, *Next Steps for Pending Redesignation Requests and State Implementation Plan Actions Affected by the Recent Court Decision Vacating the 2011 Cross-State Air Pollution Rule*. The memo outlined EPA's intention to abide by the EME Homer City decision (EME Homer City Generation, L.P. v. E.P.A., 696 F.3d 7 (D.C. Cir. 2012)). This decision required EPA to quantify state transport obligations before deeming SIPs deficient. The 2012 ISIP noted that EPA had not quantified Utah's obligation, and that the ISIP adequately addressed interstate transport obligations. However, on April 29, 2014, the U.S. Supreme Court reversed and remanded the D.C. Circuit's EME Homer City ruling and upheld EPA's approach in the Cross-State Air Pollution Rule (EPA v. EME Homer City Generation, L.P., 134 S. Ct. 1584, 1610 (2014)). As a result of the Supreme Court reversal, each state is required to address the interstate transport requirements of 110(a)(2)(D)(i) regardless of whether EPA has quantified the state's obligation. In response to the Supreme Court's decision, the following amendments update the Utah 2010 NO₂ ISIP, addressing prongs 1 and 2 of Section 110(a)(2)(D)(i), to adequately address its interstate transport obligations. This document is available for public comment and can be viewed at: https://deq.utah.gov/NewsNotices/notices/air/Pubrule.htm

The comment period closes at 5:00 p.m. on March 30, 2018. Comments postmarked on or before that date will be accepted. Comments may be submitted by electronic mail to thomasgunter@utah.gov or may be mailed to:

ATTN: NO2 ISIP Plan Bryce Bird, Director Utah Division of Air Quality PO Box 144820 Salt Lake City, UT 84114-4820

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a Proposed Rule when it determines the need for a 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 and reenact a new rule. Filings received between <u>February 02, 2018, 12:00 a.m.</u>, and <u>February 15, 2018, 11:59 p.m.</u> are included in this, the <u>March 01, 2018</u>, 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 April 2, 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 <u>June 29, 2018</u>, the agency may notify the Office of Administrative Rules that it wants to make the **P**ROPOSED **R**ULE 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 **C**HANGE IN **P**ROPOSED **R**ULE in response to comments received. If the Office of Administrative Rules does not receive a **N**OTICE OF **E**FFECTIVE **D**ATE OF a **C**HANGE IN **P**ROPOSED **R**ULE, the **P**ROPOSED **R**ULE lapses.

The public, interest groups, and governmental agencies are invited to review and comment on Proposed Rules. Comment may be directed to the contact person identified on the Rule Analysis for each rule.

PROPOSED RULES are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

Agriculture and Food, Administration **R51-5**

Rural Rehabilitation Loans

NOTICE OF PROPOSED RULE

(New Rule) DAR FILE NO.: 42559 FILED: 02/05/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Title 4, Chapter 19, authorizes the Utah Department of Agriculture and Food (Department) to administer a loan program. This new rule establishes procedures for the application, review, and closing of a loan. Additionally, it outlines the collection process.

SUMMARY OF THE RULE OR CHANGE: This rule establishes the basic qualifications for those seeking to apply for a Rural Rehabilitation Loan. It outlines the application, review, and approval process for the Department. This rule establishes the make up of the Agricultural Advisory Board subcommittee for the approval of the loans. Additionally, this rule establishes time frames associated with the collection process.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-19-102 and Section 4-19-103 and Subsection 4-2-103(i)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: This rule solidifies policies and procedures for the Department's loan division to follow. Nothing in this rule requires the division to changes the practices or procedures. There is no cost nor saving to the state budget with the formalizing of existing policies and procedures.
- ♦ LOCAL GOVERNMENTS: There are no anticipated costs or benefits to local governments as this rule neither requires action from nor provides benefit to local governments.
- ♦ SMALL BUSINESSES: This proposed rule may create a small benefit to small businesses as it clearly defines who is eligible to apply for a loan under the Rural Rehabilitation Loan Program. These loans are loans of last resort; therefore, this is the last opportunity for these businesses to receive funding. Due to the nature of these loans, it is not feasible for the Department to estimate the savings this will have for small businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule clearly specifies the eligibility for a loan and the process to apply for a loan. These loans are loans of last resort; therefore, this is the last opportunity for these individuals to receive funding. Those who seek these loans will have already been through the loan process with other lenders and should already have the necessary materials

prepared. There will be no additional costs to the individuals. Due to the nature of these loans, it is not feasible for the Department to estimate the savings this could have on the individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These are loans of last resort because of that the applicants should already have the necessary information prepared for other lenders. This would be the only cost associated with this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule would solidify and make public the eligibility requirements for a Rural Rehabilitation Loan from the Department. There will be no costs to those applying for the loan because they have already gone through the process with other lenders.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

AUTHORIZED BY: LuAnn Adams, Commissioner

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
Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
Total 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 new rule establishes the eligibility requirements for a Rural Rehabilitation Loan and clarifies the application processes for review and approval of the loans. There are no anticipated costs to businesses small or large. Due to the nature of these loans it is impossible to estimate how many will be given to large or small businesses. These are loans of last resort; therefore, any preparation cost associated with documentations for these loans should have already occurred when they sought financing from a different institution.

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

R51. Agriculture and Food, Administration.

R51-5. Rural Rehabilitation Loans.

R51-5-1. Authority

Pursuant to Sections 4-19-101 et seq. and 4-2-103(1)(i) of the Utah Code, this rule establishes the general operating practices by which the Rural Rehabilitation Loan program shall function.

R51-5-2. Definitions.

- (1) AGRICULTURAL ADVISORY BOARD: A twenty-one-member board appointed by the Commissioner of Agriculture to advise the Commissioner regarding: the planning, implementation, and administration of the Department of Agriculture and Food's programs as authorized by UCA 4-2-108.
 - (2) BOARD: The Agricultural Advisory Board
- (3) BORROWER/APPLICANT: A person applying to or borrowing Rural Rehabilitation federal or state funds.
- (4) COMMISSIONER: The Commissioner of the Utah Department of Agriculture and Food, who is responsible for the conduct and administration of the Rural Rehabilitation Loan Program within the State in accordance with the Use Agreement entered into in January 1975.
- (5) EXECUTIVE LOAN COMMITTEE: A committee consisting of the Board's chair, vice chair, and two other members selected for the Board who approve loans. The Executive Loan Committee shall be nominated at the beginning of each calendar year and shall serve a one year term.

R51-5-3. Program Objectives.

- (1) The program is available to any entity allowed under the January 1975 Use Agreement, state or federal law, including individual farmers and ranchers or agricultural cooperatives, corporations, or other entities that directly or indirectly provide assistance to such farmers or members of their families.
- (2) The Rural Rehabilitation Loan program may use funds for any purpose allowed under the January 1975 Use Agreement, including for one or more of the following rural rehabilitation purposes:
 - (a) Loans; such as:
 - (i) Real Estate Loans;
 - (ii) Farm Operating Loans;
 - (iii) Youth Loans;
 - (iv) Education Loans; or
 - (v) Irrigation and Water Conservation Projects
 - (b) Grants;
 - (i) Youth and Education Grant
 - (c) Reserve Fund; and
 - (d) Other Rural Rehabilitation Purposes
- (3) Loans shall be for lands within the borders of the State of Utah and any collateral or security for a loan must be located within the State of Utah.
- (4) Such portion of the cost of administration and protection of assets as necessary may be also used by the state for:
 - (a) Cost of Administration;
 - (b) Protection of the Assets; and
- (c) Temporary investments, annual reports, implementing agreements and other allowed uses.
- (5) The Department may not make a loan authorized under this chapter for a period to exceed 10-years but the loan is renewable. Total borrowings by any one entity shall be limited to no more than \$350,000 with each application.
- (6) For the purposes of protecting its interest in a defaulting loan, the Board may use either appropriated or repayment monies to purchase or otherwise obtain property in which the Board has acquired a security interest by any mortgage, trust deed, pledge, assignment, judgment, or other means at any execution, bankruptcy, or foreclosure sale.
- (7) The Board may also operate or lease, if necessary to protect is investment, any property in which it has an interest, or sell or otherwise dispose of such property to recover loaned funds.

R51-5-4. Loan Application.

- (1) Loan requests shall be accepted and processed from eligible Applicants regardless of race, age, sex, creed, color, religion, national origin, or on any other basis prohibited by law.
- (2) A request for a loan must be in writing as required on the forms provided by the Department.
- (3) The Executive Loan Committee and Board requires a minimum of 90 days to process, approve and close a loan.
- (4) A request for a loan may be filed at any time during the program year.
- (5) Approval of loan shall be subject to availability of funds. The loan staff shall impartially consider each loan application on the basis of program objectives and priorities set in place and approved by the Executive Loan Committee and Board.

(6) Use of loan money in conjunction with federal funds is encouraged. Applicants should apply for available federal (Farm Service Agency) or other cost-share assistance.

Committee and/or Board and in conjunction with the Commissioner, may adopt additional policies and procedures as necessary to carry out the purposes of the Rural Rehabilitation Loan program. These policies and procedures may be in addition to those outlined in this Rule.

R51-5-5. Application Procedure.

- (1) Any person or group of persons desiring to participate in the Rural Rehabilitation Loan program must apply through the Utah Department of Agriculture and Food through the Agriculture Loan department.
- (2) The one page application letter must contain all information needed as instructed on the Application Information page that shall be sent to the prospective Applicant upon inquiry to the loan program. To be considered, the application must contain all appropriate information as instructed, be fully completed, and must provide all requested personal information.
- (3) The completed application shall be sent directly to the Agriculture Loan department either by email or regular mail. Upon receipt, loan staff shall contact the Applicant and provide further information to the Applicant about the policies and procedures to obtain approval by the Board. This conversation and/or any other actions by the loan staff does not guarantee loan approval.

R51-5-6. Loan Review.

- (1) The application and required documentation shall be reviewed by loan staff and discussed with the Applicant(s) or their representative. Loan staff shall proceed with a policy compliance review, credit analysis and underwriting prior to presenting a written loan proposal to the Executive Loan Committee for approval.
- (2) Decisions concerning the use of loan program funds shall be the decision of the Agricultural Advisory Board by recommendation of the Commissioner and the Department loan staff.
- (3) The Board shall ensure, to the best of its ability, that available rural rehabilitation loan funds can be borrowed in accordance with this rule and state and federal laws. If there are insufficient funds to fund all loan applications, funds shall be distributed based on the date the complete application is received, in sequential order.
- (4) All loans shall be approved by a majority of the Executive Loan Committee and ratified by the Agricultural Advisory Board.
- (5) All credit approved on this basis shall be reported to the Board for ratification at the next scheduled Board meeting.

R51-5-7. Loan Closing.

- (1) Upon approval by the Executive Loan Committee and ratification by the Board, the Commissioner shall sign and make the final obligation of funds by signing the Rural Rehabilitation Obligation to Purchase form.
- (2) Loan staff shall prepare loan documents and instruction letter for the title company closing; including a signed Warrant Request to disburse funds.

- (3) The Borrower may proceed with the closing at the title company.
- (4) Neither the state, the Department nor the Board have any obligation to disburse funds prior to the completion of the above described procedures.
- (5) The Applicant shall be required to cover any costs incurred for loan closing including escrow fees, title insurance, recording fees, and appraisal when necessary.

R51-5-8. Collections.

- (1) Collection Policy. The following procedures should be followed on delinquent loans:
- (a) 30 Days Past Due: If payment has not been received within 30 days after due date, a delinquent notice reflecting the amount due including penalty shall be sent to the Borrower.
- (b) 60 Days Past Due: If payment has not been received within 60 days after due date, a second delinquent notice shall be sent out. Personal contact shall also be made by loan staff with the Borrower during this time period to try to collect the payment.
- (c) 90 Days Past Due: If payment has not been received within 90 days after due date, a third delinquent notice shall be sent out. This notice may also advise the Borrower that payment must be made or other satisfactory arrangements made with loan staff within 30 days or the account shall be assigned to the Attorney General's Office for appropriate action. Attempts to make personal contact by loan staff shall be made during this period of time to try to collect the payment or make acceptable arrangements with the Borrower.
- (d) 120 to 180 Days Past Due: Loan staff shall work with the Borrower to make satisfactory arrangements for payment of past due amounts. This may include modifying of the terms of the original contract to meet the Borrower's ability to perform on the obligation, taking additional or substitute collateral if the lender is deemed insecure, or any other appropriate actions to provide service for the Borrower and protect against loss should be done. If it appears that the Borrower shall be unable to pay the loan, refuses to communicate or cooperate with the Department or loan staff or fails to cure the delinquency, the account shall be assigned to the Attorney General's office for collection and foreclosure proceedings. These actions are at the discretion of the loan staff in consultation with the Commissioner or his/her designee and the Attorney General's Office.
- (2) Notwithstanding the above time guidelines, at any time, the loan staff, with approval from the Commissioner his/her designee, may consult with the Attorney General's Office on behalf of the Department to protect the state's interest in any pledged security or collateral on a loan or to protect its interest in any property, real or otherwise.
- (3) Notwithstanding the above time guidelines, the state or the Department may, at any time, pursue any legal or equitable remedy allowed under state or federal law to protect its interest in any pledged security or collateral on a loan or to protect its interest in any property, real or otherwise.

KEY: Rural Rehabilitation Loans, loans

Date of Enactment or Last Substantive Amendment: 2018 Authorizing, and Implemented or Interpreted Law: 4-19-103, 4-2-103(i), 4-19-102 DAR File No. 42582 NOTICES OF PROPOSED RULES

Commerce, Occupational and Professional Licensing **R156-1**

General Rule of the Division of Occupational and Professional Licensing

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42582
FILED: 02/13/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to amend DOPL's (Division of Occupational and Professional Licensing) umbrella rule to: 1) implement provisions of 2017 legislation, passed during the 2017 General Session, to include: a) H.B. 287, Cosmetology Licensing Act Amendments; b) S.B. 74, Medical Interpreter Act Amendments; c) H.B. 128, Health Care Debt Collection Amendments; and d) H.B. 142, Administration of Anesthesia Amendments; 2) make clarifying revisions; and 3) make technical revisions. It should be noted that this proposed rule filing is identical to Filing No. 42221, from the November 1, 2017 Bulletin, that will be allowed to lapse, except that proposed amendments concerning telehealth in Section R156-1-601 are not being included in this filing as amendments affecting that subject matter as they are still under review by DOPL. It is also noted by DOPL that a November 16, 2017 hearing was previously conducted with respect to these proposed amendments.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-1-102(1), this amendment clarifies that a license that has been placed on probation subject to terms and conditions is not "active and in good standing". In Subsection R156-1-308a(1), first, this amendment establishes two-year renewal dates for: 1) "hair designer", "hair designer instructor", and "hair designer school license" classifications (H.B. 287); 2) "restricted associate osteopathic physician" license classification (H.B. 396); and 3) "restricted associate physician" license classifications (H.B. 396), and second, this amendment changes the September 30 renewal dates for "CPA Firm" licensees and "Certified Public Accountant" licensees to December 31. In Subsection R156-1-308a(2), this amendment establishes a three-year renewal cycle date for tier 1 certified medical language interpreters and tier 2 certified medical language interpreters (S.B. 74). In Section R156-1-308d, this amendment: 1) establishes the parameters within which DOPL will grant continuing education credit to a licensee for volunteering as a subject-matter expert in the development of exams; and 2) clarifies that under Section 58-13-3, a health care professional licensee may fulfill up to 15% of the licensee's continuing education requirements by providing volunteer services at a qualified location. In Section

R156-1-308f, this amendment clarifies that the concept of conditional licensure may include the license of an applicant that is pending the completion of an inspection. In Section R156-1-501, in accordance with H.B. 128 (2017), this amendment designates as unprofessional conduct failing as a health care provider to follow the health care claims practices of Subsection 31A-26-301.5(4), in violation of Subsection 58-1-508(2). In Section R156-1-502, in accordance with H.B. 128 (2017), this amendment establishes the following fine schedule for violating Subsection 58-1-508(2) (failing as a health care provider to follow the health care claims practices of Subsection 31A-26-301.5(4)): first offense \$250, second offense \$500.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-1-308 and Subsection 58-1-106(1) (a) and Subsection 58-1-501(2)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: Rule R156-1 will have to be reprinted at an approximate cost of \$75. The clarification and technical changes will have no cost or savings impact. Any cost or saving impact of new licensure regulation was addressed in the referenced legislation, or will be described in separate rule filings more fully implementing the new regulation, or both.
- ♦ LOCAL GOVERNMENTS: This filing pertains to DOPL and its licensees and as such does not affect or impact local governments. Local governments neither enforce the listed violations, nor will they be affected by these application process clarifications.
- ♦ SMALL BUSINESSES: This filing pertains to general provisions of DOPL and its licensees. The clarification and technical changes will have no cost or savings impact. As a result, the DOPL estimates that they will have no impact on small business. Any cost or saving impact of new licensure regulation was addressed in the referenced legislation, or will be described in separate rule filings more fully implementing the new regulation, or both.
- PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This filing pertains to general provisions of DOPL and its licensees. The clarification and technical changes will have no cost or savings impact, because they only make formatting changes and add clarification to practices already taking place in the industry. Any cost or saving impact of new licensure regulation was addressed in the referenced legislation, or will be described in separate rule filings more fully implementing the new regulation, or both. In Subsection R156-1-308d(1), some savings to individual licensees may result from the proposed amendments to this subsection, under which the Division clarifies how and when it may grant continuing education credit to a licensee for volunteering as a subject-matter expert in the development of exams. Licensees who choose to volunteer by serving as a subject matter expert may save on the cost of attendance at one or more continuing education courses. However, the amount of the savings cannot be estimated, as it will vary significantly from licensee to licensee depending on a number of widely

ranging factors, such as the number and type of volunteer services provided, any individual ratios for service hours decided upon by the licensing board over the licensee's profession, and the number and type of credit hours required from the licensee to maintain that particular license. In Section R156-1-502, DOPL estimates that there will be no cost or savings to other persons from these proposed amendments, over and above the impact from the underlying legislation, because the amendments establish a fine schedule for unprofessional conduct in accordance with H.B. 128 (2017). Costs or savings to other persons were included in the Legislature's consideration of H.B. 128 (2017), which determined that enactment of the legislation "could result in 24 licensees annually paying a \$500 fine for total costs of \$12,000". The fiscal analysis is available from the Utah State Legislature website at https://le.utah.gov/~2017/bills/static/ HB0128.html. This conclusion is supported by the fact that any impact from these amendments cannot and should not be scaled to all other persons, as the fines will not affect the majority of those who meet the new professional standards and will never be fined. In other words, the impact of the fines will never be uniformly felt across the industry. Additionally, per DOPL's review, a licensee sanctioned for unprofessional conduct is unlikely to be fined again in succeeding years. In short, after conducting a thorough analysis, DOPL has determined that these proposed amendments will not result in a measurable fiscal impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This filing pertains to general provisions of DOPL and its licensees. The clarification and technical changes will have no cost or savings impact. Any cost or savings impact of new licensure regulation was addressed in the referenced legislation, or will be described in separate rule filings more fully implementing the new regulation, or both.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to Rule R156-1 are proposed to: 1) carry out the mandate of H.B. 287 (2017), Cosmetology Licensing Act amendments, S.B. 74, Medical Interpreter Act amendments, H.B. 128, Health Care Debt Collection amendments, and H.B. 142. Administration of Anesthesia amendments; 2) make clarifying revisions; and 3) make technical revisions. The clarifying revisions and the technical revisions have no fiscal or non-fiscal impacts. Subsection R156-1-308a(1) amendments establish two-year renewal cycles for licensing five new categories of licensees and changes the "CPA Firm" renewal date from September 30 to December 31. The new categories of licensees will have a renewal cycle similar to other licensees in the same field and there will be no adverse fiscal impact. The threemonth change to the renewal cycle of CPA Firms will have a negligible impact, and only in the first year of the change. The Subsection R156-1-308a(2) amendments have no adverse fiscal impact by establishing a three-year license renewal cycle for certain medical language interpreters. The Section R156-1-308d amendments will have no adverse

fiscal impact to small businesses by granting continuing education credit to certain licensees providing volunteer service. The Section R156-1-308f amendment clarifies that the concept of conditional licensure may include the license of an applicant that is pending the completion of an inspection, and will have no adverse fiscal impact to small businesses. The Section R156-1-501 amendment clarifies certain conduct as constituting unprofessional conduct, and will have no adverse fiscal impact to small businesses. The Section R156-1-502 amendment provides a two-tier fine schedule for violations of Subsection 58-1-508(2) and will impact only those health care providers that fail to follow certain health care claims practices. This would impact only violators and would not have an adverse fiscal impact on small business health care providers as a whole. As reflected in the Appendix 1 table, the only fiscal impact will be the first year printing costs of \$75 for the rule amendments. This filing pertains to general provisions of DOPL and its licensees. The clarification and technical changes will have no cost or savings impact. As a result, DOPL estimates that they will have no impact on small businesses. Any cost or savings impact of the new licensure regulation was addressed in the referenced legislation, or will be described in separate rule filings more fully implementing the new regulation, or both.

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:

♦ W. Ray Walker by phone at 801-530-6256, by FAX at 801-530-6511, or by Internet E-mail at raywalker@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

AUTHORIZED BY: Mark Steinagel, Director

Appendix 1: Regulat	ory Impact Su	mmary Table	+
Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$75.00	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small	\$0	\$0	\$0	
Businesses	T 0	7 0	1 0	
Other Person	\$0	\$0	\$0	
Total Fiscal Costs:	\$75	\$0	\$0	
Fiscal Benefits				
State Government	\$0	\$0	\$0	_
Local Government	\$0	\$0	\$0	
Small Businesses	\$0	\$0	\$0	_
SMGII BGGINGGGG	7 0	7 0		
Non-Small	\$0	\$0	\$0	_
Businesses				
Other Persons	\$0	\$0	\$0	_
Total Fisca	1\$0	\$0	\$0	_
Benefits:			ľ	
				_
Net Fisca	180	\$0	\$0	
Benefits:	140	Ų 0	Y 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 filing pertains to general provisions of the Division of Occupational and Professional Licensing and its licensees. The clarification and technical changes will have no cost or savings impact. As a result, the Division estimates that they will have no impact on non-small business. Any cost or saving impact of new licensure regulation was addressed in the referenced legislation, or will be described in separate rule filings more fully implementing the new regulation, or both.

The head of Department of Commerce, Francine Giani, has reviewed and approved this fiscal analysis.

R156. Commerce, Occupational and Professional Licensing. R156-1. General Rule of the Division of Occupational and Professional Licensing.

R156-1-102. Definitions.

In addition to the definitions in Title 58, as used in Title 58 or this rule:

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

probation subject to terms and conditions is not active and in good standing.

- (2) "Aggravating circumstances" means any consideration or factors that may justify an increase in the severity of an action to be imposed upon an applicant or licensee. Aggravating circumstances include:
- (a) prior record of disciplinary action, unlawful conduct, or unprofessional conduct;
 - (b) dishonest or selfish motive;
 - (c) pattern of misconduct;
 - (d) multiple offenses;
- (e) obstruction of the disciplinary process by intentionally failing to comply with rules or orders of the Division;
- (f) submission of false evidence, false statements or other deceptive practices during the disciplinary process including creating, destroying or altering records after an investigation has begun;
- (g) refusal to acknowledge the wrongful nature of the misconduct involved, either to the client or to the Division:
 - (h) vulnerability of the victim;
- (i) lack of good faith to make restitution or to rectify the consequences of the misconduct involved;
- (j) illegal conduct, including the use of controlled substances; and
- (k) intimidation or threats of withholding clients' records or other detrimental consequences if the client reports or testifies regarding the unprofessional or unlawful conduct.
- (3) "Cancel" or "cancellation" means nondisciplinary action by the Division to rescind, repeal, annul, or void a license:
- (a) issued to a licensee in error, such as where a license is issued to an applicant:
- (i) whose payment of the required application fee is dishonored when presented for payment;
- (ii) who has been issued a conditional license pending a criminal background check and the check cannot be completed due to the applicant's failure to resolve an outstanding warrant or to submit acceptable fingerprint cards;
- (iii) who has been issued the wrong classification of licensure; or
 - (iv) due to any other error in issuing a license; or
- (b) not issued erroneously, but where subsequently the licensee fails to maintain the ongoing qualifications for licensure, when such failure is not otherwise defined as unprofessional or unlawful conduct.
- (4) "Charges" means the acts or omissions alleged to constitute either unprofessional or unlawful conduct or both by a licensee, which serve as the basis to consider a licensee for inclusion in the diversion program authorized in Section 58-1-404.
- (5) "Conditional licensure" means an interim non-adverse licensure action, in which a license is issued to an applicant for initial, renewal, or reinstatement of licensure on a conditional basis in accordance with Section R156-1-308f, while an investigation, inspection, or audit is pending.
- (6) "Denial of licensure" means action by the Division refusing to issue a license to an applicant for initial licensure, renewal of licensure, reinstatement of licensure or relicensure.
- (7)(a) "Disciplinary action" means adverse licensure action by the Division under the authority of Subsections 58-1-401(2)(a) through (2)(b).

- (b) "Disciplinary action", as used in Subsection 58-1-401(5), shall not be construed to mean an adverse licensure action taken in response to an application for licensure. Rather, as used in Subsection 58-1-401(5), it shall be construed to mean an adverse action initiated by the Division.
- (8) "Diversion agreement" means a formal written agreement between a licensee, the Division, and a diversion committee, outlining the terms and conditions with which a licensee must comply as a condition of entering in and remaining under the diversion program authorized in Section 58-1-404.
- (9) "Diversion committees" mean diversion advisory committees authorized by Subsection 58-1-404(2)(a)(i) and created under Subsection R156-1-404a.
- (10) "Duplicate license" means a license reissued to replace a license which has been lost, stolen, or mutilated.
- (11) "Emergency review committees" mean emergency adjudicative proceedings review committees created by the Division under the authority of Subsection 58-1-108(2).
- (12) "Expire" or "expiration" means the automatic termination of a license which occurs:
- (a) at the expiration date shown upon a license if the licensee fails to renew the license before the expiration date; or
 - (b) prior to the expiration date shown on the license:
 - (i) upon the death of a licensee who is a natural person;
- (ii) upon the dissolution of a licensee who is a partnership, corporation, or other business entity; or
- (iii) upon the issuance of a new license which supersedes an old license, including a license which:
 - (A) replaces a temporary license;
- (B) replaces a student or other interim license which is limited to one or more renewals or other renewal limitation; or
- (C) is issued to a licensee in an upgraded classification permitting the licensee to engage in a broader scope of practice in the licensed occupation or profession.
- (13) "Inactive" or "inactivation" means action by the Division to place a license on inactive status in accordance with Sections 58-1-305 and R156-1-305.
- (14) "Investigative subpoena authority" means, except as otherwise specified in writing by the director, the Division regulatory and compliance officer, or if the Division regulatory and compliance officer is unable to so serve for any reason, a Department administrative law judge, or if both the Division regulatory and compliance officer and a Department administrative law judge are unable to so serve for any reason, an alternate designated by the director in writing.
- (15) "License" means a right or privilege to engage in the practice of a regulated occupation or profession as a licensee.
- (16) "Limit" or "limitation" means nondisciplinary action placing either terms and conditions or restrictions or both upon a license:
- (a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure; or
- (b) issued to a licensee in place of the licensee's current license or disciplinary status.
- (17) "Mitigating circumstances" means any consideration or factors that may justify a reduction in the severity of an action to be imposed upon an applicant or licensee.
 - (a) Mitigating circumstances include:

- (i) absence of prior record of disciplinary action, unlawful conduct or unprofessional conduct;
- (ii) personal, mental or emotional problems provided such problems have not posed a risk to the health, safety or welfare of the public or clients served such as drug or alcohol abuse while engaged in work situations or similar situations where the licensee or applicant should know that they should refrain from engaging in activities that may pose such a risk;
- (iii) timely and good faith effort to make restitution or rectify the consequences of the misconduct involved;
- (iv) full and free disclosure to the client or Division prior to the discovery of any misconduct;
- (v) inexperience in the practice of the occupation and profession provided such inexperience is not the result of failure to obtain appropriate education or consultation that the applicant or licensee should have known they should obtain prior to beginning work on a particular matter;
- (vi) imposition of other penalties or sanctions if the other penalties and sanctions have alleviated threats to the public health, safety, and welfare; and
 - (vii) remorse.
- (b) The following factors may not be considered as mitigating circumstances:
 - (i) forced or compelled restitution;
- (ii) withdrawal of complaint by client or other affected persons;
 - (iii) resignation prior to disciplinary proceedings;
 - (iv) failure of injured client to complain;
 - (v) complainant's recommendation as to sanction; and
- (vi) in an informal disciplinary proceeding brought pursuant to Subsection 58-1-501(2)(c) or (d) or Subsections R156-1-501(1) through (5):
- (A) argument that a prior proceeding was conducted unfairly, contrary to law, or in violation of due process or any other procedural safeguard;
- (B) argument that a prior finding or sanction was contrary to the evidence or entered without due consideration of relevant evidence;
- (C) argument that a respondent was not adequately represented by counsel in a prior proceeding; and
- (D) argument or evidence that former statements of a respondent made in conjunction with a plea or settlement agreement are not, in fact, true.
- (18) "Nondisciplinary action" means adverse licensure action by the Division under the authority of Subsections 58-1-401(1) or 58-1-401(2)(c) through (2)(d).
- (19) "Peer committees" mean advisory peer committees to boards created by the legislature in Title 58 or by the Division under the authority of Subsection 58-1-203(1)(f).
- (20) "Probation" means disciplinary action placing terms and conditions upon a license;
- (a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure; or
- (b) issued to a licensee in place of the licensee's current license or disciplinary status.
- (21) "Public reprimand" means disciplinary action to formally reprove or censure a licensee for unprofessional or unlawful conduct, with the documentation of the action being classified as a public record.

- (22) "Regulatory authority" as used in Subsection 58-1-501(2)(d) means any governmental entity who licenses, certifies, registers, or otherwise regulates persons subject to its jurisdiction, or who grants the right to practice before or otherwise do business with the governmental entity.
- (23) "Reinstate" or "reinstatement" means to activate an expired license or to restore a license which is restricted, as defined in Subsection (26)(b), or is suspended, or placed on probation, to a lesser restrictive license or an active in good standing license.
- (24) "Relicense" or "relicensure" means to license an applicant who has previously been revoked or has previously surrendered a license.
- (25) "Remove or modify restrictions" means to remove or modify restrictions, as defined in Subsection (25)(a), placed on a license issued to an applicant for licensure.
- (26) "Restrict" or "restriction" means disciplinary action qualifying or limiting the scope of a license:
- (a) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure in accordance with Section 58-1-304; or
- (b) issued to a licensee in place of the licensee's current license or disciplinary status.
- (27) "Revoke" or "revocation" means disciplinary action by the Division extinguishing a license.
- (28) "Suspend" or "suspension" means disciplinary action by the Division removing the right to use a license for a period of time or indefinitely as indicated in the disciplinary order, with the possibility of subsequent reinstatement of the right to use the license.
- (29) "Surrender" means voluntary action by a licensee giving back or returning to the Division in accordance with Section 58-1-306, all rights and privileges associated with a license issued to the licensee.
- (30) "Temporary license" or "temporary licensure" means a license issued by the Division on a temporary basis to an applicant for initial licensure, renewal or reinstatement of licensure, or relicensure in accordance with Section 58-1-303.
- (31) "Unprofessional conduct" as defined in Title 58 is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-1-[502]501.
- (32) "Warning or final disposition letters which do not constitute disciplinary action" as used in Subsection 58-1-108(3) mean letters which do not contain findings of fact or conclusions of law and do not constitute a reprimand, but which may address any or all of the following:
 - (a) Division concerns;
 - (b) allegations upon which those concerns are based;
 - (c) potential for administrative or judicial action; and
 - (d) disposition of Division concerns.

R156-1-308a. Renewal Dates.

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

TABLE RENEWAL DATES

Acupuncturist May 31 even years
Advanced Practice Registered Nurse January 31 even years
Advanced Practice Registered

Nurse-CRNA	January 31 even years
Architect	May 31 even years
Athlete Agent	September 30 even years
Athletic Trainer Audiologist	May 31 odd years May 31 odd years
Barber	September 30 odd years
Barber Apprentice	September 30 odd years
Barber School	September 30 odd years
Behavior Analyst and	0 1 20
Assistant Behavior Analyst	September 30 even years
Behavior Specialist and Assistant Behavior Specialist	September 30 even years
Building Inspector	November 30 odd years
Burglar Alarm Security	March 31 odd years
C.P.A. Firm	[September 30] <u>December 31</u> even year
S Contified Count Reporter	May 31 oven years
Certified Court Reporter Certified Dietitian	May 31 even years September 30 even years
Certified Medical Language Interpr	
Certified Nurse Midwife	January 31 even years
Certified Public Accountant	[September 30] <u>December 31</u> even year
S Contribind Contrib Hondon	Caralanda 20 anns anns
Certified Social Worker Chiropractic Physician	September 30 even years May 31 even years
Clinical Mental Health Counselor	September 30 even years
Clinical Social Worker	September 30 even years
Construction Trades Instructor	November 30 odd years
Contractor	November 30 odd years
Controlled Substance License Controlled Substance Precursor	Attached to primary license renewal
Controlled Substance Handler	May 31 odd years September 30 odd years
Cosmetologist/Barber	September 30 odd years
Cosmetologist/Barber Apprentice	September 30 odd years
Cosmetology/Barber School	September 30 odd years
Deception Detection	November 30 even years
Deception Detection Examiner, Deception Detection Intern,	
Deception Detection Administrato	r
Dental Hygienist	May 31 even years
Dentist	May 31 even years
Direct-entry Midwife	September 30 odd years
Dispensing Medical Practitioner Advanced Practice Registered Nur	S A
Optometrist, Osteopathic Physici	
and Surgeon, Physician and Surge	
Physician Assistant	September 30 odd years
Dispensing Medical Practitioner	Contambour 20 add arrays
Clinic Pharmacy Electrician	September 30 odd years
Apprentice, Journeyman, Master,	
Residential Journeyman,	
Residential Master	November 30 even years
Electrologist	September 30 odd years
Electrology School Elevator Mechanic	September 30 odd years November 30 even years
Environmental Health Scientist	May 31 odd years
Esthetician	September 30 odd years
Esthetician Apprentice	September 30 odd years
Esthetics School	September 30 odd years
Factory Built Housing Dealer Funeral Service Director	September 30 even years May 31 even years
Funeral Service Establishment	May 31 even years
Genetic Counselor	September 30 even years
Hair Designer	September 30 odd years
Hair Designer Instructor	September 30 odd years
Hair Designer School Health Facility Administrator	September 30 odd years May 31 odd years
Hearing Instrument Specialist	September 30 even years
Internet Facilitator	September 30 odd years
Landscape Architect	May 31 even years
Licensed Advanced Substance	May 21 add years
Use Disorder Counselor Licensed Practical Nurse	May 31 odd years January 31 even years
Licensed Substance	May 31 odd years
Use Disorder Counselor	•

Marriage and Family Therapist	September 30	even years
Massage Apprentice		odd years
Massage Therapist	May 31	odd years
Master Esthetician	September 30	
Master Esthetician Apprentice	September 30	
Medication Aide Certified		odd years
Music Therapist		odd years
Nail Technologist	September 30	
Nail Technologist Apprentice	September 30	
Nail Technology School	September 30	
Naturopath/Naturopathic	May 31	even years
Physician		even years
Occupational Therapist	May 31 May 31	odd years
Occupational Therapy Assistant	May 31	odd years
Optometrist	September 30	
Osteopathic Physician and		even years
Surgeon, Online Prescriber,	May 31	even years
Restricted Associate Osteopathic		
Physician Outfitton/Hunting Cuido	May 21	01/05 1/0255
Outfitter/Hunting Guide	May 31	even years
Pharmacy Class A-B-C-D-E, Online Contract Pharmacy	September 30	oud years
Pharmacist	C+ 20	
	September 30	
Pharmacy Technician Physical Therapist	September 30	
		odd years
Physical Therapist Assistant	May 31	odd years
Physician Assistant		even years
Physician and Surgeon,	January 31	even years
Online Prescriber, Restricted		
Associate Physician		
Plumber		
Apprentice, Journeyman,		
Master, Residential Master,		
Master, Residential Master, Residential Journeyman	November 30	
Master, Residential Master, Residential Journeyman Podiatric Physician	November 30 September 30	
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement	September 30	even years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent	September 30 May 31	even years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider	September 30 May 31 May 31	even years even years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer	September 30 May 31 May 31 March 31	even years even years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist	September 30 May 31 May 31 March 31 March 31	even years even years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Land Surveyor	May 31 May 31 March 31 March 31 March 31	even years even years odd years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist	September 30 May 31 May 31 March 31 March 31	even years even years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Land Surveyor	September 30 May 31 May 31 March 31 March 31 March 31 March 31	even years odd years odd years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Land Surveyor Professional Structural	May 31 May 31 March 31 March 31 March 31	even years odd years odd years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Land Surveyor Professional Structural Engineer	September 30 May 31 May 31 March 31 March 31 March 31 March 31	even years odd years odd years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Land Surveyor Professional Structural Engineer Psychologist Radiologic Technologist, Radiology Practical Technician	September 30 May 31 May 31 March 31 March 31 March 31 March 31 March 31 September 30	even years odd years odd years odd years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Structural Engineer Psychologist Radiologic Technologist,	September 30 May 31 May 31 March 31 March 31 March 31 March 31 March 31 September 30	even years odd years odd years odd years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Land Surveyor Professional Structural Engineer Psychologist Radiologic Technologist, Radiology Practical Technician	September 30 May 31 May 31 March 31 March 31 March 31 March 31 March 31 September 30	even years odd years odd years odd years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Land Surveyor Professional Structural Engineer Psychologist Radiologic Technologist, Radiology Practical Technician Radiologist Assistant Recreational Therapy Therapeutic Recreation Technicia	September 30 May 31 May 31 March 31 March 31 March 31 March 31 March 31 September 30 May 31	even years odd years odd years odd years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Land Surveyor Professional Structural Engineer Psychologist Radiologic Technologist, Radiology Practical Technician Radiologist Assistant Recreational Therapy	September 30 May 31 May 31 March 31 March 31 March 31 March 31 March 31 September 30 May 31	even years odd years odd years odd years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Structural Engineer Psychologist Radiologic Technologist, Radiology Practical Technician Radiologist Assistant Recreational Therapy Therapeutic Recreation Specialis Master Therapeutic	September 30 May 31 May 31 March 31 March 31 March 31 March 31 March 31 September 30 May 31	even years odd years odd years odd years odd years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Land Surveyor Professional Structural Engineer Psychologist Radiologic Technologist, Radiology Practical Technician Radiologist Assistant Recreational Therapy Therapeutic Recreation Technicia Therapeutic Recreation Specialis	September 30 May 31 May 31 March 31 March 31 March 31 September 30 May 31 May 31	even years even years odd years odd years odd years odd years odd years even years odd years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Structural Engineer Psychologist Radiologic Technologist, Radiology Practical Technician Radiologist Assistant Recreational Therapy Therapeutic Recreation Specialis Master Therapeutic	September 30 May 31 May 31 March 31 March 31 March 31 September 30 May 31 n, t, May 31 January 31	even years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Geologist Professional Structural Engineer Psychologist Radiologic Technologist, Radiologic Technologist, Radiologist Assistant Recreational Therapy Therapeutic Recreation Technicia Therapeutic Recreation Specialis Master Therapeutic Recreations Specialist	September 30 May 31 May 31 March 31 March 31 March 31 September 30 May 31 January 31 September 30	even years even years odd years odd years odd years odd years odd years even years odd years
Master, Residential Master, Residential Journeyman Podiatric Physician Pre Need Funeral Arrangement Sales Agent Private Probation Provider Professional Engineer Professional Engineer Professional Land Surveyor Professional Structural Engineer Psychologist Radiologic Technologist, Radiology Practical Technician Radiologist Assistant Recreational Therapy Therapeutic Recreation Technicia Therapeutic Recreation Specialis Master Therapeutic Recreation Specialist Registered Nurse	September 30 May 31 May 31 March 31 March 31 March 31 September 30 May 31 n, t, May 31 January 31	even years even years odd years odd years odd years odd years odd years even years odd years
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- (2) The following non-standard renewal terms and renewal or extension cycles are established by license classification in accordance with Subsection 58-1-308(1) and in accordance with specific requirements of the license:
- (a) Associate Clinical Mental Health Counselor licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the Board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.

- (b) Associate Marriage and Family Therapist licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.
- (c) Certified Advanced Substance Use Disorder Counselor licenses shall be issued for a period of four years and may be extended if the licensee presents satisfactory evidence to the Division and Board that reasonable progress is being made toward completing the required hours of supervised experience necessary for the next level of licensure.
- (d) Certified Advanced Substance Use Disorder Counselor Intern licenses shall be issued for a period of six months or until the examination is passed whichever occurs first.
- (e) Certified Medical Language Interpreter Tier 1 and 2 licenses shall be issued for a period of three years and may be renewed. The initial renewal date of March 31, 2017, is established for these license classifications, subject to the provisions of Subsection R156-1-308c(7) to establish the length of the initial license period.
- ([e]f) Certified Substance Use Disorder Counselor licenses shall be issued for a period of two years and may be extended if the licensee presents satisfactory evidence to the Division and Board that reasonable progress is being made toward completing the required hours of supervised experience necessary for the next level of licensure.
- ([f]g) Certified Social Worker Intern licenses shall be issued for a period of six months or until the examination is passed whichever occurs first.
- ([g]h) Certified Substance Use Disorder Counselor Intern licenses shall be issued for a period of six months or until the examination is passed, whichever occurs first.
- ([h]i) Funeral Service Intern licenses shall be issued for a two year term and may be extended for an additional two year term if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.
- ([i]i) Hearing Instrument Intern licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the Board that reasonable progress is being made toward passing the qualifying examination, but a circumstance arose beyond the control of the licensee, to prevent the completion of the examination process.
- ([j]k) Pharmacy technician trainee licenses shall be issued for a period of two years and may be extended if the licensee presents satisfactory evidence to the Division and the Board that reasonable progress is being made toward completing the requirements necessary for the next level of licensure.
- ([k]]) Psychology Resident licenses shall be issued for a two year term and may be extended if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the

date the minimum supervised experience requirement has been completed.

- ([1]m) Type I Foreign Trained Physician-Educator licenses will be issued initially for a one-year term and thereafter renewed every two years following issuance.
- ([m]n) Type II Foreign Trained Physician-Educator licenses will be issued initially for an annual basis and thereafter renewed annually up to four times following issuance if the licensee continues to satisfy the requirements described in Subsection 58-67-302.7(3) and completes the required continuing education requirements established under Section 58-67-303.

R156-1-308d. Waiver of Continuing Education Requirements - Credit for Volunteer Service Renewal Requirements.

- (1)(a) In accordance with Subsection 58-1-203(1)(g), a licensee may request a waiver of any continuing education requirement established under this title or an extension of time to complete any requirement on the basis that the licensee was unable to complete the requirement due to a medical or related condition, humanitarian or ecclesiastical services, extended presence in a geographical area where continuing education is not available, etc.
- (b) A request must be submitted no later than the deadline for completing any continuing education requirement.
- (c) A licensee submitting a request has the burden of proof and must document the reason for the request to the satisfaction of the Division.
- (d) A request shall include the beginning and ending dates during which the licensee was unable to complete the continuing education requirement and a detailed explanation of the reason why. The explanation shall include the extent and duration of the impediment, extent to which the licensee continued to be engaged in practice of his profession, the nature of the medical condition, the location and nature of the humanitarian services, the geographical area where continuing education is not available, etc.
- (e) The Division may require that a specified number of continuing education hours, courses, or both, be obtained prior to reentering the practice of the profession or within a specified period of time after reentering the practice of the profession, as recommended by the appropriate board, in order to assure competent practice.
- (f) While a licensee may receive a waiver from meeting the minimum continuing education requirements, the licensee shall not be exempted from the requirements of Subsection 58-1-501(2) (i), which requires that the licensee provide services within the competency, abilities and education of the licensee. If a licensee cannot competently provide services, the waiver of meeting the continuing education requirements may be conditioned upon the licensee limiting practice to areas in which the licensee has the required competency, abilities and education.
- (2)(a) In accordance with Subsection 58-1-203(1)(g) and 58-55-302.5(2)(e)(i), the Division may grant continuing education credit to a licensee for volunteering as a subject-matter expert in the review and development of licensing exams for the licensee's profession.
- (b) Subject to specific limitations established by rule by the Division, in collaboration with a licensing board, or the Construction Services Commission, this volunteer continuing education credit shall:

- (i) apply to the license period or periods during which the volunteer service was provided;
- (ii) be granted on a 1:1 ratio, meaning that for each hour of attendance, the licensee may receive one hour of credit;
- (iii) be deemed "core", "classroom", or "live" credit, regardless of whether the licensee attended meetings in person or electronically; and
- (iv) at the licensee's discretion, all or part of the credit hours may be counted towards any law or ethics continuing education requirements.
- (c) The licensee shall be responsible for maintaining information with respect to the licensee's volunteer services to demonstrate the services meet the requirements of this subsection.
- (3) In accordance with Section 58-13-3, a health care professional licensee may fulfill up to 15% of the licensee's continuing education requirements by providing volunteer services at a qualified location, within the scope of the licensee's license, earning one hour of continuing education credit for every four documented hours of volunteer services.

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

- (1) When an initial, renewal or reinstatement applicant under Subsections 58-1-301(2) through (3) or 58-1-308(5) or (6)(b) is selected for audit, [or—]is under investigation, or is pending inspection, the Division may conditionally issue an initial license to an applicant for initial licensure, or renew or reinstate the license of an applicant pending the completion of the audit, [or—]investigation or inspection.
- (2) The undetermined completion of a referenced audit, [or—]investigation or inspection, rather than the established expiration date, shall be indicated as the expiration date of a conditionally issued, renewed, or reinstated license.
- (3) A conditional issuance, renewal, or reinstatement shall not constitute an adverse licensure action.
- (4) Upon completion of the audit, [or-]investigation, or inspection, the Division shall notify the initial license, renewal, or reinstatement applicant whether the applicant's license is unconditionally issued, renewed, reinstated, denied, or partially denied or reinstated.
- (5) A notice of unconditional denial or partial denial of licensure to an applicant the Division conditionally licensed, renewed, or reinstated shall include the following:
- (a) that the applicant's unconditional initial issuance, renewal, or reinstatement of licensure is denied or partially denied and the basis for such action;
- (b) the Division's file or other reference number of the audit or investigation; and
- (c) that the denial or partial denial of unconditional initial licensure, renewal, or reinstatement of licensure is subject to review and a description of how and when such review may be requested.

R156-1-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) surrendering licensure to any other licensing or regulatory authority having jurisdiction over the licensee or

applicant in the same occupation or profession while an investigation or inquiry into allegations of unprofessional or unlawful conduct is in progress or after a charging document has been filed against the applicant or licensee alleging unprofessional or unlawful conduct;

- (2) practicing a regulated occupation or profession in, through, or with a limited liability company which has omitted the words "limited company," "limited liability company," or the abbreviation "L.C." or "L.L.C." in the commercial use of the name of the limited liability company;
- (3) practicing a regulated occupation or profession in, through, or with a limited partnership which has omitted the words "limited partnership," "limited," or the abbreviation "L.P." or "Ltd." in the commercial use of the name of the limited partnership;
- (4) practicing a regulated occupation or profession in, through, or with a professional corporation which has omitted the words "professional corporation" or the abbreviation "P.C." in the commercial use of the name of the professional corporation;
- (5) using a DBA (doing business as name) which has not been properly registered with the Division of Corporations and with the Division of Occupational and Professional Licensing;
- (6) failing, as a prescribing practitioner, to follow the "Model Policy for the Use of Controlled Substances for the Treatment of Pain", 2004, established by the Federation of State Medical Boards, which is hereby adopted and incorporated by reference:
- (7) failing, as a prescribing practitioner, to follow the "Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain", July 2013, adopted by the Federation of State Medical Boards, which is incorporated by reference; [-or]
- (8) violating any term, condition, or requirement contained in a "diversion agreement", as defined in Subsection 58-1-404(6)(a); or
- (9) failing, as a health care provider, to follow the health care claims practices of Subsection 31A-26-301.5(4), in violation of Subsection 58-1-508(2).

R156-1-502. Administrative Penalties.

(1) In accordance with Subsection 58-1-401(5) and Section 58-1-502, except as otherwise provided by a specific chapter under Title R156, the following fine schedule shall apply to citations issued under the referenced authority:

TABLE

FINE SCHEDULE	
FIRST OFFENSE	
Violation 58-1-501(1)(a) 58-1-501(1)(c) 58-1-501(2)(o) 58-1-508(2)	Fine \$ 500.00 \$ 800.00 \$ 0 - \$250.00
SECOND OFFENSE 58-1-501(1)(a) 58-1-501(1)(c) 58-1-501(2)(o) 58-1-508(2)	\$1,000.00 \$1,600.00 \$251.00 - \$500.00 \$ 500.00

THIRD OFFENSE

Double the amount for a second offense with a maximum amount not to exceed the maximum fine allowed under Subsection 58-1-502(2)(j)(iii).

- (2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor.
- (3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.
- (4) An investigative supervisor or chief investigator may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.
- (5) The presiding officer for a contested citation shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator based upon the evidence reviewed.

KEY: diversion programs, licensing, supervision, evidentiary restrictions

Date of Enactment or Last Substantive Amendment: [April 11, 2017|2018

Notice of Continuation: December 6, 2016

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)

(a); 58-1-308; 58-1-501(2)

Education, Administration R277-116 Audit Procedure

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42609
FILED: 02/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-116 is amended to provide clarity to the Board of Education (Board) procedures for audits of agencies, and outlines the role of the Audit Director, Superintendent, and agency in the audit process.

SUMMARY OF THE RULE OR CHANGE: Rule R277-116 is amended to remove items that are the Board's guidance to their staff, which is more appropriately included in an internal policy and procedure; remove the internal audit process that applies to internal audits of the Board, which is more appropriately included in an internal policy and procedure; and include clarity on the corrective action process after a Board internal audit is completed.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X Sec 3 and Section 53E-3-602 and Section 53E-3-603 and Section 53E-3-603 and Section 63I-5-201 and Subsection 53E-3-401(9) and Subsection 53F-2-204(2)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: This rule change is not estimated to have a fiscal impact on the state budget. This rule was amended to clarify the audit process for Board internal audits of entities governed by or receiving resources from the Board.
- ♦ LOCAL GOVERNMENTS: This rule change is not estimated to have a fiscal impact on local governments. Rule R277-116 is amended to provide clarity of the Board's procedures for audits of agencies and outlines the role of the Audit Director, Superintendent, and agency in the audit process.
- ♦ SMALL BUSINESSES: This rule change is not estimated to have a fiscal impact on the small businesses. Rule R277-116 is amended to provide clarity of the Board's procedures for audits of agencies, outline the role of the Audit Director, Superintendent, and agency in the audit process.
- ♦ 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. This rule was amended to clarify the audit process for Board internal audits of entities governed by or receiving resources from the Board.

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: Administrative Rule R277-116 outlines the audit process for the Utah State Board of Education (Board) internal audits of entities governed by or receiving resources from the Board. Based on feedback from the Audit Committee, the Board Internal Audit Department reviewed R277-116 and proposed the following changes: 1) remove items that are Board guidance to their staff, which is more appropriately included in an internal policy and procedure; 2) remove the internal audit process that applies to internal audits of Board, which is more appropriately included in an internal policy and procedure; and 3) include clarity on the corrective action process after a Board internal audit is completed.

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 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

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

Appendix 1: Regulatory Impact Summary Table*

Appendix 1: Regulate	эгу	Impact Su	umary rabie.	
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
Fiscal Benefits				
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
Total Fiscal Benefits:	\$0		\$0	\$0
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: Regulatory Impact to Non-Small Businesses This rule change (R277-116) is not estimated to have a

This rule change (R277-116) is not estimated to have a fiscal impact. Administrative rule R277-116 outlines the Audit Process for the Utah State Board of Education (USBE) internal audits of entities governed by or receiving resources from the Utah State Board of Education. Based on feedback from the Audit Committee, the USBE Internal Audit Department reviewed R277-116 and proposed the following changes: 1. remove items that are Board guidance to their staff, which is more appropriately included in an internal policy and procedure; 2. remove the internal audit process that applies to internal audits of USBE,

which is more appropriately included in an internal policy and procedure; and 3. include clarity on the corrective action process after a USBE internal audit is completed.

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.

R277-116. Audit Procedure.

R277-116-1. Authority and Purpose.

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
- (b) Subsection 63I-5-201(4) which requires the Board to direct the establishment of an internal audit department for programs administered by the entities it governs;
- (c) Subsection [53A-1-401]53E-3-401(4), which allows the Board to make rules to execute the Boards duties and responsibilities under the Utah Constitution and state law;
- (d) Subsection [53A-1-402(1)(e)]53E-3-501(1)(e), which directs the Board to develop rules and minimum standards regarding school productivity and cost effectiveness measures, school budget formats, and financial, statistical, and student accounting requirements for the local school districts;
- (e) Section [53A-1-404]53E-3-602, which allows the Board to approve auditing standards for school boards;
- (f) Section [53A-1-405]53E-3-603, which makes the Board responsible for verifying audits of local school districts;
- (g) Subsection [53A-17a-147(2)]<u>53F-2-204(2)</u>, which directs the Board to assess the progress and effectiveness of all programs funded under the State System of Public Education; and
- (h) Subsection [53A-1-401]53E-3-401(9), which gives the Board authority to audit the use of state funds by an education entity that receives state funds as a distribution from the Board.
 - (2) The purpose of this rule is to:
- (a) outline the role of the Audit Director, Superintendent, and agency in the audit process; and
 - (b) outline the Board's procedures for audits of agencies.

R277-116-2. Definitions.

- (1) "Agency" means:
- (a) an entity governed by the Board;
- (b) an LEA; or
- (c) a sub-recipient.
- (2) "Audit committee" means a standing committee of members appointed by the Board in accordance with Board bylaws.
 - (3) "Audit Director" means the person who:
- (a) directs the audit program of the Board in accordance with Title 63I, Chapter 5, the Utah Internal Audit Act and Board policies;
- (b) is appointed by and reports to the audit committee; and
 - (c) is independent of the agencies subject to Board audit.
- (4) "Audit plan" means a prioritized list of audits with associated resource requirements to be performed by the audit program [in the audit program within a specified period of time] that is reviewed, approved, and adopted at least annually by the Board.

- (5) "Audit program" means a department that provides internal audit services for the Board that is directed by the Audit Director.
- [(6) "An entity governed by the Board" means the Board, SCSB, or USDB.]
- ([7]6) "Draft audit report" means a draft audit report compiled by the Audit Director that is classified as protected under Title 63G, Chapter 2, Part 3, Section 305, Protected records.
- ([8]2) "Education entity" means the same as that term is defined in Section [$\frac{53A-1-401}{53E-3-401}$.
- ([9]8) "Final audit report" means a draft audit report that is approved by the audit committee and the Board as a final audit report that is classified as public under Title 63G, Chapter 2, Part 3, Section 301, Public records.
- (9) "Local administrator" means the district superintendent or charter school director.
- (10) "Sub-recipient" means any entity that receives funds from an entity governed by the Board.

R277-116-3. Audit Director Authority and Responsibilities.

- (1) The Audit Director shall:
- (a) [direct] manage the audit program and facilitate the audit process:
- (i) as approved <u>and directed</u> by the Board and audit committee [by objectively evaluating the effectiveness and efficiency of the operations of the agency being audited];
- (ii) in accordance with the current International Standards for the Professional Practice of Internal Auditing; and
- (iii) [as otherwise required by the Board;] in accordance with the USBE Internal Audit Department Policy and Procedure Manual.
- [(b) ensure that collectively the audit department-possesses the knowledge, skills, and experience essential to the-practices of the profession and are proficient in applying internal-auditing standards, procedures, and techniques;
 - (c) employ:
- (i) a sufficient number of professional and support staff to implement an effective internal audit program; and
- (ii) audit staff who are qualified in disciplines that-include:
 - —(A) accounting;
 - (B) business management;
 - (C) public administration;
- (D) human resource management;
 - (E) economics;
- (F) finance;
 - (G) statistics;
- (H) electronic data processing; or
 - (i) engineering;
- (d) inform the audit committee if additional professional and support staff are necessary to implement an effective internal audit program;
- (e) base compensation, training, job tenure, and advancement of internal auditing staff on job performance;
- (f) propose audit rules, policies, and amendments, for approval and adoption by the Board that maintain staff-independence from operational and management responsibilities that would impair staff's ability to make independent audits of an agency;

- (g) develop and recommend an audit plan to the Board and the audit committee based on the findings of periodic risk-assessments, audits, and budget;
- (h) perform an audit of a special program, activity, function, or organizational unit of an agency at the direction of the Board or the audit committee with one or more objectives, including:
- (i) to verify the accuracy and reliability of agency-records:
- (ii) to assess compliance with management policies, plans, procedures, and regulations;
- (iii) to assess compliance with applicable laws, rules, and regulations;
- (iv) to evaluate the efficient and effective use of agency resources;
- (v) to verify the appropriate protection of agency assets;
- (vi) review and evaluate internal controls over the agency's accounting systems, administrative systems, electronic data processing systems, and all other major systems necessary to ensure the fiscal and administrative accountability of the stateagency;
 - (i) determine the assignment and scope of the audits;
- (j) periodically discuss relevant matters with the audit committee including whether there are any restrictions on the scope of the audits:
- (k) submit draft audit reports directly to the Board and to the audit committee:
- (l) receive comments from the Board and responses from the Superintendent on the draft audit report;
- (m) edit draft audit report based upon the comments and responses received;
- (n) resubmit a draft audit report to the Board and audit committee:
- (i) after receipt of comments from the Board and responses from the Superintendent; and
- (ii) until a draft audit report is approved and adopted as a final audit report by the Board;
- (o) report monthly to the audit committee, or as otherwise directed by the audit committee, including:
- (i) reviewing current audits being performed bothinternally and externally;
 - (ii) the scope of the internal and external audits;
 - (iii) status of internal and external audits;
 - (iv) follow up draft audit reports; and
- (v) draft audit reports for final review and recommendation;
- (p) conduct an annual quality assurance review of the audit program with the audit committee;
- (q) personally or through a designee, report quarterly to the Board, or as otherwise directed by the Board;
- (r) personally or through a designee, attend all Board-meetings;
- (s) report to the Board, within a reasonable time of discovering, issues that have the potential of exposing the Board, Superintendent, or an agency to liability or litigation;
 - (b) act as the liaison for external audits of the Board;
- $([t]\underline{c})$ maintain the classification of any public record consistent with GRAMA;

- $([u]\underline{d})$ be subject to the same penalties under GRAMA as the custodian of a public record; [and]
- [(v) ensure that significant audit matters that cannot be appropriately addressed by the audit program are referred to either the Office of Legislative Auditor General or the Office of the State Auditor.]
- (e) publish final reports on the Internal Audit department webpage if appropriate; and
- (f) make a copy of the USBE Internal Audit Department. Policy and Procedure Manual to the general public upon request.
- (2) The Audit Director may contract with an LEA or other education entity to provide internal audit services to the LEA or other education entity if the contract is approved by the audit committee in accordance with Board contract policies.

R277-116-4. Superintendent Authority and Responsibilities.

The Superintendent shall:

- (1) provide resources necessary to conduct the audit program including adequate funds, staff, tools, and space to support the audit program;
- (2) facilitate communications with those charged with governance, management, and staff as requested by the Audit Director or the audit committee to ensure the access necessary to perform an audit;
- (3) ensure access to all personnel, records, data, and other agency information that the Audit Director or staff consider necessary to carry out their assigned duties;
- (4) notify the Audit Director of external audits of entities governed by the Board;
- (5) notify the agency that the Audit Director shall be the liaison for an external audit; [and]
- (6) support the audit program as otherwise requested by the audit committee or Audit Director[-]: and
- (7) facilitate appropriate action by the Board on issues identified in audits by:
- (a) sending the final management response letter and form to the governing board and local administrator of an audited agency in response to the final audit report;
- (b) following up on final management response forms sent to the governing board and local administrator of an audited agency in accordance with timelines outlined in the management response letter, as monitored by the Audit Director, to ensure either:
 - (i) the audited agency took appropriate action;
 - (ii) the audited agency's lack of action is acceptable; or
- (iii) implementation of a corrective action plan in accordance with R277-114; and
- (c) sending the closure letter to the governing board and local administrator of an audited agency when the Board accepts the audited agency's management response.

R277-116-5. Agency Authority and Responsibilities.

The agency shall wholly cooperate and provide the Audit Director and the internal audit staff all:

- (1) necessary access to those charged with governance, management, and staff; and $% \left(1\right) =\left(1\right) \left(1\right)$
- (2) personnel, records, data, and other agency information that the Audit Director or staff consider necessary to carry out their assigned duties in a timely manner.

[R277-116-6. Audit Plans.

- (1) The audit plan prepared by the Audit Director shall:
- (a) identify the individual audits to be conducted during each year;
- (b) identify the related resources to be devoted to each of the respective audits;
- (c) ensure that internal controls are reviewed periodically as determined by the Board or by the audit committee; and
- (d) ensure that audits that evaluate the efficient and effective use of agency resources are adequately represented in the audit plan.
- (2) Upon request, the Audit Director shall make a copy of the approved and adopted audit plan available to the state auditor, legislative auditor, or other appropriate external auditors to assist in planning and coordination of any external financial, compliance, electronic data processing, or performance audit.]

R277-116-[7]6. Audit Process.

- (1) The Audit Director shall develop and recommend an audit plan to the Board and the audit committee based on the [findings] results of periodic risk assessments and audits.
- (2) Once approved and adopted by the Board, the Audit Director shall implement the audit plan.
- (3) At the initiation of an audit, the Audit Director shall, as necessary:
- (a) send an engagement letter to the governing board and local administrator of the agency subject to the audit; and
- (b) hold an entrance conference with the agency's governing board.
- [(3) As requested by the audit committee or Audit-Director, the Superintendent shall establish the audit program.
- (4) The agency shall provide all information to the Audit Director and audit staff for the audit to be timely conducted.]
 - ([5]4) After conducting an audit, the Audit Director shall:
 (a) submit a preliminary draft audit report directly to:
 - ([a]i) the audit committee;
 - [(b) the Board; and]
- $([e]\underline{ii})$ the Superintendent: and [for response or eomment.]
 - (iii) the governing board of the audited agency;
- (b) hold an exit conference, if necessary, with the governing board and local administrator of the audited agency and administration to discuss the preliminary draft audit report; and
- (c) edit the preliminary draft audit report, as appropriate, based on feedback received.
- (5) The Audit Director shall submit a revised draft audit report directly to:
 - (a) the audit committee;
 - (b) the Board;
- (c) the governing board and local administrator of the audited agency; and
 - (d) the Superintendent.
- (6) Within fourteen days of the Audit Director's submission of the <u>revised</u> draft audit report to the [Board and audit eommittee, the <u>Superintendent</u>] audited agency governing board, and after the exit conference, if applicable, the auditing agency's governing board shall [either]:

- (a) provide a written response or comment [to] on the [Board, audit committee, and Audit Director to the] draft audit report to the Audit Director and audit committee; or
- (b) file a written request for an extension to the audit committee setting forth:
- (i) the [steps necessary to investigate and prepare aresponse to the draft audit report] justification for the extension request; and
- (ii) the <u>extension</u> time necessary to <u>provide the</u> <u>response[perform each step];[and</u>
- (iii) the latest date that the Superintendent's writtenresponse or comment will be given to the Board, audit committee and Audit Director.]
- (7) Upon receiving written response and comment from the [Superintendent] audited agency governing board, the Audit Director shall:
- (a) incorporate into the draft audit report the written response[s and comments], if any, received from the [Board, the audit committee, and the Superintendent] audited agency governing board; [and]
 - (b) prepare Audit concluding remarks, if appropriate; and
- $([b]\underline{c})$ submit the amended draft audit report to the audit committee for recommendation.
 - (8) The audit committee may:
- (a) recommend an amended draft audit report for approval and adoption; or
- (b) send the amended draft audit report back to the Audit Director with instructions for additional review.
- (9) Upon recommendation from the audit committee on the amended draft audit report, the Board may:
- (a) approve and adopt an amended draft audit report as the final audit report; or
- (b) send the amended draft audit report back to the audit committee with instructions for additional review.

R277-116-[8]7. Audit Reports.

- (1) An audit report prepared by the Audit Director and staff shall be based upon audits of agency programs, activities, and functions,[that include:
 - (a) findings based upon the audit scope; and
 - (b) one or more of the following objectives:
- (i) verification of the accuracy and reliability of agency records;
- (ii) assessment of an agency's compliance with management policies, plans, procedures, and regulations;
- (iii) assessment of an agency's compliance with applicable laws, rules, and regulations;
- (iv) evaluation of the efficient and effective use of agency resources;
- (v) verification of the appropriate protection of agency assets;
- (vi) furnishing independent analyses, appraisals, andrecommendations that may, depending upon the audit scope, identify:
- (A) the adequacy of an agency's systems of internalcontrol;

- (B) the efficiency and effectiveness of agency management in earrying out assigned responsibilities; and
- (C) the agency's compliance with applicable laws, rules, and regulations;
- (vii) review and evaluation of internal controls over the agency's accounting systems, administrative systems, electronic data processing systems, and all other major systems necessary to ensure the fiscal and administrative accountability of the agency; and
- (viii) identification of abuse, illegal acts, errors, omissions, or conflicts of interest.
- (2) An audit report prepared by the Audit Director shall include identification of any:
 - (a) abuse;
 - (b) illegal acts;
 - (c) errors;
 - (d) omissions; or
 - (e) conflicts of interest.
- [(2) An audit report prepared by the Audit Director and staff shall include a statement that the audit was conducted according to International Standards for the Professional Practice of Internal Auditing.]
- (3) The Audit Director shall provide, upon written request, a copy of an audit report to the Office of Legislative Auditor General or the Office of the State Auditor.
- (4) The Audit Director shall ensure that public release of a final audit report complies with the conditions specified by the state laws and rules governing the audited agency.

KEY: educational administration

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-1-401]53E-3-401; [53A-1-402(1)(e)]53E-3-501(1)(e); [53A-1-405]53E-3-603; [53A-17a-147(2)]53F-2-204; 63I-5-101 through 401

Education, Administration **R277-122**

Board of Education Procurement

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42608
FILED: 02/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to adopt and incorporate by reference Title R33, Purchasing and General Services, with exceptions. It was amended to modify procurement rules for the State Board of Education to align Board of Education procurement and uniform guidance for federal procurement guidelines.

SUMMARY OF THE RULE OR CHANGE: Rule R277-122 modifies procurement rules for the State Board of Education (USBE) to align Board of Education procurement and uniform guidance for federal procurement guidelines.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. X, Sec. 3 and Section 53E-3-301 and Title 63G, Chapter 6a

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: This rule change is not estimated to have fiscal impact on the state budget, because this rule is amended to align the USBE procurement rule and uniform guidance for federal procurement guidelines.
- ♦ LOCAL GOVERNMENTS: This rule change is not estimated to have fiscal impact on the local government, because this rule is amended to align the USBE procurement rule and uniform guidance for federal procurement guidelines.
- ♦ SMALL BUSINESSES: This rule change is not estimated to have fiscal impact on small businesses, because this rule is amended to align the USBE procurement rule and uniform guidance for federal procurement guidelines.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule change is not estimated to have fiscal impact on the persons other than small businesses, businesses, or local government entities, because this rule is amended to align the USBE procurement rule and uniform guidance for federal procurement guidelines.

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 change (R277-122) is not estimated to have a fiscal impact. It modifies procurement rules for the State Board of Education to align Board of Education procurement and uniform guidance for federal procurement guidelines.

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 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

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

Annendiv	1 •	Regulatory	Tmpact	Summary	Table*

ppendix 1: Regulatory			
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
Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
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: Fiscal Impact Analysis

This rule change (R277-122) is not estimated to have a fiscal impact. It modifies procurement rules for the State Board of Education to align Board of Education procurement and uniform guidance for federal procurement guidelines.

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.

R277-122. Board of Education Procurement.

${\bf R277\text{-}122\text{-}1.}\ \ {\bf Authority\ and\ Purpose.}$

- (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], 53E-3-301 which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Title 63G, Chapter 6a, Utah Procurement Code.

(2) The purpose of this rule is to adopt and incorporate by reference Title R33, Purchasing and General Services, with exceptions as described in this rule.

R277-122-2. Definitions.

- [(1) "Manager of procurement" means a Board employee designated by the Board to be the head of the procurement unit as described in Section R277-122-4 and Section R33-1-3.]
- (1) "Professional service provider" means a provider of a professional service as defined in Subsection 63G-6a-103(61) and includes an expert in educational instruction and teaching.
- (2) "Responsible" means the same as that term is defined in Subsection 63G-6a-103 (75).
- (3) "Responsive" means the same as that term is defined in Subsection 63G-6a-103 (76).

R277-122-3. Incorporation of Title R33 With Exceptions.

- (1) The Board adopts and incorporates by reference Title R33, Purchasing and General Services, as in effect on April 1, 2017, with the exceptions described in this section.
 - (2) The Board does not adopt Section R33-8-101b.
- (3) The Board adopts Section R277-122-5 in place of Section R33-9-103.
- (4) The Board adopts Section R277-122-6 in place of Section R33-12-201.
- (5) The Board adopts Section R277-122-8 in place of Section R33-12-608.
- (6) The Board adopts Section R277-122-9 in place of Subsections:
 - (a) R33-16-101a (2)(a); and
 - (b) R33-16-301 (4).
- (7) The Board adopts Section R277-122-10 in place of Sections R33-5-104 and R33-5-107.
- (8) The Board adopts Section R277-122-11 in place of Section R33-5-108.

R277-122-4. Head of the Procurement Unit Designated.

The Board designates the [manager of procurement] Board's Director of Purchasing as the head of the procurement unit.

R277-122-5. Cancellation Before Award.

- (1) A solicitation may be cancelled prior to a contract award if the head of the procurement unit determines the cancellation is:
 - (a) in the best interest of the Board; and
 - (b) supported by a reasonable and good faith justification.
- (2) The head of the procurement unit shall include notice of the Board's right of cancellation described in Subsection (1) in each Board solicitation.

R277-122-6. Establishment of Terms and Conditions.

The head of the procurement unit shall develop standard terms and conditions for use with Board contracts and agreements.

R277-122-7. Requirements for Cost or Pricing Data.

(1) If cost or pricing data is required by Section 63G-6a-1206 or Section R33-12-601, the head of the procurement unit shall require the person who seeks a cost-based contract to submit:

- (a) factual and verifiable information related to the contractor's estimated cost for completing a project on:
 - (i) the date the contract is signed by both parties; or
 - (ii) an earlier date agreed to by both parties that is:
- (A) as close as practicable to the date described in Subsection (1)(a)(i); and
- (B) before prudent buyers and sellers would reasonably expect price negotiations to be affected significantly; and
- (b) underlying data related to a contractor's estimate that can be reasonably expected to contribute to the soundness of estimates of future costs and the validity of determinations of costs already incurred, including:
 - (i) vendor quotations;
 - (ii) nonrecurring costs;
- (iii) information on changes in production methods and in production or purchasing volume;
- (iv) data supporting projections of business prospects and objectives and related operations costs;
- (v) unit-cost trends such as those associated with labor efficiency;
 - (vi) make-or-buy decisions;
 - (vii) estimated resources to attain business goals; or
- (viii) information on management decisions that could have a significant bearing on costs.
- (2) Submission of certified cost or pricing data applies to contracts of \$50,000.00 or greater if the contract price is not established by:
 - (a) adequate price competition;
 - (b) established catalogue or market prices; or
 - (c) law or regulation.

R277-122-8. Use of Federal Cost Principles.

The head of the procurement unit shall apply the federal cost principles described in 2 CFR Part 200, Subpart E in determining which costs expended under Board contracts are reasonable, allocable, and allowable.

R277-122-9. Grounds for Protest -- Intervention in a Protest.

- (1) A bidder who files a protest shall include in the bidder's submission a concise statement of the grounds for the protest, which shall include the facts leading the protestor to contend that a grievance has occurred, including but not limited to specifically referencing:
- (a) the circumstances described in Subsections R33-16-101a(2)(a) (i) through (iii);
 - (b) a provision of the solicitation alleged to be:
 - (i) unduly restrictive;
 - (ii) anticompetitive; or
 - (iii) unlawful;
- (c) an alleged material error made by the evaluation committee or conducting procurement unit; or
- (d) the circumstances described in Subsections R33-16-101a(2)(a)(vi) and (vii).
- (2) A motion to intervene in a post-award protest may only be made by the announced awardee.
- (3) A person may intervene in a pre-award protest, if the person's proposal:
 - (a) was evaluated;
 - (b) found to be responsive; and

(c) the head of the procurement unit finds the person to be responsible.

R277-122-10. Small Purchases of Procurement Items Other than Professional Services and Consultants.

- (1) The Superintendent shall make small purchases in accordance with the requirements set forth in Section 63G-6a-506 and this Section R277-122-10.
- (2) Unless otherwise required as part of another standard procurement process being used in conjunction with a small purchase, the Superintendent need not utilize a solicitation or provide public notice to conduct a small purchase.
- (3) The Superintendent may make a small purchase of a procurement item other than a professional service by:
- (a) direct award without seeking competitive bids or quotes up to the following threshold amounts:
- (i) \$3,500 for one or more procurement items purchased at the same time from one source; and
- (ii) \$50,000 for multiple procurement items purchased in a 12-month period from one source; and
- (b) subject to Rule R33-4-109, obtaining quotes from a minimum of two vendors and purchasing the procurement item from the responsible vendor offering the lowest quote for a purchase of up to \$50,000 for one or more procurement items purchased at the same time from a single source.
- (4) When conducting a purchase under Subsection (3)(b) in conjunction with an approved vendor list, the Superintendent:
- (a)(i) may obtain quotes from all the vendors on the approved vendor list; or
- (ii) may obtain quotes from a minimum of two vendors on the approved vendor list, using one or more of the following methods to select vendors from whom to obtain quotes:
- (A) a rotation system, organized alphabetically, numerically, or randomly;
 - (B) the geographic area serviced by each vendor;
 - (C) each vendor's particular expertise or field;
- (D) solicitation of an additional quote from the vendor that provided the lowest quote on the most recently completed procurement conducted by the Board using the approved vendor list; or
- (E) another method approved by the head of the procurement unit;
- (b) shall document that all vendors on the approved vendor list have a fair and equitable opportunity to obtain a contract; and
- (c) shall purchase the procurement item from the responsible vendor on the approved list offering the lowest quote.
- (5) Whenever practicable, the Superintendent shall use a rotation system or other system designed to allow for competition when using a small purchase process.
- (6) In the process of obtaining a competitive quote, the Superintendent shall record and maintain the following as a government record:
- (a) the names of the vendors from whom quotes were requested and received; and
 - (b) the date of receipt and amount of each quote.
- (7) The Superintendent shall comply with all applicable laws and rules in the conduct of small purchases, including:
 - (a) Subsection 63G-6a-506(8);

(b) Title 63G, Chapter 6a, Part 24, Unlawful Conduct and Penalties; and

(c) Sections R33-24-104 through R33-24-106.

R277-122-11. Small Purchases of Professional Service Providers and Consultants.

- (1) The Superintendent shall make small purchases of professional services in accordance with the requirements set forth in Section 63G-6a-506 and this Section R277-122-11.
- (2) Unless otherwise required as part of another standard procurement process being used in conjunction with a small purchase, the Superintendent need not utilize a solicitation or provide public notice to conduct a small purchase of professional services.
- (3) The Superintendent may procure professional services:
- (a) up to a maximum of \$3,500 by direct negotiation with any professional services provider or consultant determined in writing by the Superintendent to be qualified to provide the professional service; and
 - (b) up to a maximum of \$100,000 by:
- (i) subject to Rule R33-4-109, obtaining quotes from a minimum of three professional services providers or consultants determined in writing by the Superintendent to be qualified to provide the professional services; and
- (ii) making the purchase from the professional service provider or consultant determined in writing by the Superintendent to provide the Board with the best value, comparing qualifications and price.
- (4) The Superintendent shall comply with all applicable laws and rules in the conduct of small purchases for professional services, including:
 - (a) Subsection 63G-6a-506(8);
- (b) Title 63G, Chapter 6a, Part 24, Unlawful Conduct and Penalties; and
 - (c) Sections R33-24-104 through R33-24-106.

KEY: procurement, efficiency

Date of Enactment or Last Substantive Amendment: [July 10, 2017]2018

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 63G-6a

Education, Administration **R277-482**

Charter School Timelines and Approval Processes

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42610
FILED: 02/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change aligns the rule with statute and current practice.

SUMMARY OF THE RULE OR CHANGE: This rule change aligns the rule with statute and current practice. The rule change also provides criteria a charter school authorizer shall consider when considering an expansion request or a satellite charter school. This change puts into rule current criteria used to evaluate these requests.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. X, Sec. 3 and Charter School Expansion Act of 1998, 20 U.S.C. Sec. 8063 and Section 53F-2-702 and Section 53G-5-304 and Subsection 53E-3-401(4) and Subsection 53G-6-504(5)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: This rule change is not estimated to have a fiscal impact on the state budget, because this rule is amended to align the rule with statute and current practice.
- ♦ LOCAL GOVERNMENTS: This rule change is not estimated to have a fiscal impact on local governments, because this rule is amended to align with statute and current practice.
- ♦ SMALL BUSINESSES: This rule change is not estimated to have a fiscal impact small businesses, because this rule is amended to align the rule with statute and current practice.
- ♦ 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, because this rule is amended to align the rule with statute and current practice.

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 change (R277-482) is not estimated to have a fiscal impact. It requires that if the charter school authorizer approves a charter school expansion, the expansion shall be submitted to the State Board of Education for approval before October 1 of the state fiscal year prior to the school's intended expansion date. This change aligns the rule with statute and current practice. This rule change also provides criteria a charter school authorizer shall consider when considering an expansion request or a satellite charter school. This change puts into rule current criteria used to evaluate these requests.

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 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

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

Appendix 1: Regulatory Impact Summary Table*

Appendix i: Regulat	ory impac	c Summary Tabi	e-
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
Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
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 (R277-482) is not estimated to have a fiscal impact. It requires that if the charter school authorizer approves a charter school expansion, the expansion shall be submitted to the State Board of Education for approval before October 1 of the state fiscal year prior to the school's intended expansion date. This change aligns the rule with statute and current practice.

The rule change also provides criteria a charter school authorizer shall consider when considering an expansion request or a satellite charter school. This change puts into rule current criteria used to evaluate these requests.

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.

R277-482. Charter School Timelines and Approval Processes. R277-482-1. 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) Subsection [53A-1-401]53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities;
- (c) Subsection [53A-1a-504]53G-6-504(5), which requires the Board to make rules regarding a charter school expansion or satellite campus;
- (d) Sections [53A-1a-505, 53A-1a-515, and 53A-1a-521]53G-5-304 through 53G-5-306, which require the Board to make a rule providing a timeline for the opening of a charter school;
- (e) Section [53A-1a-513]53F-2-702, which directs the Board to distribute funds for charter school students directly to the charter school; and
- (f) the Charter School Expansion Act of 1998, 20 U.S.C. Sec. 8063, which directs the Board to submit specific information prior to a charter school's receipt of federal funds.
- (2) The purpose of this rule is to establish procedures for timelines and approval processes for charter schools.

R277-482-2. Definitions.

- (1) "Amendment" means a change or addition to a charter agreement.
- (2) "Authorizer" or "charter school authorizer" means the following that authorize the establishment of a charter school:
 - (a) the State Charter School Board;
 - (b) a local school board; or
 - (c) a higher education institution.
- (2) "Charter agreement" means the same as that term is defined in Section 53A-1a-501.3.
- (3) "Charter school authorizer" means the same as that term is defined in Section 53A-1a-501.3
- (4) "Charter school governing board" means the board designated in a charter agreement to make decisions for the governance and operation of a charter school.

- (5) "Expansion" means a proposed increase of students or adding a grade level in an operating charter school with the same school number.
- (6) "Satellite charter school" means a charter school affiliated with an operating charter school, which has the same charter school governing board and a similar program of instruction, but has a different school number than the affiliated charter school.
- (7) "School number" means a number that identifies a school within an LEA that:
 - (a) receives money from the state;
 - (b) enrolls or prospectively enrolls a full-time student;
- (c) employs an educator as an instructor who provides instruction consistent with Section R277-502-5;
 - (d) has one or more assigned administrators;
 - (e) is accredited consistent with Section R277-410-3; and
- (f) administers a required statewide assessment to a student.

R277-482-3. State Charter School Board Applicant Training.

- (1) A charter school applicant that is seeking to have a charter authorized by the State Charter School Board shall attend:
 - (a) pre-application training;
 - (b) planning year training; and
- (c) other training sessions designated by the State Charter School Board.
- (2) The State Charter School Board shall schedule preapplication training sessions multiple times annually that may be available electronically.

R277-482-4. Charter School Information for Students and Parents.

- (1) A charter school shall have a website that contains the following information:
- (a) the charter school's governance structure, including the name, qualification, and contact information of all charter school governing board members:
- (b) the number of new students that will be admitted into the school by grade;
 - (c) the school calendar, which shall include:
 - (i) the first and last days of school;
 - (ii) scheduled holidays;
 - (iii) scheduled professional development days; and
 - (iv) scheduled non-school days;
- (d) timelines for acceptance of new students consistent with Section [53A-1a-506.5]53G-6-503;
- (e) the requirement and availability of a charter school student application;
- (f) the application timeline to be considered for enrollment in the charter school;
- (g) procedures for transferring to or from a charter school;
 - (h) timelines for a transfer;
- (i) provisions for payment, if required, of a one-time fee per secondary school enrollment, not to exceed \$5.00, consistent with Subsection [53A-12-103]53G-6-503(9);
 - (j) the charter school governing board's policies; and
 - (k) other items required by:
 - (i) the charter school's authorizer;
 - (ii) statute; and

- (iii) Board rule.
- (2) A new or expanding charter school shall have an operative and readily accessible website containing the information described in Subsection (1) at least 180 days before the proposed opening day of school.

R277-482-5. Timelines - Charter School Starting Date and Facilities.

- (1) A charter school authorizer may:
- (a) accept the proposed starting date from a charter school applicant; or
- (b) negotiate and recommend a different starting date to the Board.
- (2) A charter school may receive state funds if the charter school is approved as a new charter school by October 1, one fiscal year prior to the state fiscal year the charter school intends to serve students.
- (3) A State Charter School Board authorized school shall begin construction on a new or existing facility requiring major renovation, such as requiring a project number consistent with Rule R277-471, no later than January 1 of the year the charter school is scheduled to open.
- (4) A State Charter School Board authorized charter school that intends to occupy a facility requiring only minimal renovation, such as renovation not requiring a project number according to Rule R277-471, shall enter into a written agreement no later than May 1 of the calendar year the charter school is scheduled to open.
- (5) A charter school shall comply with Rule R277-419 requirements of 180 days and 990 hours of instruction time, unless otherwise exempted by the Board under [Section 53A-1a-511]53G-7-202.
- (6) The Board may, following review of information, approve the recommended starting date or determine a different charter school starting date after giving consideration to the charter school authorizer's recommendation.

R277-482-6. Procedures and Timelines to Change Charter School Authorizers.

- (1) A charter school may transfer to another charter school authorizer.
- (2) A charter school shall submit an application to the new charter school authorizer at least 90 days prior to the proposed transfer.
- (3) The charter school authorizer transfer application shall include:
 - (a) current governing board members;
- (b) financial records that demonstrate the charter school's financial position, including the charter school's:
 - (i) most recent annual financial report (AFR);
 - (ii) annual project report (APR); and
 - (iii) audited financial statement;
 - (c) test scores, including all state required assessments;
 - (d) current employees and assignments;
 - (e) board minutes for the most recent 12 months; and
 - (f) affidavits, signed by all board members certifying:
- (i) the charter school's compliance with all state and federal laws and regulations;

- (ii) all information on the transfer application is complete and accurate:
- (iii) the charter school is current with all charter school governing board policies;
- (iv) the charter school is operating consistent with the charter school's charter agreement; and
- (v) there are no outstanding lawsuits or judgments or identifying outstanding lawsuits filed or judgments against the charter school.
- (4) A charter school seeking to transfer charter school authorizers shall submit a position statement from the current charter school authorizer about the charter school's status, compliance with the charter school authorizer requirements, and any unresolved concerns to the proposed new charter school authorizer.
- (5) A new charter school authorizer shall review an application for transferring a charter school authorizer for acceptance within 60 days of submission of a complete application, including all required documentation.
- (6) Final approval or denial of changing chartering entities to the State Charter School Board is final administrative action by the Board.

R277-482-7. Charter School Expansion Requests.

- (1) A charter school authorizer shall maintain the final, official, and complete charter agreement.
- (2) A charter school may request approval for an expansion if:
- (a) the charter school satisfies the requirements of federal and state law, regulations, rule, and the charter agreement; and
- (b)(i) the charter school's charter agreement provides for an expansion consistent with the request; or
- (ii) the charter school governing board has submitted a formal amendment request to the charter school authorizer consistent with the charter school authorizer's requirements.
- (3) If the charter school authorizer approves a charter school expansion, the expansion shall be [approved] submitted to the Board for approval before October 1 of the state fiscal year prior to the school's intended expansion date.
- (4) For an expansion approved by an authorizer that is not the State Charter School Board, the charter school authorizer that authorizes an expansion of the authorizer's charter school shall provide the total number of students by grade that the charter school is authorized to enroll to the State Charter School Board and to the Superintendent on or before October 1 of the state fiscal year prior to the charter school's intended expansion.
- (5) When considering whether to approve a charter school's request for an expansion, an authorizer shall consider the following:
- (a) the amount of time the charter school has operated successfully meeting the terms of its charter agreement, giving preference to schools that have been successfully operated for three years or more;
- (b) the academic performance data of students at the charter school, giving preference to charter schools with students who are performing on standardized assessments at or above:
- (i) the standard established in the charter school's charter agreement; and

- (Ii) the average academic performance of other district and charter schools in the area;
- (c) the financial position of the charter school, as evidenced by the charter school's financial records, including the charter school's:
 - (i) most recent annual financial report (AFR);
 - (ii) annual program report (APR); and
 - (iii) audited financial statement;
- (d) whether the charter school has a waiting list for enrollment;
 - (e) adequacy of the charter school's facility;
- (f) impact to local government entities, including the information described in Section 53E-3-710;
 - (g) any student safety issues; and
- (h) ability to meet state and federal reporting requirements, including whether the charter school has regularly met Board reporting deadlines.
- (6) A charter school requesting an expansion shall provide the information described in Subsection (5) to the authorizer and the Board with the charter school's request for expansion.

R277-482-8. Requests for a New Satellite School for an Approved Charter School.

- (1) A charter school and its satellite are a single LEA for purposes of public school funding and reporting.
- (2) An existing charter school may submit an amendment request to the charter school's charter authorizer for a satellite charter school if:
- (a) the charter school satisfies requirements of federal and state law, regulations, and rule;
- (b) the charter school has operated successfully for at least three years meeting the terms of its charter agreement;
- (c) the students at the charter school are performing on standardized assessments at or above the standard in the charter agreement;
- (d) the proposed satellite charter school will provide educational services, assessment, and curriculum consistent with the services, assessment, and curriculum currently being offered at the existing charter school;
- (e) adequate qualified administrators, including at least one onsite administrator, and staff are available to meet the needs of the proposed student population at the satellite charter school; and
- (f) the charter school provides any additional information or documentation requested by the charter school authorizer or the Board.
- (3) a satellite charter school that receives School LAND Trust funds shall have a charter trust land council and satisfy all requirements for charter trust land councils consistent with Rule R277-477.
- (4) A satellite charter school may receive state funding if the Board approves the satellite charter school by October 1 of the state fiscal year prior to the year the school intends to serve students.
- (5) When considering whether to approve a charter school's request for a satellite charter school, an authorizer shall consider the following:

- (a) the amount of time the charter school has operated successfully meeting the terms of its charter agreement:
- (b) the academic performance data of students at the charter school, giving preference to charter schools with students who are performing on standardized assessments at or above:
- (i) the standard established in the charter school's charter agreement; and
- (ii) the average academic performance of other district and charter schools in the area;
- (c) the financial position of the charter school, as evidenced by the charter school's financial records, including the charter school's:
 - (i) most recent annual financial report (AFR);
 - (ii) annual program report (APR); and
 - (iii) audited financial statement;
 - (d) any student safety issues;
- (e) whether the charter school has a waiting list for enrollment;
- (f) the charter school's governing board performance and capacity to open and operate a satellite campus;
 - (g) adequacy of the satellite charter school's facility;
- (h) impact to local government entities, including the information described in Section 53E-3-710; and
- (i) ability to meet state and federal reporting requirements, including whether the charter school has regularly met Board reporting deadlines.
- (6) A charter school requesting a satellite charter school shall provide the information described in Subsection (5) to the authorizer and the Board with the charter school's request for a satellite school.
- [(5)](7) The approval of a satellite charter school by the charter school authorizer requires ratification by the Board and will expire 24 months following the ratification if a building site is not secured for the satellite charter school.

KEY: training, timelines, expansion, satellite

Date of Enactment or Last Substantive Amendment: [May 23, 2016|2018

Notice of Continuation: March 30, 2016

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-1a-502.5; 53A-1a-504; 53A-1a-505; 53A-1a-515; 53A-1a-521; 53A-1a-513

Education, Administration **R277-610**

Released-Time Classes and Public Schools

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42611
FILED: 02/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change provides technical and conforming changes in accordance with the Rulewriting Manual for Utah and Board of Education (Board) policies for Released-Time Classes and Public Schools.

SUMMARY OF THE RULE OR CHANGE: This rule change provides technical and conforming changes in accordance with the Rulewriting manual for Utah and Board policies for Released-Time Classes and Public Schools.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. X, Sec. 3 and Subsection 53E-3-401(4) and Subsection 53E-3-501

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: This rule change is not estimated to have a fiscal impact on the state budget, because the amendments to the rule provide technical changes.
- ♦ LOCAL GOVERNMENTS: This rule change is not estimated to have a fiscal impact on local governments, because the amendments to the rule provide technical changes.
- ♦ SMALL BUSINESSES: This rule change is not estimated to have a fiscal impact on small businesses, because the amendments to the rule provide technical changes.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule change is not estimated to have a fiscal impact persons other than small businesses, businesses, or local government entities, because the amendments to the rule provide technical changes.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change (R277-610) is not estimated to have a fiscal impact. It provides technical and conforming changes in accordance with the Rulewriting Manual for Utah and Board policies for Released-Time Classes and Public Schools.

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 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

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

Appendix 1: Regulato	ory 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
Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
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: Regulatory Impact to Non-Small Businesses
This rule change (R277-610) is not estimated to have a fiscal impact. It provides technical and conforming changes in accordance with the Rulewriting Manual for Utah and Board policies for Released-Time Classes and Public Schools.

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.

R277-610. Released-Time Classes and Public Schools. R277-610-[2]1. Authority and Purpose.

- [A:](1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board[5].
- (b) Subsection [53A-1-402(1)]53E-3-501 which directs the Board to adopt minimum standards for public schools[3]; and
- (c) Subsection [53A-1-401][(3)]53E-3-401(4) which permits the Board to [adopt rules in accordance with its responsibilities] make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
- [B-](2) The purpose of this rule is to specify standards and procedures for public schools regarding released-time classes.

R277-610-[1]2. Definitions.

- [A. "Board" means the Utah State Board of Education.]
- [B-](1) "Non-entangling criteria" means neutral course instruction and standards that:
- (a) are academic [not] as opposed to devotional;
- <u>(b)</u> promote awareness [not] as opposed to acceptance of any religion;
- <u>(c)</u> expose to [not] as opposed to [impose] imposing a particular view;
 - <u>(d)</u> educate about religion; and
- <u>(e)</u> inform but not seek to make students conform to any religion.
- [C:](2) "Released-time" means a period of time during the regular school day when a student attending a public school is excused from the school[7] at the request of the student's parent.

R277-610-3. Interaction Between Public Schools and Released-Time Classes.

- [A-](1) A student [Students] may attend released-time classes during the regular school day only upon the written request of the student's parent or legal guardian.
- $[B_{\overline{\cdot}}](2)$ A public school $[\underline{shall}]$ \underline{may} not maintain records of attendance for released-time classes or use school personnel or school resources to regulate such attendance.
- [C.-](3)(a) A teacher [Teachers] of a released-time class[es are] is not a member[s] of the public school faculty.
- (b) A [R]released-time teacher[s] may participate in school activities as a community member[s].
- [D-](4) A [P]public school teacher[s], administrator[s], or other official[s-shall] may not request teachers of released-time classes to exercise functions or assume responsibilities for the public school program which would result in a commingling of the activities of the [two institutions] school and the released-time class sponsor.
- $[E_{-}](5)(a)$ A [P]public school class schedule[s-and] or course catalog[s-shall] \underline{may} not include \underline{a} -released-time class[es] by name.
- (\underline{b}) At the convenience of the school, \underline{a} registration form[s] may contain a space for \underline{a} released-time designation.

[F:](6) \underline{A} [P]public school publication[s-shall] may not include pictures, reports, or records of released-time classes.

[G] Public school personnel [shall] may not participate in released-time classes <u>during work hours</u>.

(8) A [R]released-time class[es shall] may not use school resources or equipment.

R277-610-4. Additional Conditions for Religious Released-Time Programs.

[A-](1) A [R]religious class[es shall] may not be held in school buildings or on school property in any way that permits public money or property to be applied to, or that requires public employees to become entangled with, any religious worship, exercise, or instruction.

[B-](2) Religious released-time scheduling shall take place on forms and supplies furnished by the religious institution and by personnel employed or engaged by the institution and shall occur off public school premises.

[C:](3)(a) [There shall be no] A public school may not connect[ion of] bells, telephones, computers or other devices between public school buildings and institutions offering religious instruction, except as a convenience to the public school in the operation of its own programs.

(b) When any connection of devices is permitted, the costs shall be borne by the respective institutions.

 $[\overline{\text{D-}}](4)$ Records of attendance at religious released-time classes, grades, marks, or other data $[\frac{\text{shall}}{\text{may}}]$ not be included in the correspondence or reports made by $[\frac{\text{the}}{\text{g}}]$ a public school to parents.

[E.](5)(a) Institutions offering religious instruction are private programs or schools separate and apart from the public schools.

(b) Those relationships that are legitimately exercised between the public school and any private school are appropriate with institutions offering released-time classes, so long as public property, public funds, or other public resources are not used to aid such institutions.

[F:](6) A[P]public school[s] may grant elective credit for religious released-time classes if the [sehool district] public school establishes neutral, non-entangling criteria with which to evaluate [all] the released-time courses.

KEY: released-time classes

Date of Enactment or Last Substantive Amendment: [May 16, 2013]2018

Notice of Continuation: [March 12, 2013]2018 Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53A-1-402(1)]53E-3-501; [53A-1-401(3)]53E-3-401

Education, Administration **R277-613**

LEA Bullying, Cyber-bullying, Hazing and Harassment Policies and Training

NOTICE OF PROPOSED RULE

(Repeal and Reenact) DAR FILE NO.: 42612 FILED: 02/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended in response to S.B. 161, Bullying and Hazing Amendments, and H.B. 62, Educator Rights Amendments, both from the 2017 General Session. Along with technical changes in accordance with the Rulewriting Manual for Utah, the rule changes include changes in definitions and terminology, and updates to training requirements.

SUMMARY OF THE RULE OR CHANGE: This rule is amended in response to S.B. 161, Bullying and Hazing Amendments, and H.B. 62, Educator Rights Amendments, both from the 2017 General Session. Along with technical changes in accordance with the Rulewriting Manual for Utah, the rule changes include changes in definitions and terminology, and updates to training requirements. This rule change also adds incident review requirements whereby a local education agency must review allegations of incidents of bullying, cyber-bullying, hazing, and retaliation as detailed in R277-613-5.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. X, Sec. 3 and Subsection 53E-3-401(4)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: This rule change is not estimated to have fiscal impact on the state budget, because this rule is amended with technical changes in accordance with the Rulewriting Manual for Utah.
- ♦ LOCAL GOVERNMENTS: This rule change may have a fiscal impact on local governments, however, this impact will be minimal as it is likely local education agencies are tracking incidents of bullying, cyber-bullying, hazing, and retaliation since current rule requires local education agencies to notify parents of incidents and to maintain documentation.
- ♦ SMALL BUSINESSES: This rule change is not estimated to have a fiscal impact on small businesses, because this rule is amended with technical changes in accordance with the Rulewriting Manual for Utah.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule change is not estimated to have fiscal impact on persons other than small businesses and businesses, or local government entities, because this rule is amended with technical changes in accordance with the Rulewriting Manual for Utah.

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 change (R277-613) may have a fiscal impact on local education agencies (LEAs). This rule is amended in response to S.B. 161, Bullying and Hazing Amendments and H.B. 62, Educator Rights Amendments, both from the 2017 General Session. Along with technical changes in accordance with the Rulewriting Manual for Utah, the rule changes include changes in definitions and terminology and updates to training requirements. This rule change also adds incident review requirements whereby an LEA must review allegations of incidents of bullying, cyber-bullying, hazing, and retaliation as detailed in R277-613-5. Local education agencies also must report annually to the Superintendent on the LEA's policies, training, and incidents of bullying, cyber-bullying, hazing, and retaliation. There may be a fiscal impact on LEAs who are not already reviewing allegations as outlined and to report the required information to the Utah State Board of Education annually. However, it is anticipated that this impact will be minimal as it is likely LEAs are tracking incidents of bullying, cyber-bullying, hazing, and retaliation since current rule requires LEAs to notify parents of incidents and to maintain documentation.

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 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

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

			ı
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
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: Regulatory Impact to Non-Small Businesses

This rule change is not estimated to have a fiscal impact on non-small businesses, because this rule is amended with technical changes in accordance with the Rulewriting Manual for Utah.

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.

[R277-613. LEA Bullying, Cyber-bullying, Hazing and Harassment Policies and Training. R277-613-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "Bullying" means intentionally or knowingly committing an act that:
- (1)(a) endangers the physical health or safety of a school employee or student;
- (b) involves any brutality of a physical nature such as whipping, beating, branding, calisthenies, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
- (e) involves consumption of any food, liquor, drug, or other substance;
- (d) involves other physical activity that endangers the physical health and safety of a school employee or student; or

- (e) involves physically obstructing a school employee's or student's freedom to move; and
- (2) is done for the purpose of placing a school employee or student in fear of:
 - (a) physical harm to the school employee or student; or
 - (b) harm to property of the school employee or student.
- (3) The conduct described in R277-613-1B constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (4) Bullying is commonly understood as aggressivebehavior that:
- (a) is intended to cause distress and harm;
- (b) exists in a relationship in which there is an imbalance of power and strength; and
 - (c) is repeated over time.
- C. "Civil rights violations," for purposes of this rule, means bullying, eyber-bullying, hazing or harassing that is targeted at a federally protected class.
- D. "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- E. "Federally protected class" means any group protected from discrimination under the following federal laws:
- (1) Title VI of the Civil Rights Act of 1964 prohibits-discrimination on the basis of race, color, or national origin;
- (2) Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex;
- (3) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability; and
- (4) Other areas included under these acts prohibitdiscrimination on the basis of religion, gender identity, and sexualorientation.
- F. "Harassment" means repeatedly communicating toanother individual, in an objectively demeaning or disparagingmanner, statements that contribute to a hostile learning or workenvironment for the individual.
- G. "Hazing" means intentionally or knowingly committing an act that:
- (b) involves any brutality of a physical nature such aswhipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
- (c) involves consumption of any food, liquor, drug, or other substance;
- (d) involves other physical activity that endangers the physical health and safety of a school employee or student; or
- (e) involves physically obstructing a school employee's or student's freedom to move; and
- (f)(i) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or

- (ii) if the person committing the act against a schoolemployee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or schoolsponsored team, organization, program, or event to which the personcommitting the act belongs to or participates in.
- (2) The conduct described in R277-613-1G constitutes hazing, regardless of whether the person against whom the conduct is committed, directed, consented to, or acquiesced in, the conduct.
- H. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- I. "Parent," for purposes of this rule, means a student's guardian consistent with Section 53A-11a-203(1).
- J. "Participant" means any student, employee or volunteer eoach participating in a public school sponsored athletic program, both eurricular and extracurricular, or extracurricular club or activity.
- K. "Policy" means standards and procedures that include the provisions of Section 53A-11-901 and additional standards, procedures, and training adopted in an open meeting by an LEA board that define bullying, eyber-bullying, hazing and harassment, prohibit-bullying, eyber-bullying, hazing and harassment, require regular annual discussion and training designed to prevent bullying, eyber-bullying, hazing and harassment among school employees and students and provide for enforcement through employment action or student discipline.
- L. "Retaliate or retaliation" means an act or communication intended:
- (1) as retribution against a person for reporting bullying, eyber-bullying, hazing and harassment; or
- (2) to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying, hazing and harassment.

R277-613-2. Authority and Purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public-education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and the responsibility of the Board to provide assistance with and ensure LEA compliance with Section 53A-11a-301.
- B. The purpose of the rule is to require LEAs to implement bullying, cyber-bullying, hazing and harassment policies district and school wide; to provide for regular and meaningful training of school employees and students; to provide for enforcement of the policies in schools, at the state level and in public school athletic programs; to require LEAs to notify parents of specific bullying, eyber-bullying, hazing, harassment and suicide threat incidents; and to require LEAs to maintain documentation as required by law.

R277-613-3. Utah State Board of Education Responsibilities.

- A. To the extent of resources available, the Board shall provide training opportunities or materials or both for employees of LEAs on bullying, eyber-bullying, hazing and harassment.
- B. The Board may interrupt disbursements of fundseonsistent with Section 53A-1-401(3) for failure of an LEA to comply with this rule.

R277-613-4. LEA Responsibility to Create Bullying Policies.

- A. Each LEA shall implement an updated policy prohibiting bullying, eyber-bullying, hazing, harassment and retaliation, and making a false report, consistent with Section 53A-11a-301.
 - B. Each LEA shall:
- (1) post a copy of its policy on the LEA website; and
- (2) provide a copy of the LEA policy or uniform resource locator (URL) to the State Superintendent of Public Instruction at the Utah State Office of Education.
 - C. The policy shall include parental notification of:
 - (1) a parent's student's threat to commit suicide; and
- (2) an incident of bullying, eyber-bullying, hazing, harassment or retaliation involving the parent's student.
 - (3) This part of the policy shall also include:
 - —(a) timely parent notification;
- (b) designation of the appropriate school employee(s) to-provide parent notification;
- (e) designation of the format in which notification shall be provided to parents and maintained by the LEA;
- (d) directives for secure maintenance of the notification-record as required under Section 53A-11a-203(1);
- (e) a retention period and destruction process for the notification; and
- (f) an LEA definition of parent(s) consistent with Section 53A-11-203 and this rule.
- D. The policy shall provide for student assessment of the prevalence of bullying, cyber-bullying, hazing and harassment in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.
- E. The policy shall include required strong responsiveaction against retaliation, including assistance to harassed students and their parents in reporting subsequent problems and new incidents.
- F. The policy shall provide that students, staff, and-volunteers receive training on bullying, cyber-bullying, hazing and-harassment from individuals qualified to provide such training. The LEA shall determine how often training shall be provided.
 - (1) The training should be specific to:
- (a) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threateningbehavior;
- (b) relational aggression or indirect, covert, or social-aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
- (c) sexual aggression or acts of a sexual nature or with sexual overtones;
- (e) eivil rights violations, appropriate reporting and investigative procedures. This includes bullying, eyber-bullying, hazing and harassment based upon the students' actual or perceived identities and conformance or failure to conform with stereotypes.
- (2) Training should also include awareness and intervention skills such as social skills training for students and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches.

- (3) Training on bullying, eyber-bullying, hazing and harassment required of LEA policies under the rule should complement the suicide prevention program required for students under R277-620 and the suicide prevention training required for licensed educators consistent with Section 53A-1-603(9).
- G. Policies shall also complement existing safe and drugfree school policies and school discipline plans. Consistent with R277-609, the discipline plan shall provide direction for dealing withbullying, eyber-bullying, hazing, harassment and disruptive students. This part of the plan shall:
- (1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students:
- (2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive student and bullying, eyberbullying, hazing and harassment behavior;
 - (3) designate to whom notices shall be provided;
- (4) provide for documentation of disruptive studentbehavior prior to referral of disruptive students to juvenile court;
- (5) include strategies to provide for necessary adultsupervision;
 - (6) be clearly written and consistently enforced;
- (7) include administration, instruction and support staff; students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility; and
- (8) provide notice to employees that violation(s) of this rule may result in employment discipline or action.

R277-613-5. Training by LEAs Specific to Participants in Public School Athletic Programs and School Clubs.

- A. Prior to any student, employee or volunteer coach-participating in a public school sponsored athletic program, both-curricular and extracurricular, or extracurricular club or activity, the student, employee or coach shall participate in bullying, cyber-bullying, hazing and harassment prevention training. This training-shall be offered to new participants on an annual basis and to all-participants at least once every three years.
- B. LEAs may collaborate with the Utah High School-Activities Association to develop and provide training.
- C. Student athletes and extracurricular club members shall be informed of prohibited activities under this rule and notified of potential consequences for violation of the law and the rule.
- D. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by each LEA and provided to the Utah State Office of Education upon request.

R277-613-6. Professional Responsibilities of Employee and Volunteer Coaches.

- A. All public school coaches shall act consistent with-professional standards of R277-515 in all responsibilities and activities of their assignments.
- B. Failure to act consistently with R277-515 toward-students, colleagues and parents may result in discipline against an educator's license or termination of volunteer services.

R277-613. LEA Disruptive Student Behavior, Bullying, Cyberbullying, Hazing, Retaliation, and Abusive Conduct Policies and Training.

R277-613-1. 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) Subsection ,53E-3-401(4)(a) 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 the rule is to:
- (a) require LEAs to develop, update, and implement bullying, cyber-bullying, hazing, retaliation, and abusive conduct policies at the school district and school level;
- (b) provide for regular and meaningful training of school employees and students;
- (c) provide for enforcement of the policies in schools, at the state level and in public school athletic programs; and
- (d) require an LEA to review allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct.

R277-613-2. Definitions.

- (1) "Abusive conduct" means the same as that term is defined in Subsection 53G-9-601(1).
- (2)(a) "Bullying" means the same as that term is defined in Subsection 53G-9-601(2).
- (b) "Bullying" includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.
- (c) The conduct described in Subsection 53G-9-601(2) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.
- (3) "Civil rights violations," for purposes of this rule, means bullying, cyber-bullying, hazing, or retaliation that is targeted at a federally protected class.
- (4) "Cyber-bullying" means the same as that term is defined in Subsection 53G-9-601(4).
- (5) "Disruptive student behavior" means the same as that term is defined in Subsection 53G-8-210(1)(a).
- (6) "Federally protected class" means any group protected from discrimination under the following federal laws:
- (a) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin;
- (b) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
- (c) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability; and
- (d) other areas included under these acts described in Subsection (5)(a) through (c), which prohibit discrimination on the basis of religion.
- (7) "Hazing" means the same as that term is defined in Subsection 53G-9-601(5).
- (8) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

- (9) "Participant" means any student, employee or volunteer coach participating in a public school sponsored athletic program or activity, including a curricular, co-curricular, or extracurricular club or activity.
 - (10) "Policy" means standards and procedures that:
 - (a) are required in Section 53G-9-605;
 - (b) include the provisions of Section 53G-8-202; and
- (c) provide additional standards, procedures, and training adopted in an open meeting by an LEA board that:
- (i) define bullying, cyber-bullying, hazing, retaliation, and abusive conduct; and
- (ii) prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
- (iii) require regular annual discussion and training designed to prevent bullying, cyber-bullying, hazing, and retaliation among school employees and students; and
- (iv) provide for enforcement through employment action or student discipline.
- (11) "Restorative justice practice" means a discipline practice that brings together students, school personnel, families, and community members to resolve conflicts, address disruptive behaviors, promote positive relationships, and healing.
- (12) "Retaliate" or "retaliation" means the same as that term is defined in Subsection 53G-9-601(7).
- (13) "School employee" means the same as that term is defined in Subsection 53G-9-601(10).
- (14) "Trauma-Informed Care" means a strengths-based service delivery approach that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both the alleged targeted individual and the individual who is alleged to have engaged in prohibited conduct, and that creates opportunities for targets to rebuild a sense of control and empowerment.

R277-613-3. Superintendent Responsibilities.

- (1) Subject to availability of funds, the Superintendent shall provide:
- (a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required in Section 53G-9-606;
 - (b) model training and training opportunities on:
- (i) the prevention and identification of bullying, cyber-bullying, hazing, and retaliation, that an LEA may use to train the LEA's employees, contract employees, and volunteers, including coaches; and
- (ii) the reporting and review requirements in Section R277-613-5;
- (c) evidence-based practices and policies related to the prevention of bullying, cyber-bullying, hazing, and retaliation.
- (2) Although an LEA is required to have a policy on bullying, cyber-bullying, hazing, retaliation and abusive conduct as described in Section 53G-9-605 and this rule and provide training as described in Section 53G-9-607 and this rule, the LEA is not required to use the model policy or model training developed by the Superintendent described in Subsection (1).
- (3) The Board may interrupt disbursements of funds consistent with Subsection 53E-3-401(8) and Rule R277-114 for failure of an LEA to comply with:
- (a) Title 53G, Chapter 9, Bullying and Hazing; and
 - (b) this rule.

(4) In addition to the requirements of Title 53G, Chapter 9, Bullying and Hazing and this R277-613, LEAs are required to comply with applicable federal requirements.

R277-613-4. LEA Responsibility to Create or Update Bullying Policies.

- (1) In addition to the requirements of Subsection 53G-9-605(3), an LEA shall:
- (a) develop, update, and implement policies as required by Subsection 53G-9-605 and this rule, which shall include a prohibition on:
 - (i) bullying;
 - (ii) cyber-bullying;
 - (iii) hazing;
 - (iv) retaliation; and
 - (v) making a false report.
 - (b) post a copy of the LEA's policy on the LEA website;
- (c) develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and
- (d) provide a requirement for a signed statement that meets the requirements of Subsection 53G-9-605(3)(h) annually.
- (2)(a) As required by Section 53G-9-605, an LEA shall notify a parent of:
 - (i) a parent's student's threat to commit suicide; or
- (ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the parent's student as a targeted individual or an individual who is alleged to have engaged in prohibited conduct.
 - (b) An LEA shall:
- (i) notify a parent described in Subsection (2)(a) in a timely manner;
- (ii) designate the appropriate school employee to provide parental notification; and
- (iii) designate the format in which notification is provided to parents and maintained by the LEA.
- Section 53E-9-203, if applicable, an LEA shall assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.
- (4) An LEA shall take strong responsive action against retaliation, including assistance to targeted individuals and their parents in reporting subsequent problems and new incidents.
- (5)(a) An LEA shall provide that students, school employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, and retaliation, from individuals qualified to provide such training.
 - (b) The training described in Subsection (5)(a) shall:
- (i) include information on various types of aggression and bullying, including:
- (A) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
- (B) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
- (C) sexual aggression or acts of a sexual nature or with sexual overtones;

- (D) cyber-bullying, including use of email, web pages, text messaging, instant messaging, social media, three-way calling or messaging or any other electronic means for aggression inside or outside of school; and
- (E) civil rights violations, including bullying, cyber-bullying, hazing, and retaliation based upon the students' or employees' actual or perceived identities and conformance or failure to conform with stereotypes;
- (ii) complement the suicide prevention program required for students under Rule R277-620 and the suicide prevention training required for licensed educators consistent with Subsection 53G-9-704(1); and
- (iii) include information on when issues relating to this rule may lead to student or employee discipline.
- (6) The training described in Subsection (5) shall be offered to:
 - (a) new school employees, coaches, and volunteers; and
- (b) all school employees, coaches, and volunteers at least once every three years.
- (7)(a) An LEA's policies developed under this section shall complement existing school policies and research-based school discipline plans.
- (b) Consistent with Rule R277-609, the discipline plan shall provide direction for dealing with bullying, cyber-bullying, hazing, retaliation and disruptive students.
- (c) An LEA shall ensure that a discipline plan required by Rule R277-609:
- (i) directs schools to determine the range of behaviors and establish the continuum of administrative procedures to be used by school personnel to address the behavior of students;
- (ii) provides for identification, by position, of individuals designated to issue notices of disruptive student behavior, bullying, cyber-bullying, hazing, and retaliation;
 - (iii) designates to whom notices shall be provided;
- (iv) provides for documentation of disruptive student behavior in the LEA's student information system;
- (v) includes strategies to provide for necessary adult supervision;
 - (vi) is clearly written and consistently enforced; and
- (vii) includes administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility.

R277-613-5. Reporting and Incident Review of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.

- (1) In accordance with an action plan adopted in accordance with Subsection R277-613-4(1)(c), an LEA shall:
- (a) review allegations of incidents of bullying, cyberbullying, hazing, and retaliation in accordance with this section; and
- (b) provide an individual who reviews allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting a review.
- (2)(a) An LEA shall review allegations of incidents described in Subsection (1)(a) by interviewing at least the alleged targeted individual and the individual who is alleged to have engaged in prohibited conduct.

- (b) An LEA may also interview the following as part of a review:
- (i) parents of the alleged targeted individual and the individual who is alleged to have engaged in prohibited conduct;
 - (ii) any witnesses;
 - (iii) school staff; and
- (iv) other individuals who may provide additional information.
- (c) An individual who reviews an allegation of an incident shall inform an individual being interviewed that:
- (i) to the extent allowed by law, the individual is required to keep all details of the interview confidential; and
- (ii) further reports of bullying will become part of the review.
- (3) The confidentiality requirement in Subsection (2)(c) does not apply to:
 - (a) conversations with law enforcement professionals;
- (b) requests for information pursuant to a warrant or subpoena;
 - (c) a state or federal reporting requirement; or
 - (d) other reporting required by this rule.
- (4) In conducting a review under this section, an LEA may:
 - (a) review disciplinary reports of involved students; and
 - (b) review physical evidence, which may include:
 - (i) video or audio;
 - (ii) notes;
 - (iii) email;
 - (iv) text messages;
 - (v) social media; or
 - (vi) graffiti.
- (5) An LEA shall adopt a policy outlining under what circumstances the LEA will report incidents of bullying, cyberbullying, harassment, and retaliation to law enforcement.
- (6) Following a review of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, or retaliation, if appropriate, an LEA may:
- (a) in accordance with the requirements in Subsection (6), take positive restorative justice practice action, in accordance with policies established by the LEA; and
- (b) support involved students through trauma-informed practices, if appropriate.
- (6)(a) An alleged targeted individual is not required to participate in a restorative justice practice with an individual who is alleged to have engaged in prohibited conduct as described in Subsection (5)(a).
- (b) If an LEA would like an alleged targeted individual who is a student to participate in a restorative justice practice, the LEA shall notify the alleged targeted individual's parent of the restorative justice practice and obtain consent from the alleged targeted individual's parent before including the alleged targeted individual in the process.
- (7) A grievance process required under Subsection 53G-9-605(3)(f) shall be consistent with the LEA's established grievance process.
- (8) An LEA shall, as required by Subsection 53G-9-606(2), report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:

- (a) a copy of LEA's policy required in Section R277-613-
- (b) implementation of the signed statement requirement described in Subsection 53G-9-605(3)(h);
- (c) verification of the LEA's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607;
- (d) incidents of bullying, cyber-bullying, hazing, and retaliation; and
- (e) the number of incidents described in Subsection (8)(d) that included a student who:
 - (i) is part of a federally protected class; or
- (ii) was bullied, cyber-bullied, hazed, or retaliated against because the of the student's disability, race, national origin, religion, sex, gender identity, or sexual orientation.

R277-613-6. Training by LEAs Specific to Participants in Public School Athletic Programs and School Clubs.

- (1)(a) Prior to any student, employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, the student, employee or coach shall participate in bullying, cyberbullying, hazing, and retaliation prevention training.
- (b) A training described in Subsection (1)(a) shall be offered to new participants on an annual basis and to all participants at least once every three years.
- (2) An LEA shall inform student athletes and extracurricular club members of prohibited activities under this rule and potential consequences for violation of the law and the rule.
- (3) An LEA shall maintain training participant lists or signatures, to be provided to the Board upon request.

R277-613-7. Abusive Conduct.

- (1) An LEA shall prohibit abusive conduct.
- (2) An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy, required in Section 53G-9-605 and this rule, shall include a grievance process for a school employee who has experienced abusive conduct as described in Subsection 53G-9-605(3)(f).

KEY: bullying, [eyber-bullying]abusive conduct, hazing, [harassment]training

Date of Enactment or Last Substantive Amendment: [October 8, 2013]2018

Notice of Continuation: August 2, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53A-1-401(3); 53A-11a-301]53E-3-401; 53G-9

Education, Administration **R277-709**

Education Programs Serving Youth in Custody

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42613
FILED: 02/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to specify operation standards, procedures, and distribution of funds for youth in custody programs. This rule change makes technical and conforming changes in accordance with the Rulewriting Manual for Utah and Board of Education (Board) policies for Education Programs Serving Youth in Custody.

SUMMARY OF THE RULE OR CHANGE: This rule change provides technical and conforming changes in accordance with the Rulewriting Manual for Utah and Board policies for Education Programs Serving Youth in Custody.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. X, Sec. 3 and Subsection 53E-3-401(4) and Subsection 53E-3-503(2)(b)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: This rule change is not estimated to have a fiscal impact on the state budget, because it is amended for technical changes.
- ♦ LOCAL GOVERNMENTS: This rule change is not estimated to have a fiscal impact on local governments, because it is amended for technical changes.
- ♦ SMALL BUSINESSES: This rule change is not estimated to have a fiscal impact on small businesses, because it is amended for 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, because it is amended for technical changes.

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: This rule change (R277-709) is not estimated to have a fiscal impact. It provides technical and conforming changes in accordance with the Rulewriting Manual for Utah and Board policies for Education Programs Serving Youth in Custody.

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 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

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

Appendix 1: Regulatory Impact Summary Table*

Appendix 1: Regulate	<u> </u>	Impact Su	nunary rabie	
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
Fiscal Benefits				
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
Total Fiscal Benefits:	\$0		\$0	\$0
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: Regulatory Impact to Non-Small Businesses

This rule change (R277-709) is not estimated to have a fiscal impact. It provides technical and conforming changes in accordance with the Rulewriting Manual and Board policies for Education Programs Serving Youth in Custody.

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.

R277-709. Education Programs Serving Youth in Custody. R277-709-[2]1. Authority and Purpose.

- [A.](1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board[7].
- (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
- <u>(c)</u> Subsection [53A-1-403]53E-3-503(2)(b) which requires the Board to adopt rules for the distribution of funds for the education of youth in custody[, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities].
- $[\underline{\mathbf{B}}$ - $](\underline{\mathbf{2}})$ The purpose of this rule is to specify operation standards, procedures, and distribution of funds for youth in custody programs.

R277-709-[1]2. Definitions.

- [A-](1) "Accreditation" means the formal process for evaluation and approval [under the Standards for the Northwest-Accreditation Commission supported by AdvancED] from a regional accrediting body.
 - [B. "Board" means the Utah State Board of Education.]
- [C-](2) "Custody" means the status of being legally subject to the control of another person or a public agency.
- [D. "LEA" means local education agency, including local school boards/ public school districts and charter schools:]
- [E. "SEOP/plan for college and career readiness" means a plan for students in grades 7-12 that includes:
 - (1) all Board and LEA board graduation requirements;
- (2) the individual student's specific course plan that will meet graduation requirements and provides a supportive sequence of courses consistent with identified post-secondary training goals;
- (3) evidence of parent, student, and school representative involvement annually; and
- (4) attainment of approved workplace skill competencies.]
 - [F. "USOE" means the Utah State Office of Education.]
- [G-](3)(a) "Youth in custody" means a person [defined] for whom the Board is responsible to provide educational services under Subsections [53A-1-403]53E-3-503(2)(a) and 62A-15-609(1).
- (b) "Youth in custody" does not include a person taken into custody for the primary purpose of obtaining access to education programs provided for youth in custody.

R277-709-3. Student Evaluation, Education Plans, and LEA Programs.

- [A-](1) Each student meeting the eligibility definition of youth in custody shall have a written SEOP/plan for college and career readiness defining the student's academic achievement, [and] which shall specify known in-school and extra-school factors which may affect the student's school performance.
- [B-](2) [Annually, the student's SEOP/plan for college and career readiness shall be reviewed by the] A student, school staff and parent/guardian [and] shall annually review the student's SEOP/plan for college and career readiness maintained in the student's file.
- [C:](3) [The] A program receiving [the] a youth in custody student is responsible for obtaining the student's evaluation records, and, in cases where the records are not current, for conducting the evaluation, which may include a special education eligibility evaluation, as quickly as possible so that unnecessary delay in developing a student's education program is avoided.
- [Đ:](4) The LEA in which [the] a youth in custody program [resides] is located has the responsibility to conduct [Individuals with Disabilities Education Act (]IDEA[)] child find activities within the program, consistent with Section R277-750-2 and Utah State Board of Education Special Education Rule II.A.
- [E:](5)(a) A youth in custody program shall prepare [Based upon the results of the student evaluation,] an appropriate SEOP/plan for college and career readiness and, as needed, an [special education] Individualized Education Program [(IEP), shall be prepared] for each eligible youth in custody based upon the results of the student evaluation.
- (b) A youth in custody program shall review and update [T]the plans required under Subsection (5)(a) [shall be reviewed and updated] at least once each year or immediately following transfer of a student from one program to another, whichever is sooner.
- (c) A youth in custody program shall develop [Ŧ]the plans required under Subsection (5)(a) [is developed] in cooperation with appropriate representatives of other service agencies working with a student.
- <u>(d)</u> The plans required under Subsection (5)(a) shall specify the responsibilities of each of the agencies towards the student and [is] shall be signed by each agency's representative.
- [F] (6)(a) All provisions of the IDEA and state special education rules apply to youth in custody programs.
- (b) The USBE Special Education Department shall include [¥]youth in custody programs [shall be included in the USOE] in annual general supervision monitoring [annually].

[G. LEA Youth in Custody Programs]

- $([\pm]7)(\underline{a})$ [The]An LEA shall provide an education program for the student which conforms as closely as possible to the student's education plan.
- (b) An LEA shall provide [E]educational services [shall be provided] in the least restrictive environment appropriate for the student's behavior and educational performance.
- ([2]8) An LEA shall consider [Y]youth in custody who do not require educational services or supervision beyond students not in custody [shall be considered] to be part of the district's regular enrollment and provided education services.

- ([3]2) An LEA shall not assign or allow [Y]youth in custody [shall not be assigned to, or] to remain in[7] restrictive or non-mainstream programs simply because of:
 - (a) their custodial status[-];
 - (b) past behavior that does not put others at risk[-]; or
 - (c) the inappropriate behavior of other students.
- ([4]10)(a) Education programs to which youth in custody are assigned shall meet the standards which are adopted by the Board for that type program.
- (b) The Superintendent shall monitor [C]compliance [shall be monitored by the Utah State Office of Education] in periodic review visits.
- ([5]11) An LEA shall accept [C]credit earned in youth in custody programs that are accredited [shall be accepted] at face value in Utah's public schools consistent with Section R277-410-9, Transfer or Acceptance of Credit.
- ([6]12) A youth in custody program shall sufficiently coordinate [E]educational services [shall be sufficiently eoordinated] with non-custody programs to enable youth in custody to continue their education with minimal disruption following discharge from custody.
- [H-](13)(a) A [Y]youth in custody program shall [be-] admitt[ed] youth in custody to classes within five school days following arrival at a new residential placement.
- (b) If a youth in custody program cannot complete an evaluation and SEOP/plan for college and career readiness or IEP development [are delayed beyond that period] within five school days, the program shall enroll the student [shall be enrolled] temporarily based upon the best information available.
- (c) [The] A temporary schedule may be modified to meet the student's needs after the evaluation and planning process [hasbeen] is complete[d].
- [H](14)(a) Following a student's release from custody or transfer to a new program, the sending program shall bring all available school records up to date and forward them to the receiving program consistent with Section [53A-11-504]53G-6-604.
- [J-](b) An LEA shall maintain [A]all grades, attendance records and special education SCRAM records [shall bemaintained] in the LEA's SIS system in compliance with Rule R277-484, Data Standards.

R277-709-4. Program Fiscal and Accountability Procedures.

- [A-](1) The Superintendent shall allocate [S]state funds appropriated for youth in custody, including the Utah State Hospital, [are allocated] in accordance with Section [53A-1-403]53E-3-503 and Section 62A-15-609.
- $[\underline{\text{B-}}](2)$ Funds appropriated for youth in custody programs shall be subject to Board accounting, auditing, and budgeting rules and policies.

[————C. Board Contracts for Youth in Custody Services]

- ([+]3) [+]The [Board] Superintendent shall, through an annually submitted and approved state application[+] and plan, contract with LEAs to provide educational services for youth in custody.
- (a) A contract required by Subsection (3) shall include [F]the respective responsibilities of the Board, LEAs, and other local service providers for education [shall be established in the contract].

- (b) An LEA may subcontract with local non-district educational service providers for the provision of educational services[‡].
- ([2]4) [the Board] The Superintendent may only contract through an RFP process with an appropriate entity [only] if the [Board] Superintendent determines that the LEA where the facility is located is unable or unwilling to provide adequate education services.
- ([3]5) Youth in custody students receiving education services by or through an LEA are students of that LEA.
- (6) Notwithstanding the procedures for determining an alternative district of residency in Rule R277-621, an LEA may not create an alternative district of residency for a student who has been placed in custody primarily in an attempt to receive services in a state funded youth in custody program.
- [Đ-](7) The Superintendent shall allocate [S]state funds appropriated for youth in custody [are allocated] on the basis of an annually submitted and approved application made by the LEA where a youth in custody program resides.
- [E-](8) The <u>Superintendent shall base the</u> share of funds distributed to an LEA [is based] upon criteria, which include:
 - (a) the number of youth in custody served by the LEA[5];
 - (b) the type of program required for the youth[-];
 - (c) the setting for providing services[-]; and
 - (d) the length of the program.
- [F:](9) A youth in custody program shall expend [F]funds approved for youth in custody projects [shall be expended] solely for the purposes described in the respective funding application.
- [G-](10) The [USOE] <u>Superintendent</u> may retain no more than five percent of the total youth in custody annual legislative appropriation for administration, oversight, monitoring, and evaluation of youth in custody programs and their compliance with law and this rule.
- [H-](11) Up to three percent of the five percent of administrative funds allowed under [R277-709-4G] Subsection (9) may be withheld by the [USOE] Superintendent and directed to students attending youth in custody programs for short periods of time or to new or beginning youth in custody programs or initiatives benefitting youth in custody students.
- [I. Funds, state (flow through or state contract) or federal (reimbursement) or both, may be withheld or terminated]
- (12) The Superintendent may withhold federal or state funds for noncompliance with state policy and procedures and associated reporting timelines [as defined by the Board] in accordance with Rule R277-114.
- [J-](13) The [Board or its designee] <u>Superintendent shall</u> develop uniform forms, deadlines, reporting and accounting procedures and guidelines to govern the youth in custody school-based programs and Utah State Hospital funded programs.

R277-709-5. Youth in Custody Programs and Students with Disabilities.

- [A-](1) The youth in custody program is separate from and not conducted under the state's education program for students with disabilities.
- (2) Custodial status alone does not qualify a youth in custody student as a student with a disability under laws regulating education for students with disabilities.

[B-](3) Youth in custody students may be eligible for special education funding and services based upon special education rules and regulations.

- [C:](4) Youth in custody students qualifying for special education services shall receive educational instruction as defined in Rule R277-750, Education Programs for Students with Disabilities.
- [D-](5) Special education procedural safeguards shall apply to all IDEA eligible youth in custody students regardless of instructional location.
- [E-](6) The Superintendent shall monitor [S]special education programs provided through youth in custody programs [shall be monitored] on an annual basis [as defined by] in accordance with special education rules and policies.

R277-709-6. Youth in Custody Program Staffing and Monitoring.

- [A-](1) Education staff assigned to youth in custody shall be qualified and appropriate for their assignments [as defined in R277-503, Licensing Routes.] in accordance with Board licensing rules.
- [B-](2) Youth in custody programs shall maintain accreditation as part of the LEA where the programs are located consistent with <u>Rule R277-410</u>, Accreditation of Schools.
- [C-](3) The [USOE]Superintendent shall evaluate youth in custody programs through regular site monitoring visits and monthly desk monitoring[, as directed by the USOE].
- [D-](4) Monitored programs shall prepare and submit to the [USOE] Superintendent a written corrective action plan for each monitoring finding, as requested by the [USOE] Superintendent.
- [E-](5) A youth in custody program's failure to resolve [audit/]monitoring findings as soon as possible, and, in no case, later than one calendar year from date of notice, may result in the termination of state funding as provided in Rule_R277-114[_-Corrective Action and Withdrawal or Reduction of Program Funds].
- [F.](6) The [USOE]Superintendent may review LEA or State Hospital records and practices for compliance with the law and this rule.

R277-709-7. Utah State Hospital.

- [A-](1) Funding for the education programs at the Utah State Hospital shall be contingent upon a legislative appropriation.
- [B-](2)(a) State education contract funds appropriated for State Hospital youth in custody are allocated to the LEA on a reimbursement basis.
- $\underline{\text{(b)}}$ The State Hospital shall annually submit requests for reimbursement.
- [C-](3) Funding shall be distributed to the LEA on a reimbursement basis subject to required documentation that supports expenditures.
- [D-](4) Funds may be withheld or terminated for noncompliance with state and federal policies and procedures and associated reporting requirements and timelines as defined by the [USOE] Superintendent and in accordance with Rule R277-114.
- [E:](5) The Utah State Hospital shall serve [A]all students qualifying for special education services [shall be served by] in accordance with the special education standards [defined] adopted in the Special Education Rules and [-in] Rule R277-750.
- [F. Staff providing special education services shalleomply with all state special education rules, policies and

procedures, including SCRAM reporting, child find, assessment and financial accountability, as defined by the Board.

R277-709-8. Youth in Custody/LEA Fiscal Procedures.

- [A-](1) Ten percent or \$50,000, whichever is less, of state youth in custody funds or educational contract funds [(State-Hospital)] not expended in the current fiscal year may be carried over by eligible LEAs and spent in the next fiscal year with written approval of the [USOE] Superintendent.
- [B-](2) An LEA shall submit a request to carry over funds [shall be submitted] for approval by August 1.
- (3) If [A]approved, an LEA shall detail carry over amounts [shall be detailed] in a revised budget submitted to the [USOE]Superintendent no later than October 1 in the year requested.
- [C:](4) The Superintendent may consider [E]excess funds [may be considered] in determining the LEA's allocation for the next fiscal year.
- [Φ -](5)(a) The Superintendent shall [A]annually[τ] recapture fund balances in excess of ten percent or \$50,000 [shall be recaptured by the USOE] no later than February 1. [and]
- (b) The Superintendent shall reallocate[d] funds recaptured in accordance with Subsection (5)(a) to the youth in custody programs based on the criteria and procedures provided by [the USOE] this rule.

R277-709-9. Program, Curriculum, Outcomes and Student Mastery.

- [A-](1) Youth in custody programs shall offer courses consistent with the Utah Core standards under Rule R277-700.
- [B:](2) [The]A youth in custody program may modify or adjust Utah core standards and teaching strategies [may be modified or adjusted] to meet the individual needs of youth in custody students.
- [C-](3) Youth in custody programs shall stress [C]course content mastery [shall be stressed] rather than completion of predetermined seat time in a classroom.

R277-709-10. Confidentiality.

- [A-](1) An LEA shall issue [T]transcripts and diplomas prepared for youth in custody [shall be issued] in the name of an existing LEA, which also serves non-custodial youth and shall not bear references to custodial status.
- [B-](2) School records which refer to custodial status, juvenile court records, and related matters shall be kept separate from permanent school records, but are nonetheless student records if retained by the LEA.
- [C:](3)(a) Members of the interagency team which design and oversee student education plans shall have access, through team member representatives of the participating agencies, to relevant records of the various agencies.
- (b) The records and information obtained from the records remain the property of the supplying agency and shall not be transferred or shared with other persons or agencies without the

permission of the supplying agency, the student's legal guardian, or the eligible student, as defined under 20 U.S.C. 1232g(d).

- [D. All information maintained in permanent form on a student from whatever source derived or received, is a student record under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.
- E. All confidentiality provisions that pertain to eligible students with disabilities under IDEA apply.
- (4) Youth in custody programs shall comply with all state and federal privacy requirements for student records.

R277-709-11. Coordinating Council.

- [A-](1)(a) The Department of Human Services and the Board shall appoint a coordinating council in accordance with Subsection 53E-3-503(6)(a) to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of persons in the custody of the Division of Juvenile Justice Services and the Division of Child and Family Services.
- (b) The coordinating [©]council shall operate under [the] guidelines developed and approved by the Department of Human Services and the Board.
- $[\underline{B}$ -](2) <u>Coordinating [E]</u>council membership shall include a representative of the following:
 - ([4]a) the Department of Human Services;
- ([2]b) the Division of Substance Abuse and Mental Health;
 - ([3]c) the Division of Juvenile Justice Services;
 - ([4]d) the Division of Child and Family Services;
 - ([5]e) [Utah State Office of Education] the Board;
 - ([6]f) the Administrative Office of the Courts;
 - ([7]g) [S]school district superintendents; and
 - ([8]h) a Native American tribe.

R277-709-12. Advisory Councils.

- [A-](1)(a) Each LEA serving youth in custody shall establish a local interagency advisory council which shall be responsible for advising member agencies concerning coordination of youth in custody programs.
- (b) Members of [the] council required under Subsection (1)(a) shall include, if applicable to the LEA, the following:
- ([+]i) a representative of the Division of Child and Family Services;
- $([2]\underline{ii})$ a representative of the Division of Juvenile Justice Services;
- ([3]iii) directors of agencies located in an LEA such as detention centers, secure lockup facilities, observation and assessment units, and the Utah State Hospital;
- $([4]\underline{iv})$ a representative of community-based alternative programs for custodial juveniles; and
 - $([5]\underline{v})$ a representative of the LEA.
- [B-](2) [The] A local interagency advisory council required under Subsection (1)(a) shall:
 - (a) adopt by-laws for its operation[-]; and
- [C:](b) [Local interagency advisory councils shall] meet at least quarterly.

KEY: students, education, juvenile courts

Date of Enactment or Last Substantive Amendment: [May 8, 2014|2018

Notice of Continuation: [March 12, 2013]2018

Authorizing, and Implemented or Interpreted Law: Art X Sec

3; 53A-1-403(1); 53A-1-401[(3)]

Education, Administration **R277-719**

Standards for Selling Foods Outside of the Reimbursable Meal in Schools

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42614
FILED: 02/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to outline requirements for local education agency (LEA) policies regarding foods sold outside of the reimbursable meal service. This rule change provides technical changes.

SUMMARY OF THE RULE OR CHANGE: This rule change provides technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board of Education policies for Standards for Selling Foods Outside of the Reimbursable Meal in Schools.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. X, Sec. 3 and Section 53E-3-510 and Subsection 53E-3-401(4) and Subsection 53E-3-501(1)(e)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: This rule change is not estimated to have a fiscal impact on the state budget, because the rule is amended for technical and stylistic changes.
- ♦ LOCAL GOVERNMENTS: This rule change is not estimated to have a fiscal impact on local governments, because the rule is amended for technical and stylistic changes.
- ♦ SMALL BUSINESSES: This rule change is not estimated to have a fiscal impact on small businesses, because the rule is amended for technical and stylistic changes.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule change is not estimated to have fiscal a impact on persons other than small businesses, businesses, or local government entities, because the rule was amended for technical and stylistic changes.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change (R277-719) is not estimated to have a fiscal

impact. It provides technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies for Standards for Selling Foods Outside of the Reimbursable Meal in Schools.

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 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

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
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0

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: Regulatory Impact to Non-Small Businesses

This rule change (R277-719) is not estimated to have a fiscal impact. It provides technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies for Standards for Selling Foods Outside of the Reimbursable Meal in Schools.

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.

R277-719. Standards for Selling Foods Outside of the Reimbursable Meal in Schools.

R277-719-[2]1. Authority and Purpose.

[A.](1) This rule is authorized by

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision [of]over public education in the Board[7];
- (b) Subsection [53A-1-401(3)]53E-3-401(4), which allows the Board to [adopt rules in accordance with its responsibilities] make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law[5];
- (c) Section [53A-19-201(1)]53E-3-510, which allows the Board to set standards relating to the use of school lunch revenues[7]; and
- (d) Subsection [53A-1-402]53E-3-501(1)(e), which requires the Board to establish rules concerning school productivity and cost effectiveness measures and federal programs.
- [B-](2) The purpose of this rule is to outline requirements for LEA policies regarding foods sold outside of the reimbursable meal service.

R277-719-[1]2. Definitions.

[A. "Board" means the Utah State Board of Education.]

[B-](1) "Competitive foods" as provided in 7 CFR 210, means all food and beverages, other than meals reimbursed under programs authorized by <u>federal child nutrition laws</u> [the Richard B. Russell National School Lunch Act, 42 U.S.C., and the Child Nutrition Act of 1966,] available for sale to students on the school campus during the school day.

[C.](2)(a) "Eating area[5]" [for purposes of this rule,] means the place where the reimbursable meal is served or eaten.

(b) In some schools, [this] the "eating area" may include the entire campus.

[D. "LEA" means a local education agency, including-local school boards/public school district or charter school.]

- (3) "Federal child nutrition laws" means the Richard B. Russell National School Lunch Act, 79 P.L. 396, 60 Stat. 230, and the Child Nutrition Act of 1966, 89 P.L. 642, 80 Stat. 885.
- [E:](4) "Nutrition Standards" [are defined in] has the same meaning as contained in 7 CFR 210.11 [and are hereby incorporated by reference].
- [F.](5) "Reimbursable meal" means a meal which meets the requirements [of] set forth in 7 CFR 210, 211, 215, 220 or 225 [which are incorporated by reference and can] to be claimed for payment.
- [G-](6) "School day" means the period from the midnight before, to 30 minutes after the end of [the official school day] a school's calendared class time.
- [H-](7) "School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.
- [4-](8) "Unit" means per container, package or amount served.

[J. "USOE" means the Utah State Office of Education.]

[K-](9) "Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food in bulk or in packages.

R277-719-3. LEA Policies Regarding Vending Machines.

- [A-](1) Each LEA shall develop and implement a policy for schools that choose to provide vending machines.
- [B:](2) [The] A policy implemented in accordance with Subsection (1) shall include:
- ([+]a) a requirement that all agreements for vending machines be in writing in a contract form approved by the local board of education or charter school governing board;
 - ([2]b) accepted uses of vending machine income; and
- $([3]\underline{c})$ generally accepted accounting procedures, including periodic reports to the LEA of vending machine receipts and expenditures.

R277-719-4. LEA Policies Regarding Competitive Food Sales on Campus.

- $[A. These] \begin{tabular}{ll} (1) Federal \\ nutrition standards apply to the sale of competitive foods in all schools offering programs authorized by [the Riehard B. Russell National School Lunch Act and the Child Nutrition Act of 1966] federal child nutrition laws on the school campus during the school day. \\ \end{tabular}$
- [B-](2)(a) [The p]Profits from competitive foods shall accrue either to a non-profit school account or to the non-profit school food service account.
- (b) Profits from competitive foods may not accrue to the benefit of a for-profit account or entity.
- [C:](3)_ If [the] competitive food[(]s[)] were purchased using non-profit school food service funds, the [eost of the itemshall be reimbursed to the food service account] reimbursement shall ensure revenue from the sale of non-program foods generates at least the same proportion of revenue as contributed to the non-profit school food service cost.
- [D-](4)(a) A competitive food item that is sold by an LEA or an employee or agent shall meet[all the competitive food-nutrient standards as outlined in 7 CFR 210.11] federal nutrition standards.

- ______(b) An LEA[s] may use a Smart Snacks calculator, available online at https://foodplanner.healthiergeneration.org/calculator, to verify that competitive foods sold meet[s competitive food] nutrition standards.
- [E. Foods which are exempt from the nutrition standards are listed in 7 CFR 210.11(e) (m).]

R277-719-5. Fundraising Using Food_[/] or Beverages.

- [A.](1) [These fundraising standards apply to school-fundraising using food or beverages in all schools offering programs authorized by the Richard B. Russell National School Lunch Actand the Child Nutrition Act of 1966] An LEA shall comply with the standards set forth in this Section if the LEA has a school that offers programs under federal child nutrition laws on [the] a school campus during the school day.
- [B-](2)(a) Competitive food and beverage items sold during the school day shall meet <u>federal</u> nutrition standards [foreompetitive foods].
- (b) [A special exemption is allowed for the sale of] Notwithstanding Subsection (2)(a), a school may sell food or beverages that do not meet the competitive food standards for the purpose of conducting infrequent school-sponsored fundraisers[-], subject to the following restrictions:
- (i) An LEA may not hold an exempt fundraiser more than three times per year per site;
- (ii) An exempt fundraiser may not last more than five consecutive days; and
- (iii) The principal of a school holding an exempt fundraiser shall designate an individual to maintain records for the fundraiser.
- [C. LEAs may hold specifically exempted fundraisers no more than three times per year per site, with each fundraiser lasting no longer than five consecutive school days.
- (1) The superintendent or principal of the LEA or school shall designate an individual to maintain records of fundraisers at which foods and beverages that do not meet competitive food-standards are sold.
- (2) Career and Technical Education programs may make written requests for fundraisers, in addition to the three allowed in R277-519-5C, to the USOE Child Nutrition Program Director.
- (3) The Superintendent may grant permission for exempt fundraisers in addition to those allowed under Subsection (2)(b) upon the written request of a career and technical education program.

R277-719-6. LEA Local School Wellness Policies.

- [A. Wellness policy requirements apply in all schools offering programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 on the school campus during the school day.
- B.]Each LEA participating in [the National School Lunch Program or the School Breakfast Program] programs under federal child nutrition laws shall establish a local school wellness policy for all schools under the [i+] LEA's jurisdiction[-], which [The written policy] shall, at a minimum, include all the elements required in 7 CFR 210.30.

R277-719-7. Miscellaneous Provisions.

[A:](1) [Schools not participating in the National School Lunch/Breakfast programs] If a school does not participate in programs under federal child nutrition laws, the school shall adopt a written policy for the sale of all foods that are not part of the meal service, including vending, a la carte or other food sales.

(2) A [The] policy required under Subsection (1):

(a) shall apply to all foods sold anywhere on the school [grounds] campus during the school day [when school is in session in all areas of the school accessible to students.]; and

[B. The policies] (b) may use the definitions for competitive foods and wellness policies [from] contained in 7 CFR 210.11 and 7 CFR 210.30.

[C. The provisions of this rule shall become effective no later than August 8, 2014.]

[Đ-](3) [The] <u>A local</u> superintendent or <u>school</u> principal <u>or director</u> [of the LEA or school] shall designate an individual who shall [provide] <u>maintain</u> documentation [during audits to show] of compliance with this [rule] R277-719.

KEY: schools, foods, nutrition, vending machines Date of Enactment or Last Substantive Amendment: [August 7, 2014|2018

Notice of Continuation: [March 12, 2013]2018 Authorizing, and Implemented or Interpreted Law: Art X Sec

3; 53A-1-401(3); 53A-19-201(1); 53A-1-402(1)(e)

Health, Health Care Financing, Coverage and Reimbursement Policy R414-3A-5

Services

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42594
FILED: 02/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to include all accreditation organizations that certify sleep disorder centers in accordance with the Centers for Medicare and Medicaid Services (CMS).

SUMMARY OF THE RULE OR CHANGE: This amendment specifies that coverage for sleep studies is available only through the three accreditation organizations listed in the text. This revised list allows sleep centers more options for accreditation and improves access to sleep study services for Medicaid members.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There is no impact to the state budget because funding and accreditation for sleep studies is within budget allotments set forth by the legislature.
- ♦ LOCAL GOVERNMENTS: There is no impact to local governments because they do not fund outpatient hospital services for Medicaid members.
- ♦ SMALL BUSINESSES: Small businesses will see more revenue through this revised list of accreditation organizations. Nevertheless, there are not sufficient nor cost effective data available to determine what those increases may be.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Medicaid providers and accreditation organizations will see more revenue through this revised list. Nevertheless, there are not sufficient nor cost effective data available to determine what those increases may be. Medicaid members will likewise see an increased, yet undetermined amount of out-of-pocket savings through improved access to services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this change can only result in increased revenue and out-of-pocket savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses will see more revenue through this revised list of accreditation organizations. Nevertheless, there are not sufficient nor cost effective data available to determine what those increases may be.

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 or PO Box 143102, Salt Lake City, UT 84114-3102

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2018	FY 2019	FY 2020

\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0
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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

Implementation of emergency services for non-citizens is within appropriations set forth by the Legislature. There is no immediate way to determine the fiscal impact to providers and recipients because there is no available and cost effective data to determine how many non-citizens would receive emergency services in a given year, nor the types of services they might receive.

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

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

R414-518. Emergency Services Program for Non-Citizens. R414-518-1. Introduction and Authority.

This rule is authorized by 42 CFR 440.255(c) and Subsection 1903(v)(1) of the Social Security Act, and implements the scope of services available to individuals who qualify for coverage under the Emergency Service Program for Non-Citizens.

R414-518-2. Definitions.

- In addition to the definitions in Rule R414-1, the following definitions apply to this rule:
- (1) "Acute" means a severe and sudden onset of symptoms in relation to a disease or illness.
- (2) "Chronic" means a persistent condition in relation to a disease or illness.
- (3) "Diagnosis" means identification of the cause, nature, or manifestation of a disease or illness.
- (4) "Emergency medical condition" means the type of condition as defined by Section R414-1-2.
- (5) "Emergency service" means the type of service as defined in Section R414-1-2.
- (6) "Final diagnosed condition" means the diagnosis given to an individual at the time of discharge.
- (7) "Immediate medical attention" means treatment rendered within 24 hours of the onset of symptoms or within 24 hours of diagnosis.
 - (8) "Non-citizen" means an undocumented alien.
- (9) "Treating physician" means a physician who has conducted an evaluation of the individual sufficient to render a medical opinion that the presenting symptoms are emergent in nature and require immediate medical attention.

R414-518-3. Eligibility Requirements for Coverage under the Emergency Services Program for Non-Citizens.

Individuals who qualify for the Emergency Service
Program for Non-Citizens must meet eligibility requirements set
forth in Subsection 1903(v) of the Social Security Act.

R414-518-4. Service Coverage Criteria and Limitations.

- (1) For Medicaid to cover emergency services for noncitizens, the following criteria must be present:
- (a) The final diagnosed condition for the episode of care manifests itself by a sudden onset of symptoms:
- (b) The final diagnosed condition for the episode of care, including emergency labor and delivery, manifests itself by acute symptoms of sufficient severity (including severe pain);
- (c) The final diagnosed condition for the episode of care reasonably requires immediate medical attention;
- (d) The final diagnosed condition for the episode of care requires acute care, not care for a chronic condition, and does not require chemotherapy or follow-up care; and
- (e) The final diagnosed condition for the episode of care could reasonably be expected to result in:
 - (i) placing the patient's health in serious jeopardy;
 - (ii) serious impairment to bodily functions;
 - (iii) serious dysfunction of any bodily organ or part; or
 - (iv) death.
 - (2) The following limitations apply to coverage:
- (a) Medicaid may only cover services based on a sudden onset of symptoms to treat the final diagnosed condition, and may only cover these services until the condition is stabilized.
- (i) A condition is stabilized when the severity of illness and the intensity of service are such that the individual:
 - (I) can leave the acute care facility;
- (II) no longer needs constant attention from a medical professional;

- (III) needs only supportive care; or
- (IV) begins to require long-term care.
- (b) The final diagnosed condition for the episode of care cannot be related to an organ transplant procedure.
- (c) Medicaid shall not cover prolonged medical support, medical equipment, or prescribed drugs required beyond the point at which the final diagnosed condition has been stabilized.
- (d) In the event of a referral to the emergency department, the initial emergency department visit may qualify for coverage under the Emergency Service Program for Non-Citizens when the following criteria are met and established by supporting documentation:
- (i) The treating physician performs an evaluation and management of the individual;
- (ii) The individual is referred to the emergency department by the treating physician; and
- (iii) The individual goes directly from the treating physician to the emergency department.
- (e) Medicaid covers only emergency labor and delivery for pregnant women and does not cover prenatal and post-partum services.

KEY: Medicaid, emergency services
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3

Health, Health Care Financing, Coverage and Reimbursement Policy R414-518

Emergency Services Program for Non-Citizens

NOTICE OF PROPOSED RULE

(New Rule) DAR FILE NO.: 42595 FILED: 02/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to implement by rule Medicaid policy for emergency services as they relate to non-citizens.

SUMMARY OF THE RULE OR CHANGE: This new rule implements policy for emergency services through definitions, eligibility requirements, and service coverage criteria.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There is no impact to the state budget because this rule only implements ongoing Medicaid policy for emergency services.

- ♦ LOCAL GOVERNMENTS: There is no budget impact to local governments because they do not fund or provide emergency services under the Medicaid program.
- ♦ SMALL BUSINESSES: There is no impact to small businesses because this rule only implements ongoing Medicaid policy for emergency services.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no impact to Medicaid providers and to Medicaid members because this rule only implements ongoing Medicaid policy for emergency services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single Medicaid provider or to a Medicaid member because this rule only implements ongoing Medicaid policy for emergency services.

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 not result in a fiscal impact to businesses.

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 or PO Box 143102, Salt Lake City, UT 84114-3102

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

AUTHORIZED BY: Joseph Miner, MD, Executive 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
Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
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

Implementation of emergency services for non-citizens is within appropriations set forth by the Legislature. There is no immediate way to determine the fiscal impact to providers and recipients because there is no available and cost effective data to determine how many non-citizens would receive emergency services in a given year, nor the types of services they might receive.

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

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

R414-518. Emergency Services Program for Non-Citizens. R414-518-1. Introduction and Authority.

This rule is authorized by 42 CFR 440.255(c) and Subsection 1903(v)(1) of the Social Security Act, and implements the scope of services available to individuals who qualify for coverage under the Emergency Service Program for Non-Citizens.

R414-518-2. Definitions.

- In addition to the definitions in Rule R414-1, the following definitions apply to this rule:
- (1) "Acute" means a severe and sudden onset of symptoms in relation to a disease or illness.
- (2) "Chronic" means a persistent condition in relation to a disease or illness.

- (3) "Diagnosis" means identification of the cause, nature, or manifestation of a disease or illness.
- (4) "Emergency medical condition" means the type of condition as defined by Section R414-1-2.
- (5) "Emergency service" means the type of service as defined in Section R414-1-2.
- (6) "Final diagnosed condition" means the diagnosis given to an individual at the time of discharge.
- (7) "Immediate medical attention" means treatment rendered within 24 hours of the onset of symptoms or within 24 hours of diagnosis.
 - (8) "Non-citizen" means an undocumented alien.
- (9) "Treating physician" means a physician who has conducted an evaluation of the individual sufficient to render a medical opinion that the presenting symptoms are emergent in nature and require immediate medical attention.

R414-518-3. Eligibility Requirements for Coverage under the Emergency Services Program for Non-Citizens.

Individuals who qualify for the Emergency Service Program for Non-Citizens must meet eligibility requirements set forth in Subsection 1903(v) of the Social Security Act.

R414-518-4. Service Coverage Criteria and Limitations.

- (1) For Medicaid to cover emergency services for noncitizens, the following criteria must be present:
- (a) The final diagnosed condition for the episode of care manifests itself by a sudden onset of symptoms;
- (b) The final diagnosed condition for the episode of care, including emergency labor and delivery, manifests itself by acute symptoms of sufficient severity (including severe pain);
- (c) The final diagnosed condition for the episode of care reasonably requires immediate medical attention;
- (d) The final diagnosed condition for the episode of care requires acute care, not care for a chronic condition, and does not require chemotherapy or follow-up care; and
- (e) The final diagnosed condition for the episode of care could reasonably be expected to result in:
 - (i) placing the patient's health in serious jeopardy;
 - (ii) serious impairment to bodily functions;
 - (iii) serious dysfunction of any bodily organ or part; or
 - (iv) death.
 - (2) The following limitations apply to coverage:
- (a) Medicaid may only cover services based on a sudden onset of symptoms to treat the final diagnosed condition, and may only cover these services until the condition is stabilized.
- (i) A condition is stabilized when the severity of illness and the intensity of service are such that the individual:
 - (I) can leave the acute care facility;
- (II) no longer needs constant attention from a medical professional;
 - (III) needs only supportive care; or
 - (IV) begins to require long-term care.
- (b) The final diagnosed condition for the episode of care cannot be related to an organ transplant procedure.
- (c) Medicaid shall not cover prolonged medical support, medical equipment, or prescribed drugs required beyond the point at which the final diagnosed condition has been stabilized.

- (d) In the event of a referral to the emergency department, the initial emergency department visit may qualify for coverage under the Emergency Service Program for Non-Citizens when the following criteria are met and established by supporting documentation:
- (i) The treating physician performs an evaluation and management of the individual;
- (ii) The individual is referred to the emergency department by the treating physician; and
- (iii) The individual goes directly from the treating physician to the emergency department.
- (e) Medicaid covers only emergency labor and delivery for pregnant women and does not cover prenatal and post-partum services.

KEY: Medicaid, emergency services
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: 26-1-5; 2618-3

Labor Commission, Industrial Accidents **R612-300-4**

General Method for Computing Medical Fees

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42567
FILED: 02/08/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to correct a typographical error in the rule text. The anesthesiology conversion factors were approved by the Workers' Compensation Advisory Council at \$62 not the \$65 as stated in the current rule text.

SUMMARY OF THE RULE OR CHANGE: The purpose of this rule change is to correct a typographical error in the rule text. The anesthesiology conversion factors were approved by the Workers' Compensation Advisory Council at \$62 not the \$65 as stated in the current rule text.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-104 and Section 34A-2-201

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There would be a savings of \$3 per unit of anesthesiology charged in workers' compensation cases.
- ♦ LOCAL GOVERNMENTS: There would be a savings of \$3 per unit of anesthesiology charged in workers' compensation cases.

- ◆ SMALL BUSINESSES: There would be a savings of \$3 per unit of anesthesiology charged in workers' compensation cases.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There would be a savings of \$3 per unit of anesthesiology charged in workers' compensation cases.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be a savings of \$3 per unit of anesthesiology charged in workers' compensation cases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be a savings of \$3 per unit of anesthesiology charged in workers' compensation cases.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
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:

- ♦ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov
- ♦ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

AUTHORIZED BY: Jaceson Maughan, Commissioner

Appendix 1: Regulatory Impact Summary Table*

iscal Costs	FY 2018	FY 2019	FY 2020
tate Government \$	\$0	\$0	\$0
ocal Government \$	\$0	\$0	\$0
mall Businesses \$	\$0	\$0	\$0
on-Small sinesses	\$0	\$0	\$0
ther Person \$	\$0	\$0	\$0
otal Fiscal \$	\$0	\$0	\$0
'	\$0	\$0	\$0

Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
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 a total of 8 Utah companies that provide workers compensation insurance (NATCS Code 525190). The agency is unable to estimate the benefit to them from this rule, because the number of workers' compensation claims that will require anesthesia are unknown. However, if anesthesia is needed a savings of \$3 per unit used will be seen with the passage of this rule. It is possible that these 8 businesses will pass the savings on to their policy holders through a reduction in premiums.

This rule will also affect providers of workers' compensation benefits that are not Utah businesses. It is possible that these non-Utah businesses will also pass the savings onto their Utah business policy holders through a reduction in premiums. All businesses in Utah with employees are required to carry workers compensation insurance and could therefore see an indirect savings from this rule. The Labor Commission is unable to estimate the benefit to Utah Businesses.

Utah Labor Commissioner, Jaceson R. Maughan has reviewed and approved this fiscal analysis.

R612. Labor Commission, Industrial Accidents. R612-300. Workers' Compensation Rules - Medical Care. R612-300-4. General Method For Computing Medical Fees.

A. Adoption of "CPT" and "RBRVS." The Labor Commission hereby adopts and by this reference incorporates:

"Optum 2017 The Essential RBRVS, 2017 1st Quarter Update," designated as RBRC17/U1787 and U1787R ("RBRVS" hereafter).

B. Medical fees calculated according to the RBRVS relative value unit assigned to each CPT code. Unless some other provision of these rules specifies a different method, the RBRVS is to be used in conjunction with the "conversion factors" established in subsection C. of this rule to calculate payments for medical care provided to injured workers.

- C. Conversion Factors. Fees for medical care of injured workers shall be computed by determining the relative value unit ("RVU") assigned by the RBRVS to a CPT code and then multiplying that RVU by the following conversion factors for specific medical specialties:
- 1. Anesthesiology (1 unit per 15 minutes of anesthesia): \$6[5]2.00;
- 2. Medicine (Evaluation and Medicine Codes 99201 99204 and 99211-99214): \$50.00;
 - 3. Pathology and Laboratory: \$56.00;
 - 4. Radiology: \$58.00;
 - 5. Restorative Services: \$50.00;
- Surgery (all 20000 codes, codes 49505 thru 49525, and all 60000 codes): \$65.00;
 - 7. Other Surgery: \$43.00.
- D. Fees for Medical care not addressed by CPT/RBRVS, or requiring unusual treatment.
- 1. The payor and medical provider may establish and agree to a reasonable fee for medical care of an injured worker if:
- a. neither the CPT/RBRVS or any other provision of these rules address the medical care in question; or
- b. application of CPT/RBRVS or other provisions of these rules would result in an inadequate fee due to extraordinary difficulty of treatment
- 2. If the medical provider and payor cannot agree to a reasonable fee in such cases, the provider can request a hearing before the Commission's Adjudication Division to establish a reasonable fee.

KEY: workers' compensation, fees, medical practitioners, nurse practitioners

Date of Enactment or Last Substantive Amendment: [December 22, 2016] 2018

Authorizing, and Implemented or Interpreted Law: 34A-1-104; 34A-2-201

Labor Commission, Occupational Safety and Health **R614-1-4**

Incorporation of Federal Standards

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42568
FILED: 02/08/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to exempt 29 CFR 1910.27(b)(1), 29 CFR 1910.28(b)(9)(i)(A), 29 CFR 1910.28(b)(9)(i)(B), and 29 CFR 1910.28(b)(9)(i)(D) from the incorporated federal standards in order to provide employers additional time to comply with these regulations. The additional time that will be provided will be equivalent to the

time provided to employers by federal Occupational Safety and Health Administration (OSHA) and will be incorporated by the Division of Utah Occupational Safety and Health (UOSH) at a later date.

SUMMARY OF THE RULE OR CHANGE: This rule change exempts 29 CFR 1910.27(b)(1), 29 CFR 1910.28(b)(9)(i)(A), 29 CFR 1910.28(b)(9)(i)(B), and 29 CFR 1910.28(b)(9)(i)(D) from the 29 CFR 1910 standards (July 1, 2017 edition of 29 CFR 1021.21 through the end part of 1910) that were incorporated by reference.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 34A, Chapter 6

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Removes 29 CFR 1910.28(b)(9)(i)(B), published by US Government Printing Office, 2017
- ◆ Removes 29 CFR 1910.28(b)(()(i)(A), published by US Government Printing Office, 2017
- ◆ Removes 29 CFR 1910.27(b)(1), published by US Government Printing Office, 2017
- ◆ Removes 29 CFR 1910.28(b)(()(i)(D), published by US Government Printing Office, 2017

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: State government entities will not be affected by this rule change. Exemption of these standards from the incorporated federal standards will provide entities additional time to comply with the requirements set forth in 29 CFR 1910.27(b)(1), 29 CFR 1910.28(b)(9)(i)(A), 29 CFR 1910.28(b)(9)(i)(B), and 29 CFR 1910.28(b)(9)(i)(D), which will be incorporated by reference at a later date.
- ♦ LOCAL GOVERNMENTS: Local governments will not be affected by this rule change. Exemption of these standards from the incorporated federal standards will provide entities additional time to comply with the requirements set forth in 29 CFR 1910.27(b)(1), 29 CFR 1910.28(b)(9)(i)(A), 29 CFR 1910.28(b)(9)(i)(B) and 29 CFR 1910.28(b)(9)(i)(D), which will be incorporated by reference at a later date.
- ♦ SMALL BUSINESSES: Small businesses will not be affected by this rule change. Exemption of these standards from the incorporated federal standards will provide entities additional time to comply with the requirements set forth in 29 CFR 1910.27(b)(1), 29 CFR 1910.28(b)(9)(i)(A), 29 CFR 1910.28(b)(9)(i)(B), and 29 CFR 1910.28(b)(9)(i)(D), which will be incorporated by reference at a later date.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Persons other than small businesses, businesses, or local government entities will not be affected by this rule change. Exemption of these standards from the incorporated federal standards will provide entities additional time to comply with the requirements set forth in 29 CFR 1910.27(b)(1), 29 CFR 1910.28(b)(9)(i)(A), 29 CFR 1910.28(b)(9)(i)(B), and 29 CFR 1910.28(b)(9)(i)(D), which will be incorporated by reference at a later date.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs resulting from the exemption of 29 CFR 1910.27(b)(1), 29 CFR 1910.28(b)(9)(i)(A), 29 CFR 1910.28(b)(9)(i)(B), and 29 CFR 1910.28(b)(9)(i)(D) from the 29 CFR 1910 standards (July 1, 2017 edition of 29 CFR 1910.21 through the end part of 1910) that were incorporated by reference. Exemption of these standards will provide employers additional time to comply with the requirements which will be incorporated by reference at a later date.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only fiscal impact will be to employers who violate the incorporated safety standards. The majority of incorporated safety standards are updated versions of federal safety regulations.

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

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:

- ♦ Cameron Ruppe by phone at 801-530-6898, or by Internet E-mail at cruppe@utah.gov
- ♦ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

AUTHORIZED BY: Jaceson Maughan, Commissioner

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

Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
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 exempts certain federal standards from Utah enforcement. The fiscal impacts are inestimable because the number of businesses that might be affected by these safety standards is difficult to determine and whether or not these businesses are in violation of these safety standards is also difficult to be determined. Additionally, the severity of any potential safety violations is unknown thereby making it impossible to estimate what the impact will potentially be on businesses in violation of safety standards.

Utah Labor Commissioner, Jaceson R. Maughan has reviewed and approved this fiscal analysis.

R614. Labor Commission, Occupational Safety and Health. R614-1. General Provisions.

R614-1-4. Incorporation of Federal Standards.

- A. The following federal occupational safety and health standards are hereby incorporated:
- 1. 29 CFR 1904, July 1, 2015, is incorporated by reference, except the workplace fatality, injury and illness reporting requirements found in 29 CFR 1904.1, 1904.2, 1904.7 and 1904.39. Workplace fatalities, injuries and illnesses shall be reported pursuant to the more specific Utah standards in Utah Code Ann. Subsection 34A-6-301(3) (b)(2) and the Utah Administrative Code R614-1-5(C)(1).
 - 2. 29 CFR 1908, July 1, 2015, is incorporated by reference.
- 3. 29 CFR 1910.6 and 1910.21 through the end part of 1910, July 1, 2017, are incorporated by reference, except 29 CFR 1920.27(b)(1), 29 CFR 1910.28(b)(9)(i)(A), 29 CFR 1910.28(b)(9)(i)(B), 29 CFR 1910.28(b)(9)(i)(D), 29 CFR 1910.1024 and 29 CFR 1910.1053.
- 29 CFR 1926.6 and 1926.20 through the end of part 1926, of the July 1, 2017, edition are incorporated by reference, except 29 CFR 1926.1124 and 29 CFR 1926.1153.

KEY: safety

Date of Enactment or Last Substantive Amendment: [December

28, 2015]<u>2018</u>

Notice of Continuation: October 19, 2017

Authorizing, and Implemented or Interpreted Law: 34A-6

Labor Commission; Boiler, Elevator and Coal Mine Safety R616-2-3

Safety Codes and Rules for Boilers and Pressure Vessels

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42565
FILED: 02/08/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to adopt the most recent nationally recognized safety codes as they apply to boilers and pressure vessels. The Utah Labor Commission's intent is to maintain uniformity between Utah and national standards for the design, installation and inspection of boilers and pressure vessels.

SUMMARY OF THE RULE OR CHANGE: Adoption of most recent safety codes as they apply to boilers and pressure vessels in the state of Utah as follows: ASME B31.1 - 2016, ASME Boiler and Pressure Vessel Code, Section 1 -2017, ASME Boiler and Pressure Vessel Code, Section IV - 2017 and ASME Boiler and Pressure Vessel Code, Section VIII Div 1 - 2017.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101 et seq.

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates Power Piping ASME B31.1 -2016, published by American Society of Mechanical Engineers, 2016
- ◆ Updates ASME Boiler and Pressure Vessel Code Section I, published by American Society of Mechanical Engineers, 2017
- ◆ Updates ASME Boiler and Pressure Vessel Code Section IV, published by American Society of Mechanical Engineers, 2017
- ◆ Updates ASME Boiler and Pressure Vessel Code Section VIII, published by American Society of Mechanical Engineers, 2017

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: The initial cost to purchase all of these code books both for the Division of Boiler, Elevator, and

Coal Mine Safety (Division) and for Administrative Rules was \$1,645. Other than the cost to purchase these books, the Division is not aware of any other cost that will be incurred at the time of installation or during maintenance, due to the adoption of these codes.

- ♦ LOCAL GOVERNMENTS: Other than the cost to purchase these books, if desired, the Division is not aware of any other cost that will be incurred by local governments, at the time of installation or during maintenance, due to the adoption of these codes.
- ♦ SMALL BUSINESSES: Other than the cost to purchase these books, if desired, the Division is not aware of any other cost that will be incurred by small businesses, at the time of installation or during maintenance, due to the adoption of these codes.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Other than the cost to purchase these books, if desired, the Division is not aware of any other cost that will be incurred by persons other than small businesses, businesses, or local government entities, at the time of installation or during maintenance, due to the adoption of these codes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Other than the cost to purchase these books, if desired, the Division is not aware of any other cost that will be incurred by affected persons, at the time of installation or during maintenance, due to the adoption of these codes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Other than the cost to purchase these books, if desired, the Commissioner is not aware of any other cost that will be incurred, at the time of installation or during maintenance, due to the adoption of these codes.

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

LABOR COMMISSION
BOILER, ELEVATOR AND COAL MINE SAFETY
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:

- ♦ Ami Windham by phone at 801-530-6850, by FAX at 801-530-6871, or by Internet E-mail at awindham@utah.gov
- ♦ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov
- ♦ Pete Hackford by phone at 801-530-7605, by FAX at 801-530-6871, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

AUTHORIZED BY: Jaceson Maughan, Commissioner

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$1,645	\$0	\$1,645
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$414,540	\$0	\$414,540
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$416,185	\$0	\$416185
Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$416,185	\$0	416,185

*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 252 Commercial Plumbers HVAC installers in Utah (NAICS Code 238222). If the installers of commercial boilers and pressure vessels choose to purchase the updated code books the cost would be \$1,645 per set of books. Businesses that have commercial boilers and pressure vessels will be indirectly impacted by the cost of repairs when commercial boilers and pressure vessels are found to be in violation of the current standards. The violations and cost to repair them are inestimable. The codes books are updated approximately every two years.

Utah Labor Commissioner, Jaceson R. Maughan has reviewed and approved this fiscal analysis.

R616. Labor Commission, Boiler, Elevator and Coal Mine Safety. R616-2. Boiler and Pressure Vessel Rules.

R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.

The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant to Section 34A-7-101, and are incorporated herein by this reference in this rule.

- A. ASME Boiler and Pressure Vessel Code -- 201[5]7.
- 1. Section I Rules for Construction of Power Boilers.
- 2. Section IV Rules for Construction of Heating Boilers.
- 3. Section VIII Rules for Construction of Pressure Vessels.
- B. Power Piping ASME B31.1 -- 201[4]6.
- C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-2015. Except:
 - 1. Part CG-130(c).
- D. National Board Inspection Code ANSI/NB-23 2017 Part 3.
- E. NFPA 85 Boiler and Combustion Systems Hazard Code 2015.
- F. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4.
- G. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 Tenth Edition, 2014. Except:
 - 1. Section-8, and
 - 2. Appendix-A.

KEY: boilers, certification, safety

Date of Enactment or Last Substantive Amendment: [September 21, 2017]2018

Notice of Continuation: August 23, 2016

Authorizing, and Implemented or Interpreted Law: 34A-7-101 et seg

Labor Commission; Boiler, Elevator and Coal Mine Safety **R616-3-3**

Safety Codes for Elevators

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 42566
FILED: 02/08/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to adopt the most recent nationally recognized safety codes as they apply to elevators and escalators as defined in Section 34A-7-302. The Utah Labor Commission's intent is to maintain uniformity between Utah and national standards for the installation and inspection of elevators and escalators.

SUMMARY OF THE RULE OR CHANGE: Adoption of the most recent safety codes as they apply to elevators and escalators as defined in Section 34A-7-202 as follows: ASME A17.1 - 2016/CSA B44-16 Safety Code for Elevators and Escalators.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-101 et seq.

MATERIALS INCORPORATED BY REFERENCE:

◆ Updates Safety Code for Elevators and Escalators, published by American Society of Mechanical Engineers, 2016

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The initial cost to purchase the code book for both for the Division of Boiler, Elevator and Coal Mine Safety (Division) and for Administrative Rules was \$360. Other than the cost to purchase the book, the Division is not aware of any other cost that will be incurred, at the time of installation or during maintenance, due to the adoption of these codes.
- ♦ LOCAL GOVERNMENTS: Other than the cost to purchase the book, if desired, the Division is not aware of any other cost that will be incurred by local governments, at the time of installation or during maintenance, due to the adoption of these codes.
- ♦ SMALL BUSINESSES: Other than the cost to purchase the book, if desired, the Division is not aware of any other cost that will be incurred by small businesses, at the time of installation or during maintenance, due to the adoption of these codes.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Other than the cost to purchase the book, if desired, the Division is not aware of any other cost that will be incurred by persons other than small businesses, businesses, or local government entities, at the time of installation or during maintenance, due to the adoption of these codes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Other than the cost to purchase the book, if desired, the Division is not aware of any other cost that will be incurred by affected persons, at the time of installation or during maintenance, due to the adoption of these codes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Other than the cost to purchase the book, if desired, the Commissioner is not aware of any other cost that will be incurred, at the time of installation or during maintenance, due to the adoption of these codes.

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

LABOR COMMISSION BOILER, ELEVATOR AND COAL MINE SAFETY

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:

- ♦ Ami Windham by phone at 801-530-6850, by FAX at 801-530-6871, or by Internet E-mail at awindham@utah.gov
- ♦ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov
- ♦ Pete Hackford by phone at 801-530-7605, by FAX at 801-530-6871, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 04/09/2018

AUTHORIZED BY: Jaceson Maughan, Commissioner

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
Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
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 approximately 60 non-residential equipment contractors in Utah (NAICS Code 238292). If the business chooses to purchase the code books, the cost would be \$360 per set of books. The rule change affects installers of commercial elevators and the inspection of commercial elevators. Businesses that have commercial elevators would not be impacted by this rule change directly. There would be an indirect cost of fixing violations found during the inspection process, which are inestimable because the type of violation and the cost to remedy the violation is unknown. The code books are updates approximately every two years.

Utah Labor Commissioner, Jaceson R. Maughan has reviewed and approved this fiscal analysis.

R616. Labor Commission, Boiler, Elevator and Coal Mine Safety. R616-3. Elevator Rules.

R616-3-3. Safety Codes for Elevators.

The following safety codes are adopted and incorporated by reference within this rule:

- A. ASME A17.1-201[3] $\underline{6}$ /CSA B44-1[θ] $\underline{6}$, Safety Code for Elevators and Escalators, and amended as follows:
 - 1. Delete 2.2.2.5;
- 2. Amend 8.6.5.8 as follows: Existing hydraulic cylinders installed below ground when found to be leaking shall be replaced with cylinders conforming to 3.18.3.4 or the car shall be provided with safeties conforming to 3.17.1 and guide rails, guide rail supports and fastenings conforming to 3.23.1. This code is issued every two years. New issues become mandatory only when a formal change is made to these rules. Elevators are required to comply with the A17.1 code in effect at the time of installation.
- B. ASME A17.3 2015 Safety Code for Existing Elevators and Escalators. This code is adopted for regulatory guidance only for elevators classified as remodeled elevators by the Division of Boiler, Elevator and Coal Mine Safety.
 - C. ASME A90.1-2015, Safety Standard for Belt Manlifts.
- D. ANSI A10.4-2016, Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations.
- E. ICC/ANSI A117.1 (2009) Accessible and Usable Buildings and Facilities, sections 407 and 408, and 410 approved October 20, 2010.
- F. ASME A18.1-2014 Safety Standard For Platform Lifts And Stairway Chairlifts.
- G. ASME A17.6-2010 Standard for Elevator Suspension, Compensation, and Governor Systems.

KEY: elevators, certification, safety

Date of Enactment or Last Substantive Amendment: [September 21, 2017]2018

Notice of Continuation: August 23, 2016

Authorizing, and Implemented or Interpreted Law: 34A-1-101 et seq.

Natural Resources, Water Rights **R655-1**

Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah

NOTICE OF PROPOSED RULE

(Repeal and Reenact) DAR FILE NO.: 42606 FILED: 02/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The current rule requires clarification and update to match current industry practice.

SUMMARY OF THE RULE OR CHANGE: The current rule requires clarification and updates to match current industry practice. The statutory obligation continues and there is a continuing need for this rule to provide guidance for requirements pertaining to Geothermal Energy.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 73-22-5

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: No cost involved, clarification of processing does not require a dollar figure.
- ♦ LOCAL GOVERNMENTS: No cost involved, clarification of processing does not require a dollar figure.
- ♦ SMALL BUSINESSES: No cost involved, clarification of processing does not require a dollar figure.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No cost involved, clarification of processing does not require a dollar figure.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost involved, clarification of processing does not require a dollar figure.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact, clarification of processing does not require a dollar figure.

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

NATURAL RESOURCES
WATER RIGHTS
ROOM 220
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Marianne Burbidge by phone at 801-538-7370, by FAX at 801-538-7467, or by Internet E-mail at marianneburbidge @utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 06/29/2018

AUTHORIZED BY: Kent Jones, State Engineer/Director

Appendix	1:	Regulatory	Impact	Summary	Table*

Appendix 1: Regulate	OT A	Impact St	mmary rabie	-
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
Fiscal Benefits				
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
Total Fiscal Benefits:	\$0		\$0	\$0
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
No cost involved, clarification of processing does not require a dollar figure.

Kent L. Jones, Division Director, has reviewed and approved this fiscal analysis.

R655. Natural Resources, Water Rights.

[R655-1. Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah.

R655-1-1. General Provisions.

1.1 Authority: In Section 73-22-5, the Division of Water Rights is given jurisdiction and authority to require that all wells for the discovery and production of water to be used for geothermal energy production of water in the State of Utah, be drilled, operated, maintained, and abandoned in a manner as to safeguard life, health, property, the public welfare, and to encourage maximum economic recovery.

1.2 Definitions:

- (a) "Applicant" means any person submitting an application to the Division of Water Rights to appropriate water, brine or steam for geothermal purposes and for the construction and operation of any well or injection well.
- (b) "BOPE" is an abbreviation for Blow-Out Prevention-Equipment which is designed to be attached to the easing in ageothermal well in order to prevent a blow-out.
- (e) "Completion." A well is considered to be completed thirty days after drilling operations have ceased unless a suspension of operation is approved by the Division, or thirty days after it has commenced producing a geothermal resource, whichever occurs first, unless drilling operations are resumed before the end of the thirty-day period or at the end of the suspension.
- (d) "Correlative Rights" means the owners' or operators' just and equitable share in the geothermal resource.
- (e) "Division" means the Division of Water Rights,— Department of Natural Resources, State of Utah.
- (f) "Drilling Logs" means the recorded description of the lithologic sequence encountered in drilling a well.
- (g) "Drilling Operations" means the actual drilling, redrilling, or recompletion of the well for production or injection including the running and cementing of easing and the installation of well head equipment. Drilling operations do not include perforating, logging, and related operations.
- (h) "Exploratory Well" means a well drilled for thediscovery or evaluation of geothermal resources either in anestablished geothermal field or in unexplored areas.
- (i) "Geothermal Area" means the same general land area which in its subsurface is underlaid or reasonably appears to beunderlaid by geothermal resources from or in a reservoir, pool, or other source or interrelated sources.
- (j) "Geothermal Field" means an area designated by the Division which contains a well or wells capable of commercial production of geothermal resources.
- (k) "Geothermal Resource" means the natural heat energy of the earth, the energy in whatever form which may be found in any position and at any depth below the surface of the earth, present in, resulting from, or created by, or which may be extracted from natural heat and all minerals in solution or other products obtained from the material medium of any geothermal resource.

- (l) "Injection Well" means any special well, converted-producing well, or reactivated or converted abandoned well employed for injecting material into a geothermal area or adjacent area to-maintain pressures in a geothermal reservoir, pool, or other source, or to provide new material to serve as a material medium therein, or for reinjecting any material medium or the residue thereof, or any by-product of geothermal resource exploration or development into the earth.
- (m) "Material Medium" means any substance including, but not limited to, naturally heated fluids, brines, associated gases and steam in whatever form, found at any depth and in any position below the surface of the earth, which contains or transmits the natural heat energy of the earth, but excluding petroleum, oil, hydrocarbon gas, or other hydrocarbon substances.
- (n) "Notice" means a statement to the Division that the applicant intends to do work.
- (o) "Operator" means any person drilling, maintaining, operating, pumping, or in control of any well. The term operator also includes owner when any well is or has been or is about to be operated by or under the direction of the owner.
- (p) "Owner" means the owner of the geothermal lease or well and includes operator when any well is operated or has been operated or is about to be operated by any person other than the owner.
- (q) "Person" means any individual natural person, general or limited partnership, joint venture, association, cooperative organization, corporation, whether domestic or foreign, agency or subdivision of this or any other state or municipal or quasi-municipal entity whether or not it is incorporated.
- (r) "Production Well" means any well which is commercially producing or is intended for commercial production of a geothermal resource.
- (s) "State Engineer" is the Director of the Division of Water Rights, which is the agency having general administrative supervision over the waters of the State. The duties of this Division are primarily set forth in Title 73, Chapters 1 through 6.
- (t) "Suspension of Operations" means the cessation of drilling, redrilling, or alteration of easing before the well is officially abandoned or completed. All suspensions must be authorized by the Division.
- (u) "Waste" means any physical waste including, but not limited to:
- (1) Underground waste resulting from inefficient, excessive, or improper use, or dissipation of geothermal energy, or of any geothermal resource pool, reservoir, or other source; or the locating, spacing, constructing, equipping, operating, or producing of any well in a manner which results, or tends to result in reducing the quantity of geothermal energy to be recovered from any geothermal area in the State.
- (2) The inefficient above-ground transporting and storage of geothermal energy; and the locating, spacing, equipping, operating, or producing of any well or injection well in a manner causing or tending to cause unnecessary or excessive surface loss or destruction of geothermal energy; the escape into the open air from a well of steam or hot water in excess of what is reasonably necessary in the efficient development or production of a well.
- (v) "Well" means any well drilled for the discovery or production of geothermal resources or any well on lands producing geothermal resources or reasonably presumed to contain geothermal

resources, or any special well, converted producing well or reactivated or converted abandoned well employed for reinjecting geothermal-resources or the residue thereof.

1.3 All administrative procedures involving applications, approvals, hearings, notices, revocations, orders and their judicial-review, and all other administrative procedures required or allowed by these rules are governed by rules for administrative procedures-adopted by the Division, including R655-6, Administrative Procedures for Informal Proceedings Before the Division of Water Rights of the State of Utah.

R655-1-2. Drilling.

- 2.1 Applications:
- 2.1.1 Application to drill for Geothermal Resources.

Any person, owner or operator, who proposes to drill a well for the production of geothermal resources or to drill an injection well shall first apply to the Division in accordance with Title 73, Chapter 3. Applications to appropriate water for geothermal purposes will be processed and investigated by the Division, and if they meet the requirements of Section 73-3-8, they will be approved by the State-Engineer on a well-to-well basis or as a group of wells which comprise an operating unit and have like characteristics.

Appropriation of water for geothermal purposes shall not be considered mutually interchangeable with water for any other purpose. Water, brine, steam or condensate produced during a geothermal operation may be subject to further appropriation if physical conditions permit.

2.1.2 Plan of Operations:

Before drilling an exploratory or production well, the applicant shall submit a plan of operations to the State Engineer for his approval. The plan shall include:

- (a) Location, elevation and layout.
- (b) Lease identification and Well Number.
- (e) Tools and equipment description including maximumeapacity and depth rating.
 - (d) Expected depth and geology.
 - (e) Drilling, mud, cementing and casing program.
 - (f) BOPE installation and test.
 - (g) Logging, coring and testing program.
 - (h) Methods for disposal of waste materials.
 - (i) Environmental considerations.
 - (j) Emergency procedures.
 - (k) Other information as the State Engineer may require.
 - 2.1.3 Application to deepen or modify an existing well.
- If the owner or operator plans to deepen, redrill, plug, or perform any operation that will in any manner modify the well, an application shall be filed with the Division and written approval must be received prior to beginning work; however, in an emergency, the owner or operator may take action to prevent damage without receiving prior written approval from the Division, but in those cases the owner or operator shall report his action to the Division as soon as possible.
 - 2.1.4 Application for permit to convert to injection.
- If the owner or operator plans to convert an existing geothermal well into an injection well with no change of mechanical condition, written request shall be filed with the Division and written approval must be received prior to beginning injection.
 - 2.1.5 Amendment of permit.

No changes in the point of diversion, place or nature of use shall be allowed until an amendment to the application is approved by the State Engineer in accordance with Section 73-3-3.

2.1.6 Notice to other agencies.

Notice of applications, permits, orders, or other actionsreceived or issued by the Division may be given to any other agency or entity which may have information, comments, or interest in the activity involved.

2.2 Fees: Any application filed with the State Engineer shall be accompanied by a filing fee in accordance with Section 73-2-14.

2.3 Ronds

- 2.3.1 Any operator having approval to drill, re-enter, test, alter or operate a well, prior to any construction or operation, shall file with the Division of Water Rights and obtain its approval of a surety bond, payable to the Division of Water Rights for not less than \$10,000 for each individual well or \$50,000 for all wells. The bond shall be on a form prescribed by the Division and shall be conditioned on faithful compliance with all statutes and these rules.
- 2.3.2 Bonds remain in force for the life of the well or wells and may not be released until the well or wells are properly abandoned or another valid bond is substituted.
- 2.3.3 Transfer of property does not release the bond. If any property is transferred and the principal desires to be released from his bond, the operator shall:
- a. Assign or transfer ownership in the manner prescribed in Sections 73-1-10 and 73-3-18, identifying the right by application number, well number or location and;
- b. Provide the Division with a declaration in writing from the assignee or transferee that he accepts the assignment and tenders his own bond therewith or therein accepts responsibility under his blanket bond on file with the Division.

-2.4 Well Spacing:

- 2.4.1 Any well drilled for the discovery or production of geothermal resources or as an injection well shall be located 100 feet or more from and within the outer boundary of the parcel of land on which the well is situated, or 100 feet or more from a public road, street, or highway dedicated prior to the commencement of drilling. This requirement may be modified or waived by the State Engineer upon written request if it can be demonstrated that public safety is preserved and that the integrity of the geothermal source is not jeopardized.
- 2.4.2 For several contiguous parcels of land in one or different ownerships that are operated as a single geothermal field, the term outer boundary line means the outer boundary line of the land-included in the field. In determining the contiguity of parcels of land, no street, road, or alley lying within the lease or field shall be determined to interrupt such contiguity.
- 2.4.3 The State Engineer shall approve the proposed well-spacing programs or prescribe modifications to the programs as hedeems necessary for proper development giving consideration to-factors as, but not limited to, topographic characteristics of the area; the number of wells that can be economically drilled to provide the necessary volume of geothermal resources for the intended use, protecting correlative rights, minimizing well interference, unreasonable interference with multiple use of lands, and protection of the environment.
 - 2.4.4 Directional drilling.

Where the surface of the parcel of land is unavailable for drilling, the surface well location may be located upon property which may or may not be contiguous. Surface well locations shall not be less than 25 feet from the outer boundary of the parcel on which it is located, nor less than 25 feet from an existing street or road. The production or injection interval of the well shall not be less than 100 feet from the outer boundary of the parcel into which it is drilled. Directional surveys must be filed with the Division for all wells-directionally drilled.

2.5 Identification: Each well being drilled or drilled and not abandoned shall be identified by a durable sign posted in a eonspicuous place near the well. The lettering shall be large enough to be legible at 50 feet under normal conditions and shall show the name of the applicant, well number, location by 10-acre tract, and name of lease.

The well number shall be according to the modified-Kettleman Well Numbering System adopted by the U.S. Geological-Survey.

2.6 Unit Agreements: At the request of any interested party or on his own initiative, the State Engineer may establish a unit plan or agreement for a geothermal area to prevent waste, protect correlative rights and avoid drilling unnecessary wells. Proper notice to interested parties must be given and a hearing held before the State Engineer before the unit may be created.

-2.7 Casing Requirements:

2.7.1 General.

All wells shall be eased in a manner to protect or minimize damage to the environment, usable ground waters and surface waters, geothermal resources, life, health, and property. The permanent well head completion equipment shall be attached to the production easing or to the intermediate easing if production easing does not reach the surface.

Specifications for easing strings shall be determined or approved on a well-to-well basis. All easing strings reaching the surface shall provide adequate anchorage for blowout-prevention-equipment, hole pressure control and protection for all natural resources. The easing requirements given are general but should be used as guidelines in submitting proposals to drill.

2.7.2 Conductor Casing.

A minimum of 40 feet of conductor casing shall be installed. The annular space is to be cemented solid to the surface. A 24-hour cure period for the grout must be allowed prior to drilling out the shoc unless additives approved by the State Engineer are used to obtain early strength. An annular blowout preventer shall be installed on all exploratory wells and on development wells when deemed necessary by the Division. For low-temperature geothermal wells less than 90 degrees C. this requirement may be reduced or waived by the State-Engineer.

2.7.3 Surface Casing.

Except in the case of low-temperature geothermal wells, the surface easing hole shall be logged with an induction electrical log, or equivalent, before running easing or by gamma-neutron log. This requirement may vary from area to area, depending upon the amount of pre-existing subsurface geological data available. If sufficient-subsurface geologic data is available, the State Engineer may not require additional logging of the surface easing hole. However, permission to omit this requirement must be granted by the Division prior to running surface easing.

Surface easing shall provide for control of formation fluids; for protection of shallow usable ground water and for adequate-anchorage for blowout-prevention equipment. All surface easing shall be cemented solid to the surface. A 24-hour cure period shall be allowed prior to drilling out the shoe of the surface easing unless-additives approved by the State Engineer are used to obtain early-strength.

-2.7.3.1 Length of Surface Casing.

(a) In areas where subsurface geological conditions are variable or unknown, surface easing in general shall be set at a depth of wells drilled in those areas. A minimum of surface easing shall be set through a sufficient series of low permeability, competent lithologic units to ensure a solid anchor for blowout-prevention equipment and to protect usable ground water and surface water from contamination. A second string or intermediate easing may be required if the first string has not been comented through a sufficient series of low permeability, competent lithologic units and either a rapidly increasing geothermal gradient or rapidly increasing formation pressures are encountered.

(b) In areas of known high formation pressure, surfaceeasing shall be set at a depth approved by the Division after a careful study of geological conditions.

(e) Within the confines of designated geothermal fields, the depth to which surface easing shall be set shall be approved by the Division on the basis of known field conditions.

— (d) These requirements may be reduced or waived by the State Engineer for low-temperature geothermal wells.

-2.7.3.2 Mud Return Temperatures.

The temperature of the return mud shall be monitoredregularly during the drilling of the surface easing hole. Either acontinuous temperature monitoring device shall be installed andmaintained in working condition, or the temperature shall be readmanually. In either ease, return mud temperature shall be logged after each joint of pipe has been drilled down 30 feet.

2.7.3.3 Blowout-Prevention Equipment.

BOPE capable of shutting-in the well during any operation shall be installed on the surface easing and maintained ready for use at all times. BOPE pressure tests shall be witnessed by Division-personnel on all exploratory wells prior to drilling out the shoe of the surface easing. The decision to require and witness BOPE pressure tests on all other wells shall be made on a well-to-well basis. The Division must be contacted 24 hours in advance of a scheduled-pressure test. The State Engineer may give verbal permission to-proceed with the test upon request by the operator.

2.7.4 Intermediate Casing.

Intermediate easing shall be required for protection against unusual pressure zones, cave-ins, wash-outs, abnormal temperature zones, uncontrollable lost circulation zones or other drilling hazards. Intermediate easing strings shall be eemented solid to the surface or to the top of the liner hanger whenever the intermediate easing string is run as a liner. The liner lap shall be pressure tested prior to resumption of drilling.

2.7.5 Production Casing.

Production casing may be set above or through the producing or injection zone and cemented above the injection zones. Sufficient cement shall be used to exclude overlying formation fluids from the geothermal zone, to segregate zones and to prevent-movement of fluids behind the casing into zones that contain usable ground water. Production casing shall either be cemented solid to the

surface or lapped into intermediate easing, if run. If the productioneasing is lapped into an intermediate easing, the easing overlap shall be at least 100 feet, the lap shall be eemented solid, and it shall bepressure tested to ensure its integrity.

2.8 Electric Logging:

All wells, except observation wells for monitoring purposes only, shall be logged with an induction electrical log or equivalent or gamma-neutron log from the bottom of the hole to the bottom of the conductor pipe. This requirement may be modified or waived by the Division upon written request if such request demonstrates sufficient existing data of surrounding wells.

R655-1-3. Blowout Prevention.

- -3.1 General.
- 3.1.1 Blowout-Prevention Equipment (BOPE) installations shall include high temperature-rated packing units and ram rubbers, if available, and shall have a minimum working-pressure rating equal to or greater than the lesser of:
- (a) A pressure equal to the product of the depth of the BOPE anchor string in feet times one psi per foot.
- (b) A pressure equal to the rated burst pressure of the BOPE anchor string.
 - (c) A pressure equal to 2,000 psi.
- Specific inspections and tests of the BOPE may be made by the Division. The requirements for tests will be included in the Division's answer to the notice of the intention to drill.
- 3.1.2 A Division employee may be present at the well at any time during the drilling.
- 3.1.3 A logging unit equipped to regularly record the following data shall be installed and operated continuously after-drilling out the shoe of the conductor pipe and until the well has been drilled to the total depth.
 - (a) Drilling mud temperature.
 - (b) Drilling mud pit level.
 - (c) Drilling mud pump volume.
 - (d) Drilling mud weight.
 - (e) Drilling rate.
 - (f) Hydrogen sulfide gas volume.
- The Division may waive the requirement for installation of a logging unit on evidence that the owner or operator has engaged a qualified mud engineer to monitor, log and record the data specified in the above subparagraphs a. through d. The drilling rate required in subparagraph e. shall be logged with standard industry recording devices, and hydrogen sulfide monitoring and safety equipment shall be provided whenever needed to satisfy the requirement of subparagraph f.
 - 3.2 Requirements Using Mud as the Drilling Fluid.
- The following requirements are for exploratory areas, unstable areas containing fumaroles, geysers, hot springs, mud pots; and for fields with a history of lost circulation, a blowout, or zone pressures less than 1000 psi. These requirements may be reduced by the State Engineer where the geothermal formations are known to be shallow and of low pressure and temperature.
- (a) An annular BOPE and a spool, fitted with a low-pressure safety pop-off and blow-down line, installed on the conductor pipemay be required to ensure against possible gas blowouts during the drilling of the surface casing hole.
- (b) Annular BOPE and pipe-ram/blind-ram BOPE with a minimum working pressure rating of 2,000 psi shall be installed on the

- surface easing so that the well can be shut-in at any time. The double-ram preventer shall have a mechanical locking device.
- (e) A hydraulic actuating system utilizing an accumulator of sufficient capacity and a high pressure auxiliary back-up system. This total system shall be equipped with dual controls: one at the driller's station and one at least 50 feet away from the well head.
 - (d) Kelly cock and standpipe valve.
 - (e) A fill-up line installed above the BOPE.
- (f) A kill line installed below the BOPE, leading directly to the mud pumps and fitted with a valve through which cement could be pumped if necessary.
- (g) A blow-down line fitted with two valves installed below the BOPE. The blow-down line shall be directed in a manner to permit containment of produced fluids and to minimize any safety hazard to personnel.
- (h) All lines and fittings shall be steel and have a minimum working pressure rating of at least that required of the BOPE.
- (i) The temperature of the return mud during the drilling of the surface casing hole shall be monitored regularly. Either acontinuous temperature monitoring device shall be installed and maintained in working condition, or the temperature shall be read-manually. In either case, return mud temperatures shall be logged after each joint of pipe is drilled down every 30 feet.
 - 3.3 Requirements Using Air as the Drilling Fluid.
- The following requirements are for areas where it is known that dry steam exists at depth or formation pressures are less than-hydrostatie:
 - (a) A rotating-head installed at the top of the BOPE stack.
- (b) A pipe-ram/blind-ram BOPE, with a minimum working-pressure rating of 1,000 psi, installed below the rotating-head so that the well can be shut-in at any time.
- (c) A banjo-box or mud-cross steam diversion unit installed below the double-ram BOPE fitted with a muffler capable of lowering sound emissions to within State standards.
- (d) A blind-ram BOPE, with a minimum working-pressure rating of 1,000 psi, installed below the banjo-box or mud-cross so that the well can be shut-in while removing the rotating-head during bit changes.
- (e) A master gate valve, with a minimum working-pressure rating of 600 psi, installed below the blind-ram so that the well can be shut-in after the well has been completed, prior to removal of the BOPE stack.
- (f) All ram-type BOPE shall have a hydraulic actuatingsystem utilizing an accumulator of sufficient capacity and a highpressure backup system.
- (g) Dual control stations for hydraulic backup system: one at the driller's station and the other at least 50 feet away from the well head.
 - (h) Float and standpipe valves.
- (i) A kill line installed below the BOPE, leading directly to the mud pumps and fitted with a valve through which cement could be pumped if necessary.
- (j) All lines and fittings must be steel and have a minimum working-pressure rating of 1,000 psi.

R655-1-4. Records.

4.1 General: The owner or operator of any well shall keep or cause to be kept a careful and accurate log, core record, and history of the drilling of the well. These records shall be kept in the nearest

office of the owner or operator or at the well site and together with all other reports of the owner and operator regarding the well shall be subject to the inspection by the Division during business hours. All records, unless otherwise specified, must be filed with the Division within 90 days after completion of the well.

- 4.2 Records to be Filed with the Division:
- 4.2.1 Drilling Logs and Core Record -- the drilling log shall include the lithologic characteristics and depths of formations-encountered, the depth and temperatures, chemical compositions and other chemical and physical characteristics of fluids encountered from time to time so far as ascertained. The core record shall show the depth, lithologic character, and fluid content of cores obtained so far as determined.
- 4.2.2 Well History -- the history shall describe in detail in ehronological order on a daily basis all significant operations carried out and equipment used during all phases of drilling, testing, completion, and abandonment of any well.
- 4.2.3 Well Summary Report -- the well summary report shall accompany the core record and well history reports. It is designed to show data pertinent to the condition of a well at the time of completion of work done.
- 4.2.4 Production Records -- the owner or operator of any well producing geothermal resources shall file with the Division on or before the tenth day of each month for the preceding month, a-statement of production utilized in a form as the Division may designate.
- 4.2.5 Injection Records -- the owner or operator of any well injecting geothermal fluids or waste water for any purpose shall file with the Division on or before the tenth day of each month for the preceding month a report of the injection as the Division may designate.
- 4.2.6 Electric Logs and Directional Surveys if Conducted electric logs and directional surveys shall be filed upon recompletion of any well. Like copies shall be filed upon recompletion of any well. Upon a showing of hardship, the Division may extend the time within which to comply for a period not to exceed one year.
- 4.3 Confidential Status: Any reports, logs, records, or histories filed with the Division shall not be available for public-inspection and shall be kept confidential by the Division unless agreed to by the owner, provided, however, that the Division may use any reports, logs, records, or histories in any action in any court to enforce the provisions of Title 73, Chapter 22, or any order adopted hereunder. The following information may be made public by the Division:
 - (a) Owner or operator's name.
 - (b) Well designation or number.
- (e) Elevation of derrick floor or ground elevation.
- (d) Location of well.
- (e) The application and all information pertaining to it, including its current status.
- 4.4 Inspection of Records: The records filed by an operator with the Division shall be open to inspection only to those authorized in writing by the operator and to designated Division personnel. The records of any operator filed for a completed or producing well that has been transferred by sale, lease, or otherwise shall be available to the new owner or lessee for his inspection or copying and shall be available for inspection or copying by others upon written authorization of new owner or lessee.

R655-1-5. Injection Wells.

5.1 Construction: The owner or operator of a proposed injection well or series of injection wells shall provide the Division with information it deems necessary for evaluation of the impact of injection on the geothermal reservoir and other natural resources. Information shall include existing reservoir conditions, method of injection, source of injection fluid, estimates of daily amount of material medium to be injected, zones or formations affected, and analysis of fluid to be injected and of the fluid from the intended zone of the injection, if available.

- 5.2 Surveillance:
- 5.2.1 When an operator or owner proposes to drill ormodify an injection well or convert a well to an injection well, he shall be required to demonstrate to the Division by means of a test that the easing has complete integrity. This test shall be conducted in a method approved by the Division.
- 5.2.2 To establish the integrity of the annular cement above the shoe of the easing, the owner or operator shall make sufficient surveys within thirty days after injection is started into a well to prove that all the injected fluid is confined to the intended zone of injection. Thereafter, surveys shall be made at least every two years or more often if necessary. The Division shall be notified 48 hours in advance of surveys in order that a representative may be present if deemed necessary. If the operator can substantiate by existing data that these tests are not necessary, then, after review of the data, the State-Engineer may grant a waiver exempting the operator from the tests.
- 5.2.3 After a well has been placed into injection, the injection well site will be visited periodically by Division personnel. The operator or owner will be notified of any necessary remedial work. Unless modified by the State Engineer, this work must be performed within ninety days of approval for the injection well issued by the Division will be reseinded.

R655-1-6. Abandonment and Sealing.

- 6.1 Objectives: The objectives of abandonment are to block interzonal migration of fluids so as to:
- (a) Prevent contamination of fresh waters or other natural resources.
 - (b) Prevent damage to geothermal reservoirs.
 - (c) Prevent loss of reservoir energy.
 - (d) Protect life, health, environment and property.
- 6.2 General Requirements: The following are general-requirements which are subject to review and modification for individual wells or field conditions:
- (a) A notice of intent to abandon geothermal resource wells is required to be filed with the Division five days prior to beginning abandonment procedures. A permit to abandon may be given orally by the State Engineer provided the operator submits a written request for abandonment within 24 hours of the oral request.
- (b) A history of geothermal resource wells shall be filed-within sixty days after completion of abandonment procedures.
- (c) All wells abandoned shall be monumented and the description of the monument shall be included in the history of well report. Monument shall consist of a four-inch diameter pipe 10 feet in length of which four feet shall be above ground. The remainder shall be imbedded in concrete. The applicant's name, application number, and location of the well shall be shown on the monument. An

abandoned well on tilled land shall be marked in a manner approved by the State Engineer.

- (d) Good quality, heavy drilling fluid shall be used toreplace any water in the hole and to fill all portions of the hole notplugged with grout.
- (e) All grout plugs with a possible exception of the surface plug shall be pumped into the hole through drill pipe or tubing.
- (f) All open annuli shall be filled solid with grout to the surface.
- (g) A minimum of 100 feet of grout shall be emplacedstraddling the interface or transition zone at the base of ground water actifers.
- (h) One hundred feet of grout shall straddle the placement of the shoe plug on all easings including conductor pipe.
- (i) A surface plug of either neat cement or concrete mixshall be in place from the top of the easing to at least 50 feet below the top of the easing.
- (j) All easing shall be cut off at least five feet below land surface.
- (k) Grout plugs shall extend at least 50 feet over the top of any liner installed in the well.
- (1) Injection wells are required to be abandoned in the same manner as other wells.
- (m) Other abandonment procedures may be approved by the Division if the owner or operator can demonstrate that the geothermal resource, ground waters, and other natural resources will be protected. Approval must be given in writing prior to the beginning of anyabandonment procedures.
- (n) Within five days after the completion of the abandonment of any well or injection well, the owner or operator of the abandoned well or injection well shall report in writing to the Division on all work done with respect to the abandonment.

R655-1-7. Maintenance.

- 7.1 General: All well heads, separators, pumps, mufflers, manifolds, valves, pipelines, and other equipment used for the production of geothermal resources shall be maintained in good-condition in order to prevent loss of or damage to life, health, property, and natural resources.
- 7.2 Corrosion: All surface well head equipment and pipelines and subsurface easing and tubing will be subject to periodic corrosion surveillance in order to safeguard health, life, property, and natural resources.
- 7.3 Tests: The Division may require tests or remedial work as in its judgment are necessary to prevent damage to life, health, property, and natural resources, to protect geothermal reservoirs from damage or to prevent the infiltration of detrimental substances into-underground or surface water suitable for irrigation or other beneficial uses to the best interest of the neighboring property owners and the public. Tests may include, but are not limited to, easing tests, eementing tests, and equipment tests.

R655-1-8. Temperature Gradient Wells.

- 8.1 General: Wells may be drilled upon approval of the State Engineer for measurement of subsurface temperatures and conductive heat flow.
- 8.2 Information: Request for a temperature gradient well-program shall include the following information:
 - (a) Well number.

- (b) Well location, elevation and expected depth.
- (e) Geologic interpretation of area under investigation, including any known or inferred temperature data.
- (d) Proposed drilling program, including method and easing schedule.
- (e) Proposed method of abandonment.
- (f) The State Engineer may require other data and impose restrictions or supervision by the Division as his studies may indicate.
- 8.3 Conditions: The following general conditions shall apply to temperature gradient wells:
- (a) The depth of the hole shall not exceed 500 feet unless otherwise authorized by the State Engineer.
- (b) The wells are to be eased and sealed against the water in the formations to be drilled.
- (c) Return mud or air temperatures shall be monitored at, at least 30 foot intervals and should the temperature reach 125 degrees F. the drilling shall cease and the casing installed or the hole abandoned. Plastic easing may be used at temperatures under 125 degrees F.; otherwise, steel easing shall be used.
- (d) Upon completion of the testing program, the easings are to be capped, or the easings are to be pulled and the holes cemented from bottom to top.
- (e) The driller must be bonded and have a current well-driller's permit from the State Engineer. Before starting, he must give this Division notice of the day he will begin drilling.
- (f) Temperature data and logs of each hole surveyed are to be submitted to the State Engineer. These will be held in confidential status until released by the owner.
- (g) The driller shall exercise due caution in all drillingoperations to prevent blowouts, explosions or fires.

R655-1-9. Environment.

9.1 General: The owner shall conduct exploration and development operations in a manner that provides maximum-protection of the environment; rehabilitate disturbed lands; take all necessary precautions to protect the public health and safety; and conduct operations in accordance with the spirit and objectives of all applicable environmental legislation, and executive orders.

Adverse environmental impacts from geothermal-related-activity shall be prevented or mitigated through enforcement of applicable Federal, State, and local standards, and the application of existing technology. Inability to meet these environmental standards or continued violation of environmental standards due to operations of the lessee, after notification, may be construed as grounds for the State Engineer to order a suspension of operations.

R655-1-10. Penalties.

As stated in Section 73-22-10, any willful violation of or failure to comply with any provision of these rules shall be a misdemeanor and each day that the violation continues shall constitute a separate offense.

R655-1. Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah.

R655-1-1. General Provisions.

1.1 Authority: In Section 73-22-5, the Division of Water Rights is given jurisdiction and authority to require that all wells for the discovery and production of water and steam at temperatures greater than 120 degrees centigrade to be used for geothermal energy production in the State of Utah, be drilled, operated, maintained, and

abandoned in a manner as to safeguard life, health, property, the public welfare, and to encourage maximum economic recovery.

- 1.2 Definitions:
- (a) "Applicant" means any person submitting an application to the Division of Water Rights to appropriate water, brine or steam for geothermal purposes and for the construction and operation of any well or injection well.
- (b) "BOPE" is an abbreviation for Blow-Out Prevention Equipment which is designed to be attached to the casing in a geothermal well in order to prevent a blow-out.
- (c) "Completion." A well is considered to be completed thirty days after drilling operations have ceased unless a suspension of operation is approved by the Division, or thirty days after it has commenced producing a geothermal resource, whichever occurs first, unless drilling operations are resumed before the end of the thirty-day period or at the end of the suspension.
- (d) "Correlative Rights" means the owners' or operators' just and equitable share in the geothermal resource.
- (e) "Division" means the Division of Water Rights,
 Department of Natural Resources, State of Utah.
- (f) "Drilling Logs" means the recorded description of the lithologic sequence encountered in drilling a well.
- (g) "Drilling Operations" means the actual drilling, redrilling, or recompletion of the well for production or injection including the running and cementing of casing and the installation of well head equipment. Drilling operations do not include perforating, logging, and related operations.
- (h) "Exploratory Well" means a well drilled for the discovery or evaluation of geothermal resources either in an established geothermal field or in unexplored areas.
- (i) "Geothermal Area" means the same general land area which in its subsurface is underlaid or reasonably appears to be underlaid by geothermal resources from or in a reservoir, pool, or other source or interrelated sources.
- (j) "Geothermal Field" means an area designated by the Division which contains a well or wells capable of commercial production of geothermal resources.
- (k) "Geothermal Resource" means the natural heat energy of the earth, the energy in whatever form which may be found in any position and at any depth below the surface of the earth, present in, resulting from, or created by, or which may be extracted from natural heat and all minerals in solution or other products obtained from the material medium of any geothermal resource.
- (l) "Injection Well" means any special well, converted producing well, or reactivated or converted abandoned well employed for injecting material into a geothermal area or adjacent area to maintain pressures in a geothermal reservoir, pool, or other source, or to provide new material to serve as a material medium therein, or for reinjecting any material medium or the residue thereof, or any byproduct of geothermal resource exploration or development into the earth,
- (m) "Material Medium" means any substance including, but not limited to, naturally heated fluids, brines, associated gases and steam in whatever form, found at any depth and in any position below the surface of the earth, which contains or transmits the natural heat energy of the earth, but excluding petroleum, oil, hydrocarbon gas, or other hydrocarbon substances.
- (n) "Notice" means a statement to the Division that the applicant intends to do work.

- (o) "Operator" means any person drilling, maintaining, operating, pumping, or in control of any well. The term operator also includes owner when any well is or has been or is about to be operated by or under the direction of the owner.
- (p) "Owner" means the owner of the geothermal lease or well and includes operator when any well is operated or has been operated or is about to be operated by any person other than the owner.
- (q) "Person" means any individual natural person, general or limited partnership, joint venture, association, cooperative organization, corporation, whether domestic or foreign, agency or subdivision of this or any other state or municipal or quasi-municipal entity whether or not it is incorporated.
- (r) "Production Well" means any well which is commercially producing or is intended for commercial production of a geothermal resource.
- (s) "State Engineer" is the Director of the Division of Water Rights, which is the agency having general administrative supervision over the waters of the State. The duties of this Division are primarily set forth in Title 73, Chapters 1 through 6.
- (t) "Suspension of Operations" means the cessation of drilling, redrilling, or alteration of casing before the well is officially abandoned or completed. All suspensions must be authorized by the Division.
- (u) "Waste" means any physical waste including, but not limited to:
- (1) Underground waste resulting from inefficient, excessive, or improper use, or dissipation of geothermal energy, or of any geothermal resource pool, reservoir, or other source; or the locating, spacing, constructing, equipping, operating, or producing of any well in a manner which results, or tends to result in reducing the quantity of geothermal energy to be recovered from any geothermal area in the State.
- (2) The inefficient above-ground transporting and storage of geothermal energy; and the locating, spacing, equipping, operating, or producing of any well or injection well in a manner causing or tending to cause unnecessary or excessive surface loss or destruction of geothermal energy; the escape into the open air from a well of steam or hot water in excess of what is reasonably necessary in the efficient development or production of a well.
- (v) "Well" means any well drilled for the discovery or production of geothermal resources or any well on lands producing geothermal resources or reasonably presumed to contain geothermal resources, or any special well, converted producing well or reactivated or converted abandoned well employed for reinjecting geothermal resources or the residue thereof.
- 1.3 All administrative procedures involving applications, approvals, hearings, notices, revocations, orders and their judicial review, and all other administrative procedures required or allowed by these rules are governed by rules for administrative procedures adopted by the Division, including R655-6, Administrative Procedures for Informal Proceedings Before the Division of Water Rights of the State of Utah.
- 1.4 The approval of the Division is required prior to commencing drilling, rehabilitating, renovating, deepening, redrilling, or plugging and abandonment operations.

R655-1-2. Drilling.

2.1 Applications:

2.1.1 Application to drill for Geothermal Resources.

Any person, owner or operator, who proposes to drill a well for the production of geothermal resources or to drill an injection well shall first apply to the Division in accordance with Title 73, Chapter 3. Applications to appropriate water for geothermal purposes will be processed and investigated by the Division, and if they meet the requirements of Section 73-3-8, they will be approved by the State Engineer on a well-to-well basis or as a group of wells which comprise an operating unit and have like characteristics.

Appropriation of water for geothermal purposes shall not be considered mutually interchangeable with water for any other purpose. Water, brine, steam or condensate produced during a geothermal operation may be subject to further appropriation if physical conditions permit.

2.1.1.1 The driller must have a current well driller's license and bond from the State Engineer in accordance with R655-4 UAC. The driller must also adhere to the rules of R655-4 UAC when drilling through groundwater aquifers, 2.1.2 Plan of Operations:

Before drilling an exploratory, production well, or injection well, the applicant shall submit a plan of operations to the State Engineer for his approval. The plan shall include:

- (a) Location, elevation and layout including a map showing the parcel boundaries and well location.
 - (b) Lease identification and Well Number.
- (c) Tools and equipment description including maximum capacity and depth rating.
 - (d) Expected depth and geology.
 - (e) Drilling, mud, cementing and casing program.
 - (f) BOPE installation and test.
 - (g) Logging, coring and testing program.
 - (h) Methods for disposal of waste materials.
- (i) Environmental considerations such as the placement of pits or sumps, the disposal of solid and liquid wastes, and the handling of test fluids.
 - (i) Emergency procedures.
 - (k) Other information as the State Engineer may require.
 - 2.1.3 Application to deepen or modify an existing well.

If the owner or operator plans to deepen, redrill, plug, or perform any operation that will in any manner modify the well, an application shall be filed with the Division and written approval must be received prior to beginning work; however, in an emergency, the owner or operator may take action to prevent damage without receiving prior written approval from the Division, but in those cases the owner or operator shall report his action to the Division as soon as possible.

2.1.4 Application for permit to convert to injection.

If the owner or operator plans to convert an existing geothermal well into an injection well with no change of mechanical condition, written request shall be filed with the Division and written approval must be received prior to beginning injection.

2.1.5 Amendment of permit.

No changes in the point of diversion, place or nature of use shall be allowed until an amendment to the application is approved by the State Engineer in accordance with Section 73-3-3.

2.1.6 Notice to other agencies.

Notice of applications, permits, orders, or other actions received or issued by the Division may be given to any other agency or entity which may have information, comments, or interest in the activity involved.

- 2.2 Fees: Any application or plan of operation filed with the State Engineer shall be accompanied by a filing fee in accordance with Section 73-2-14.
 - 2.3 Bonds:
- 2.3.1 Any operator having approval to drill, re-enter, test, alter or operate a well, prior to any construction or operation, shall file with the Division of Water Rights and obtain its approval of a surety bond, payable to the Division of Water Rights for not less than \$10,000 for each individual well or \$50,000 for all wells. The surety bond shall be on a form prescribed by the Division and shall be conditioned on faithful compliance with all statutes and these rules. A cash bond can be submitted in lieu of a surety bond upon approval of the Division of Water Rights.
- 2.3.2 Bonds shall remain in force for the life of the well or wells and may not be released until the well or wells are properly abandoned or another valid bond is substituted.
- 2.3.3 Transfer of property does not release the bond. If any property is transferred and the principal desires to be released from his bond, the operator shall:
- a. Assign or transfer ownership in the manner prescribed in Sections 73-1-10 and 73-3-18, identifying the right by application number, well number or location and,
- b. Provide the Division with a declaration in writing from the assignee or transferee that he accepts the assignment and tenders his own bond therewith or therein accepts responsibility under his blanket bond on file with the Division.
 - 2.4 Well Spacing:
- 2.4.1 Any well drilled for the discovery or production of geothermal resources or as an injection well shall be located 100 feet or more from and within the outer boundary of the parcel of land on which the well is situated, or 100 feet or more from a public road, street, or highway dedicated prior to the commencement of drilling. This requirement may be modified or waived by the State Engineer upon written request if it can be demonstrated that public safety is preserved and that the integrity of the geothermal source is not jeopardized.
- 2.4.2 For several contiguous parcels of land in one or different ownerships that are operated as a single geothermal field, the term outer boundary line means the outer boundary line of the land included in the field. In determining the contiguity of parcels of land, no street, road, or alley lying within the lease or field shall be determined to interrupt such contiguity.
- 2.4.3 The State Engineer shall approve the proposed well spacing programs or prescribe modifications to the programs as he deems necessary for proper development giving consideration to factors as, but not limited to, topographic characteristics of the area, the number of wells that can be economically drilled to provide the necessary volume of geothermal resources for the intended use, protecting correlative rights, minimizing well interference, unreasonable interference with multiple use of lands, and protection of the environment.

2.4.4 Directional drilling.

Where the surface of the parcel of land is unavailable for drilling, the surface well location may be located upon property which may or may not be contiguous. Surface well locations shall not be less than 25 feet from the outer boundary of the parcel on which it is located, nor less than 25 feet from an existing street or road. The production or injection interval of the well shall not be less than 100 feet from the outer boundary of the parcel into which it is drilled.

Directional surveys must be filed with the Division for all wells directionally drilled.

2.5 Identification: Each well being drilled or drilled and not abandoned shall be identified by a durable sign posted in a conspicuous place near the well. The lettering shall be large enough to be legible at 50 feet under normal conditions and shall show the name of the applicant, well number, location by 10-acre tract, and name of lease.

The well number shall be according to the modified Kettleman Well Numbering System adopted by the U.S. Geological Survey.

2.6 Unit Agreements: At the request of any interested party or on his own initiative, the State Engineer may establish a unit plan or agreement for a geothermal area to prevent waste, protect correlative rights and avoid drilling unnecessary wells. Proper notice to interested parties must be given and a hearing held before the State Engineer before the unit may be created.

2.7 Casing Requirements:

2.7.1 General.

All wells shall be cased in a manner to protect or minimize damage to the environment, usable ground waters and surface waters, geothermal resources, life, health, and property. The permanent well head completion equipment shall be attached to the production casing or to the intermediate casing if production casing does not reach the surface.

Specifications for casing strings shall be determined or approved on a well-to-well basis. All casing strings reaching the surface shall provide adequate anchorage for blowout-prevention equipment, hole pressure control and protection for all natural resources. The casing requirements given are general but should be used as guidelines in submitting proposals to drill (Plan of Operations).

2.7.2 Conductor Casing.

A minimum of 40 feet of conductor casing shall be installed. The annular space is to be cemented solid to the surface. A 24-hour cure period for the grout must be allowed prior to drilling out the shoe unless additives approved by the State Engineer are used to obtain early strength. An annular blowout preventer shall be installed on all exploratory wells and on development wells when deemed necessary by the Division. For low-temperature geothermal wells less than 90 degrees C. this requirement may be reduced or waived by the State Engineer.

2.7.3 Surface Casing.

Except in the case of low-temperature geothermal wells, the surface casing hole shall be logged with an induction electrical log, or equivalent, before running casing or by gamma-neutron log. This requirement may vary from area to area, depending upon the amount of pre-existing subsurface geological data available. If sufficient subsurface geologic data is available, the State Engineer may not require additional logging of the surface casing hole. However, permission to omit this requirement must be granted by the Division prior to running surface casing.

Surface casing shall provide for control of formation fluids, for protection of shallow usable ground water and for adequate anchorage for blowout-prevention equipment. All surface casing shall be cemented solid to the surface. A 24-hour cure period shall be allowed prior to drilling out the shoe of the surface casing unless additives approved by the State Engineer are used to obtain early strength.

2.7.3.1 Length of Surface Casing.

- (a) In areas where subsurface geological conditions are variable or unknown, surface casing in general shall be set at a depth of wells drilled in those areas. A minimum of surface casing shall be set through a sufficient series of low permeability, competent lithologic units to ensure a solid anchor for blowout-prevention equipment and to protect usable ground water and surface water from contamination. A second string or intermediate casing may be required if the first string has not been cemented through a sufficient series of low permeability, competent lithologic units and either a rapidly increasing geothermal gradient or rapidly increasing formation pressures are encountered.
- (b) In areas of known high formation pressure, surface casing shall be set at a depth approved by the Division after a careful study of geological conditions.
- (c) Within the confines of designated geothermal fields, the depth to which surface casing shall be set shall be approved by the Division on the basis of known field conditions.
- (d) These requirements may be reduced or waived by the State Engineer for low-temperature geothermal wells.

2.7.3.2 Mud Return Temperatures.

The temperature of the return mud shall be monitored regularly during the drilling of the surface casing hole. Either a continuous temperature monitoring device shall be installed and maintained in working condition, or the temperature shall be read manually. In either case, return mud temperature shall be logged after each joint of pipe has been drilled down 30 feet.

2.7.3.3 Blowout-Prevention Equipment.

BOPE capable of shutting-in the well during any operation shall be installed on the surface casing and maintained ready for use at all times. BOPE pressure tests shall be witnessed by Division personnel on all exploratory wells prior to drilling out the shoe of the surface casing. The decision to require and witness BOPE pressure tests on all other wells shall be made on a well-to-well basis. The Division must be contacted 24 hours in advance of a scheduled pressure test. The State Engineer may give verbal permission to proceed with the test upon request by the operator.

2.7.4 Intermediate Casing.

Intermediate casing shall be required for protection against unusual pressure zones, cave-ins, wash-outs, abnormal temperature zones, uncontrollable lost circulation zones or other drilling hazards. Intermediate casing strings shall be cemented solid to the surface or to the top of the liner hanger whenever the intermediate casing string is run as a liner. The liner lap shall be pressure tested prior to resumption of drilling.

2.7.5 Production Casing.

Production casing may be set above or through the producing or injection zone and cemented above the injection zones. Sufficient cement shall be used to exclude overlying formation fluids from the geothermal zone, to segregate zones and to prevent movement of fluids behind the casing into zones that contain usable ground water. Production casing shall either be cemented solid to the surface or lapped into intermediate casing, if run. If the production casing is lapped into an intermediate casing, the casing overlap shall be at least 100 feet, the lap shall be cemented solid, and it shall be pressure tested to ensure its integrity.

2.8 Electric Logging:

All wells, except observation wells for monitoring purposes only, shall be logged with an induction electrical log or equivalent or gamma-neutron log from the bottom of the hole to the bottom of the conductor pipe. This requirement may be modified or waived by the

Division upon written request if such request demonstrates sufficient existing data of surrounding wells.

2.9 Cementing Casing.

Cements used in cementing casing and sealing formations must be of a grade and type best suited for expected reservoir temperature, formation water chemistry and bonding properties.

Cements acceptable for use in high-temperature holes include Modified Type A or G, Alumina Silica Flour, Phosphate Bonded Glass, or other equivalent high-temperature design cement as approved by the Division.

R655-1-3. Blowout Prevention.

- 3.1 General.
- 3.1.1 Blowout-Prevention Equipment (BOPE) installations shall meet the minimum specifications for assemblies prescribed by the most recent version of the American Petroleum Institute's Standard 53 (Blowout Prevention Equipment Systems for Drilling Wells) which are incorporated herein by reference or as may be otherwise prescribed by the Division. The American Petroleum Institute Standard 53 is available from the American Petroleum Institute, 1220 L Street, NW, Washington, DC 20005-4070, phone 202-682-8000, www.api.org. Equipment for the prevention of a blowout, capable of shutting in the well during any operation, must be installed on the surface casing and maintained in good operating condition at all times. This equipment must have a rating for pressure greater than the maximum anticipated pressure at the wellhead. Equipment for the prevention of a blowout is required on any well where temperatures may exceed 120°C. A BOPE plan including testing must be included in the plan of operations. BOPE shall have a minimum working-pressure rating equal to or greater than the lesser of:
- (a) A pressure equal to the product of the depth of the BOPE anchor string in feet times one psi per foot.
- (b) A pressure equal to the rated burst pressure of the BOPE anchor string.
 - (c) A pressure equal to 2,000 psi.
- Specific inspections and tests of the BOPE may be made by the Division. The Division shall be notified at least 48 hours prior to the commencement of a BOPE test. The requirements for tests will be included in the Division's answer to the notice of the intention to drill. The operator shall test the equipment for the prevention of a blowout under pressure. The operator shall submit to the Division the pressure data and supporting information for the equipment for the prevention of a blowout as soon as practicable after the conclusion of the testing. All blowout preventers and related equipment that may be exposed to well pressure must be tested first to a low pressure and then to a high pressure:
- (a) A pressure decline of 10 percent or less in 30 minutes is for the low pressure test considered satisfactory prior to initiating the high-pressure test;
- (b) When performing the low-pressure test, it is not acceptable to apply a higher pressure and bleed down to the low test pressure:
- (c) The high-pressure test must be to the rated working pressure of the ram type blowout prevention equipment and related equipment, or to the rated working pressure of the wellhead on which the stack is installed, whichever is lower. A pressure decline of 10 percent or less in 30 minutes is considered satisfactory;
- (d) Annular blowout prevention equipment must be high-pressure tested to 50 percent of the rated working pressure;

- (e) The blowout prevention equipment must be pressure tested: when installed, prior to drilling out casing shoes, and following repairs or reassembly of the preventers that require disconnecting a pressure seal in the assembly.
- 3.1.2 A Division employee may be present at the well at any time during the drilling.
- 3.1.3 A logging unit equipped to regularly record the following data shall be installed and operated continuously after drilling out the shoe of the conductor pipe and until the well has been drilled to the total depth.
 - (a) Drilling mud temperature.
 - (b) Drilling mud pit level.
 - (c) Drilling mud pump volume.
 - (d) Drilling mud weight.
 - (e) Drilling rate.
 - (f) Hydrogen sulfide gas volume.
- The Division may waive the requirement for installation of a logging unit on evidence that the owner or operator has engaged a qualified mud engineer to monitor, log and record the data specified in the above subparagraphs a. through d. The drilling rate required in subparagraph e shall be logged with standard industry recording devices, and hydrogen sulfide monitoring and safety equipment shall be provided whenever needed to satisfy the requirement of subparagraph f.
 - 3.2 Requirements Using Mud as the Drilling Fluid.
- The following requirements are for exploratory areas, unstable areas containing fumaroles, geysers, hot springs, mud pots, and for fields with a history of lost circulation, a blowout, or zone pressures less than 1000 psi. These requirements may be reduced by the State Engineer where the geothermal formations are known to be shallow and of low pressure and temperature.
- (a) An annular BOPE and a spool, fitted with a low-pressure safety pop-off and blow-down line, installed on the conductor pipe may be required to ensure against possible gas blowouts during the drilling of the surface casing hole.
- (b) Annular BOPE and pipe-ram/blind-ram BOPE with a minimum working pressure rating of 2,000 psi shall be installed on the surface casing so that the well can be shut-in at any time. The double-ram preventer shall have a mechanical locking device.
- (c) A hydraulic actuating system utilizing an accumulator of sufficient capacity and a high pressure auxiliary back-up system. This total system shall be equipped with dual controls: one at the driller's station and one at least 50 feet away from the well head.
 - (d) Kelly cock and standpipe valve.
 - (e) A fill-up line installed above the BOPE.
- (f) A kill line installed below the BOPE, leading directly to the mud pumps and fitted with a valve through which cement could be pumped if necessary.
- (g) A blow-down line fitted with two valves installed below the BOPE. The blow-down line shall be directed in a manner to permit containment of produced fluids and to minimize any safety hazard to personnel.
- (h) All lines and fittings shall be steel and have a minimum working-pressure rating of at least that required of the BOPE.
- (i) The temperature of the return mud during the drilling of the surface casing hole shall be monitored regularly. Either a continuous temperature monitoring device shall be installed and maintained in working condition, or the temperature shall be read

manually. In either case, return mud temperatures shall be logged after each joint of pipe is drilled down every 30 feet.

- 3.3 Requirements Using Air as the Drilling Fluid.
- The following requirements are for areas where it is known that dry steam exists at depth or formation pressures are less than hydrostatic:
 - (a) A rotating-head installed at the top of the BOPE stack.
- (b) A pipe-ram/blind-ram BOPE, with a minimum working-pressure rating of 1,000 psi, installed below the rotating-head so that the well can be shut-in at any time.
- (c) A banjo-box or mud-cross steam diversion unit installed below the double-ram BOPE fitted with a muffler capable of lowering sound emissions to within State standards.
- (d) A blind-ram BOPE, with a minimum working-pressure rating of 1,000 psi, installed below the banjo-box or mud-cross so that the well can be shut-in while removing the rotating-head during bit changes.
- (e) A master gate valve, with a minimum working-pressure rating of 600 psi, installed below the blind-ram so that the well can be shut-in after the well has been completed, prior to removal of the BOPE stack.
- (f) All ram-type BOPE shall have a hydraulic actuating system utilizing an accumulator of sufficient capacity and a high-pressure backup system.
- (g) Dual control stations for hydraulic backup system: one at the driller's station and the other at least 50 feet away from the well head.
 - (h) Float and standpipe valves.
- (i) A kill line installed below the BOPE, leading directly to the mud pumps and fitted with a valve through which cement could be pumped if necessary.
- (j) All lines and fittings must be steel and have a minimum working-pressure rating of 1,000 psi.

R655-1-4. Records.

- 4.1 General: The owner or operator of any well shall keep or cause to be kept a careful and accurate log, core record, and history of the drilling of the well. These records shall be kept in the nearest office of the owner or operator or at the well site and together with all other reports of the owner and operator regarding the well shall be subject to the inspection by the Division during business hours. All records, unless otherwise specified, must be filed with the Division within 90 days after completion of the well.
 - 4.2 Records to be Filed with the Division:
- 4.2.1 Drilling Logs and Core Record -- the drilling log shall include the lithologic characteristics and depths of formations encountered, the depth and temperatures, chemical compositions and other chemical and physical characteristics of fluids encountered from time to time so far as ascertained. The core record shall show the depth, lithologic character, and fluid content of cores obtained so far as determined. The collection of cuttings at least every 30 feet, or more often if a significant change in lithology occurs, and filing thereof, is a condition for approval of the Plan of Operations. The cuttings must be cleaned, dried, marked for location and depth and placed in envelopes, sample bags, or chip trays. The cuttings and a split of any core must be submitted to the Division within 30 days after the well is completed.
- 4.2.2 Well History -- the history shall describe in detail in chronological order on a daily basis all significant operations carried

- out and equipment used during all phases of drilling, testing, completion, and abandonment of any well.
- 4.2.3 Well Summary Report -- the well summary report shall accompany the core record and well history reports. It is designed to show data pertinent to the construction and condition of a well at the time of completion of work done.
- 4.2.4 Production Records -- the owner or operator of any well producing geothermal resources shall file with the Division on or before the tenth day of each month for the preceding month, a statement of production utilized in a form as the Division may designate.
- 4.2.5 Injection Records -- the owner or operator of any well injecting geothermal fluids or waste water for any purpose shall file with the Division on or before the tenth day of each month for the preceding month a report of the injection as the Division may designate.
- 4.2.6 Electric Logs and Directional Surveys if Conducted -electric logs and directional surveys shall be filed upon recompletion
 of any well. Like copies shall be filed upon recompletion of any well.
 Upon a showing of hardship, the Division may extend the time within
 which to comply for a period not to exceed one year.
- 4.3 Confidential Status: Any reports, logs, records, or histories filed with the Division shall not be available for public inspection and shall be kept confidential by the Division unless agreed to by the owner, provided, however, that the Division may use any reports, logs, records, or histories in any action in any court to enforce the provisions of Title 73, Chapter 22, or any order adopted hereunder. The following information may be made public by the Division:
 - (a) Owner or operator's name.
 - (b) Well designation or number.
 - (c) Elevation of derrick floor or ground elevation.
 - (d) Location of well.
- (e) The application and all information pertaining to it, including its current status.
- 4.4 Inspection of Records: The records filed by an operator with the Division shall be open to inspection only to those authorized in writing by the operator and to designated Division personnel. The records of any operator filed for a completed or producing well that has been transferred by sale, lease, or otherwise shall be available to the new owner or lessee for his inspection or copying and shall be available for inspection or copying by others upon written authorization of new owner or lessee.

R655-1-5. Injection Wells.

Unless the Division approves an alternative method of disposal, all fluids derived from the geothermal resources must be reinjected into the same reservoir from which the fluids were produced.

5.1 Construction: The owner or operator of a proposed injection well or series of injection wells shall provide the Division with information it deems necessary for evaluation of the impact of injection on the geothermal reservoir and other natural resources. Information shall include the items listed for a plan of operations as per Section 2.1.2 of this section (R655-1), existing reservoir conditions, method of injection, source of injection fluid, estimates of daily amount of material medium to be injected, zones or formations affected, description of the effects of injection on such factors as potable water, seismicity, and local tectonic conditions, proposed

downhole and surface injection equipment and metering facilities with capacity, design capabilities, and design safety factors in sufficient detail to enable adequate environmental analysis including construction and engineering design plans, proposed injectivity surveys, seismic surveys, seismic monitoring, and other means to monitor injection, and analysis of fluid to be injected and of the fluid from the intended zone of the injection, if available. The bonding for an injection well is the same as those required for an exploratory well or production well.

- 5.2 Convert to Injection Well: An owner or operator planning to convert an existing well to an injection well, even if there will be no change to the mechanical condition, must submit an injection well conversion plan with the Division and the Division must approve the plan before injection is commenced.
 - 5.3 Surveillance:
- 5.3.1 When an operator or owner proposes to drill or modify an injection well or convert a well to an injection well, he shall be required to demonstrate to the Division by means of internal and external tests that the casing and annular cement seals have complete mechanical integrity. These tests shall be conducted in a method approved by the Division as proposed in the injection well plan of operations. In the case of the annular cement seal survey for a new or converted injection well, the owner or operator shall make sufficient surveys within thirty days after injection is started into a well to prove that all the injected fluid is confined to the intended zone of injection.
- 5.3.2 On a continuing basis and in order to establish that all injected water is confined to the intended zone of injection, mechanical integrity surveys on the well casing and annular cement seals shall be made at least every five years or more often if necessary on a well-towell basis. The Division must be notified in writing with a testing plan for each injection well at least three weeks before mechanical integrity testing commences. Specific internal and external mechanical integrity tests shall be proposed in the testing plan and must conform to the most current industry and regulatory standards for geothermal injection well mechanical integrity testing. The Division shall approve each testing plan and issue a written notice to proceed with testing approval to the operator prior to commencing. A mechanical integrity testing plan shall be submitted by the owner or operator to the Division for approval prior to each testing cycle. The Division shall be notified 48 hours in advance of surveys in order that a representative may be present if deemed necessary. If the operator can substantiate by existing data that these tests are not necessary, then, after review of the data, the State Engineer may grant a waiver exempting the operator from the tests.
- 5.3.3 Injection wells shall be monitored to ensure that there is no escape of geothermal fluids from the casings or through the annular space between casings and open hole except in the zone for which injection is permitted. Monitoring required by the Division may include gauging pressure between casings, periodic testing for casing leaks, surveys to detect movement of fluid in adjacent rock formations, cement bond logs, temperature measurements, analysis of water chemistry, special wellhead equipment or other methods employed by industry to monitor re-injection operations.
- 5.3.4 After a well has been placed into injection, the injection well site will be visited periodically by Division personnel. The operator or owner will be notified of any necessary remedial work. Unless modified by the State Engineer, this work must be performed within ninety days of approval for the injection well, or approval for the injection well issued by the Division will be rescinded.

- 5.3.5 Injection pressures shall be recorded and compared with the pressures reported on the monthly injection reports. Any discrepancies shall be rectified immediately by the operator. A graph of pressures and rates versus time shall be maintained by the operator. Reasons for anomalies shall be promptly ascertained. If these reasons are such that it appears damage is being done, approval by the Division may be rescinded, and injection shall cease.
- 5.3.6 The pressure for injection at the wellhead of an injection well must not exceed that which is calculated to initiate new fractures or propagate existing fractures in the zone for injection or the confining formation between the zone of injection and underground sources of drinking water. The operator shall calculate the maximum injection pressure based upon industry standards and submit those to the Division for approval.
- 5.3.7 The chemical, physical, and biological nature of the injected fluid must be analyzed with sufficient frequency to yield representative data on its characteristics. When requested by the Division, or at any time the injected fluid is modified, a new analysis shall be made and the results sent to the Division.

R655-1-6. Abandonment and Sealing.

- 6.1 Objectives: The objectives of abandonment are to block interzonal migration of fluids so as to:
- (a) Prevent contamination of fresh waters or other natural resources.
 - (b) Prevent damage to geothermal reservoirs.
 - (c) Prevent loss of reservoir energy.
 - (d) Protect life, health, environment and property.
- 6.2 General Requirements: The following are general requirements which are subject to review and modification for individual wells or field conditions:
- (a) A notice of intent to abandon geothermal resource wells is required to be filed with the Division five days prior to beginning abandonment procedures. A permit to abandon may be given orally by the State Engineer provided the operator submits a written request for abandonment within 24 hours of the oral request.
- (b) A history of geothermal resource wells shall be filed within sixty days after completion of abandonment procedures.
- (c) All wells abandoned shall be monumented and the description of the monument shall be included in the history of well report. Monument shall consist of a four-inch diameter pipe 10 feet in length of which four feet shall be above ground. The remainder shall be imbedded in concrete. The applicant's name, application number, and location of the well shall be shown on the monument. An abandoned well on tilled land shall be marked in a manner approved by the State Engineer.
- (d) Good quality, heavy drilling fluid shall be used to replace any water in the hole and to fill all portions of the hole not plugged with grout.
- (e) All grout plugs with a possible exception of the surface plug shall be pumped into the hole through drill pipe or tubing.
- (f) All open annuli shall be filled solid with grout to the surface.
- (g) A minimum of 100 feet of grout shall be emplaced straddling the interface or transition zone at the base of ground water aquifers.
- (h) One hundred feet of grout shall straddle the placement of the shoe plug on all casings including conductor pipe.

- (i) A surface plug of either neat cement or concrete mix shall be in place from the top of the casing to at least 50 feet below the top of the casing.
- (j) All casing shall be cut off at least five feet below land surface.
- (k) Grout plugs shall extend at least 50 feet over the top of any liner installed in the well.
- (l) Injection wells are required to be abandoned in the same manner as other wells.
- (m) Other abandonment procedures may be approved by the Division if the owner or operator can demonstrate that the geothermal resource, ground waters, and other natural resources will be protected. Approval must be given in writing prior to the beginning of any abandonment procedures.
- (n) Within five days after the completion of the abandonment of any well or injection well, the owner or operator of the abandoned well or injection well shall report in writing to the Division on all work done with respect to the abandonment.

R655-1-7. Maintenance.

- 7.1 General: All well heads, separators, pumps, mufflers, manifolds, valves, pipelines, and other equipment used for the production of geothermal resources shall be maintained in good condition in order to prevent loss of or damage to life, health, property, and natural resources.
- 7.2 Corrosion; All surface well head equipment and pipelines and subsurface casing and tubing will be subject to periodic corrosion surveillance in order to safeguard health, life, property, and natural resources.
- 7.3 Tests: The Division may require tests or remedial work as in its judgment are necessary to prevent damage to life, health, property, and natural resources, to protect geothermal reservoirs from damage or to prevent the infiltration of detrimental substances into underground or surface water suitable for irrigation or other beneficial uses to the best interest of the neighboring property owners and the public. Tests may include, but are not limited to, casing tests, cementing tests, and equipment tests.
- 7.4 Miscellaneous Activities. The owner or operator of the geothermal resource shall notify the Division of intention to: 1) Make minor change in the manner in which a well is operated; 2) Conduct temperature or pressure survey; 3) Conduct a flow test; or 4) Perform routine maintenance of a well. The notice must be submitted to the Division prior to the commencement of work. Minor changes can include installing or changing capillary tubing; pulling or replacing a pump; or any other change for which the Division takes little or no action other than acknowledging the notice and filing it. The Division reserves the right to inspect any of the noticed activities listed in this subsection.
- 7.5 Other Permitted Activities. The owner or operator of a geothermal resource shall submit application for permission to engage in the following activities:
 - (a) Increasing the depth of a well;
 - (b) Testing of water shut-off;
 - (c) Entering or opening a plugged well;
 - (d) Shooting, acidizing or fracture treating;
- (e) Drilling in a direction which is not intended to be vertical, including directional drilling;
- (f) Changing the construction of a hole or well including placing a plug in the hole or well and recovering or altering the casing.

- (g) Conducting a major work over or cleaning of a well;
- (h) Changing a well's ownership, status, name, or location'
- (i) Abandoning and plugging a well
- 7.5.1 The owner or operator of the geothermal resource shall report to the Division any progress regarding or the completion of an activity for which permission was required pursuant to this section and any supplemental history of the well.

R655-1-8. Temperature Gradient Wells.

- 8.1 General: Wells may be drilled upon approval of the State Engineer for measurement of subsurface temperatures and conductive heat flow.
- 8.2 Information: Request for a temperature gradient well program shall include the following information:
 - (a) Well number.
 - (b) Well location, elevation and expected depth.
- (c) Geologic interpretation of area under investigation, including any known or inferred temperature data.
- (d) Proposed drilling program, including method and casing schedule.
 - (e) Proposed method of abandonment.
- (f) The State Engineer may require other data and impose restrictions or supervision by the Division as his studies may indicate.
- <u>8.3 Conditions: The following general conditions shall apply to temperature gradient wells:</u>
- (a) The depth of the hole shall not exceed 1,000 feet unless otherwise authorized by the State Engineer.
- (b) The wells are to be cased and sealed against the water in the formations to be drilled.
- (c) Return mud or air temperatures shall be monitored at, at least 30 foot intervals and should the temperature reach 125 degrees F. the drilling shall cease and the casing installed or the hole abandoned. Plastic casing may be used at temperatures under 125 degrees F.; otherwise, steel casing shall be used.
- (d) Upon completion of the testing program, the casings are to be capped, or the casings are to be pulled and the holes cemented from bottom to top.
- (e) The driller must have a current well driller's license from the State Engineer in accordance with R655-4 UAC. The driller shall also comply with the rules and regulations of R644-4 UAC when drilling temperature gradient wells. At least 48 hours before starting, the driller must give this Division notice of the day that drilling will commence.
- (f) A well completion report, including temperature data, shall be submitted to the State Engineer within 90-days of completion. The well completion report shall be public record unless the owner or operator requests, in writing, that the records be held confidential in accordance with Section 73-22-6(1)(c).
- (g) The driller shall exercise due caution in all drilling operations to prevent blowouts, explosions or fires.

R655-1-9. Environment.

9.1 General: The owner shall conduct exploration and development operations in a manner that provides maximum protection of the environment; rehabilitate disturbed lands; take all necessary precautions to protect the public health and safety; and conduct operations in accordance with the spirit and objectives of all applicable environmental legislation, and executive orders.

Adverse environmental impacts from geothermal-related activity shall be prevented or mitigated through enforcement of applicable Federal, State, and local standards, and the application of existing technology. Inability to meet these environmental standards or continued violation of environmental standards due to operations of the lessee, after notification, may be construed as grounds for the State Engineer to order a suspension of operations.

R655-1-10. Penalties.

As stated in Section 73-22-10, any willful violation of or failure to comply with any provision of these rules shall be a misdemeanor and each day that the violation continues shall constitute a separate offense.

KEY: geothermal resources

Date of Enactment or Last Substantive Amendment: [1992]2018

Notice of Continuation: May 5, 2017

Authorizing, and Implemented or Interpreted Law: 73-22

Natural Resources, Water Rights **R655-4**

Water Wells

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
DAR FILE NO.: 42607
FILED: 02/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The current rule requires clarification and update to match current industry practice.

SUMMARY OF THE RULE OR CHANGE: The current rule requires clarification and updates to match current industry practice. The statutory obligation continues and there is a continuing need for this rule to provide guidance for requirements pertaining to Water Wells.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 7-3-25 and Subsection 73-2-1(4)(b)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: No cost involved, clarification of processing does not require a dollar figure.
- ♦ LOCAL GOVERNMENTS: No cost involved, clarification of processing does not require a dollar figure.
- ♦ SMALL BUSINESSES: No cost involved, clarification of processing does not require a dollar figure.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No cost involved, clarification of processing does not require a dollar figure.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost involved, clarification of processing does not require a dollar figure.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact, clarification of processing does not require a dollar figure.

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

NATURAL RESOURCES
WATER RIGHTS
ROOM 220
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Marianne Burbidge by phone at 801-538-7370, by FAX at 801-538-7467, or by Internet E-mail at marianneburbidge @utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 06/29/2018

AUTHORIZED BY: Kent Jones, State Engineer/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
Fiscal Benefits			
Fiscal Benefits State Government	\$0	\$0	\$0
	\$0 \$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total 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
No cost involved, clarification of processing does not require a dollar figure.

Kent L. Jones, Division Director, has reviewed and approved this fiscal analysis.

R655. Natural Resources, Water Rights. [R655-4. Water Wells.

R655-4-1. Purpose, Scope, and Exclusions.

1.1 Purpose.

Under Subsection 73-2-1(4)(b), the State Engineer, as the Director of the Utah Division of Water Rights, is required to make rules regarding well construction and related regulated activities and the licensing of water well drillers and pump installers.

These rules are promulgated pursuant to Section 73-3-25. The purpose of these rules is to assist in the orderly development of underground water; insure that minimum construction standards are followed in the drilling, construction, deepening, repairing, renovating, cleaning, development, pump installation/repair, and abandonment of water wells and other regulated wells; prevent pollution of aquifers within the state; prevent wasting of water from flowing wells; obtain accurate records of well construction operations; and insure-compliance with the state engineer's authority for appropriating water.

These rules also establish administrative procedures for applications, approvals, hearings, notices, revocations, orders and their judicial review, and all other administrative procedures required or allowed by these rules. These rules shall be liberally construed to permit the Division to effectuate the purposes of Utah law.

— 1.2 Scope.

The drilling, construction, deepening, repair, renovation, replacement, cleaning, development, or abandonment of the following types of wells are regulated by these administrative rules and the work must be permitted by the Utah Division of Water Rights and completed by a licensed well driller. Moreover, the installation and repair of pumps in the following types of wells is regulated by these administrative rules and the work must be completed by a licensed well driller or a licensed pump installer. A person conducting pump installation and repair work on their own well on their own property is exempt from these rules and is not required to have a pump installer's

license. These rules apply to both vertical, angle and horizontal wells if they fall within the criteria listed below. The rules contained herein pertain only to work on or within the well itself. These rules do not regulate the incidental work beyond the well such as plumbing, electrical, and excavation work up to the well; and the building of well enclosures unless these activities directly impact or change the construction of the well itself. The process for an applicant to obtain approval to drill, construct, deepen, repair, renovate, clean, develop, abandon, or replace the wells listed below in 1.2.1, 1.2.2, 1.2.3, and 1.2.4 is outlined in Section R655.4-9 of these rules.

- 1.2.1 Cathodic protection wells which are completed to a depth greater than 30 feet.
- 1.2.2 Closed-loop and open-loop Heating and/or cooling-exchange wells which are greater than 30 feet in depth and which encounter formations containing groundwater. If a separate well or borehole is required for re-injection purposes, it must also comply with these administrative rules.
- 1.2.3 Monitor, piezometer, and test wells designed for the purpose of testing and monitoring water level, pressure, quality and/or quantity which are completed to a depth greater than 30 feet.
- 1.2.4 Other wells (eased or open) which are completed to a depth greater than 30 feet that can potentially interfere with established aquifers such as wells to monitor mass movement (inclinometers), facilitate horizontal utility placement, monitor man-made structures, house instrumentation to monitor structural performance, or dissipate hydraulic pressures (dewatering wells).
- 1.2.5 Private water production wells which are completed to a depth greater than 30 feet.
 - 1.2.6 Public water system supply wells.
- 1.2.7 Recharge and recovery wells which are drilled under the provisions of Title 73, Chapter 3b "Groundwater Recharge and Recovery Act" Utah Code Annotated.

1.3 Exclusions.

The drilling, construction, deepening, repair, renovation, replacement, cleaning, development, pump installation/repair, or abandonment of the following types of wells or boreholes are excluded from regulation under these administrative rules:

- 1.3.1 Any wells described in Section 1.2 that are constructed to a final depth of 30 feet or less. However, diversion and beneficial use of groundwater from wells at a depth of 30 feet or less shall require approval through the appropriation procedures and policies of the state engineer and Title 73, Chapter 3 of the Utah Code Annotated.
- 1.3.2 Geothermal wells. Although not regulated under the Administrative Rules for Water Wells, geothermal wells are subject to Section 73-22-1 "Utah Geothermal Resource Conservation Act" Utah Code Annotated and the rules promulgated by the state engineer-including Section R655-1, Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah.
- 1.3.3 Temporary exploratory wells drilled to obtaininformation on the subsurface strata on which an embankment orfoundation is to be placed or an area proposed to be used as a potential source of material for construction.
- 1.3.4 Wells or boreholes drilled or constructed into nonwater bearing zones or which are 30 feet or less in depth for thepurpose of utilizing heat from the surrounding earth.
- 1.3.5 Geoteehnical borings drilled to obtain lithologic data which are not installed for the purpose of utilizing or monitoring-groundwater, and which are properly sealed immediately after drilling and testing.

1.3.6 Oil, gas, and mineral exploration/production wells. These wells are subject to rules promulgated under the Division of Oil, Gas, and Mining of the Utah Department of Natural Resources.

R655-4-2. Definitions.

- ABANDONED WELL any well which is not in use and has been sealed or plugged with approved sealing materials so that it is rendered unproductive and shall prevent contamination of groundwater. A properly abandoned well will not produce water nor serve as a channel for movement of water from the well or between water bearing zones.
- ADDRESS the current residential or business address of a well driller as recorded in the Division's files.
- ADJUDICATIVE PROCEEDING means, for the purposes of this rule, an administrative action or proceeding commenced by the Division in conjunction with an Infraction Notice; or an administrative action or proceeding commenced in response to a well driller's appeal or a Cease and Desist Order or an appeal of a restriction or denial of a license renewal application.
- AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) a nationally recognized testing laboratory that certifies-building products and adopts standards including those for steel and plastic (PVC) easing utilized in the well drilling industry. ANSI-standards are often adopted for use by ASTM and AWWA. Current information on standards can be obtained from: ANSI, 1430-Broadway, New York, NY 10018 (ANSI.org).
- AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) an independent organization concerned with the development of standards on characteristics and performance of materials, products and systems including those utilized in the well-drilling industry. Information may be obtained from: ASTM, 1916-Race Street, Philadelphia, PA 19013 (ASTM.org).
- AMERICAN WATER WORKS ASSOCIATION (AWWA) an international association which publishes standards intended to represent a consensus of the water supply industry that the product or procedure described in the standard shall provide satisfactory service or results. Information may be obtained from: AWWA, 6666 West Quincy Avenue, Denver CO 80235 (AWWA.org).
- ANNULAR SPACE the space between the outer well-easing and the borehole or the space between two sets of casing.
- AQUIFER a porous underground formation yieldingwithdrawable water suitable for beneficial use.
- ARTESIAN AQUIFER a water-bearing formation which contains underground water under sufficient pressure to rise above the zone of saturation.
- ARTESIAN WELL a well where the water level risesappreciably above the zone of saturation.
- BACKFLOW PREVENTER means a safety device, assembly, or construction practice used to prevent water pollution or contamination by preventing flow of a mixture of water and/or-chemicals from the distribution piping into a water well or in the opposite direction of that intended. This includes but is not limited to check valves, foot valves, curb stops, or air gaps
- BENTONITE a highly plastic, highly absorbent, colloidal swelling elay composed largely of mineral sodium montmorillonite. Bentonite is commercially available in powdered, granular, tablet, pellet, or chip form which is hydrated with potable water and used for a variety of purposes including the stabilization of borehole wallsduring drilling, the control of potential or existing high fluid pressures

- encountered during drilling below a water table, well abandonment, and to provide a seal in the annular space between the well easing and borehole wall.
- BENTONITE GROUT a mixture of bentonite and potable water specifically designed to seal and plug wells and boreholes mixed at manufacturer's specifications to a grout consistency which can be pumped through a pipe directly into the annular space of a well or used for abandonment. Its primary purpose is to seal the borehole or well in order to prevent the subsurface migration or communication of fluids.
- CASH BOND A type of well driller bond in the form of a eertificate of deposit (CD) submitted and assigned to the State-Engineer by a licensed driller to satisfy the required bonding-requirements.
- CASING a tubular retaining and sealing structure that is installed in the borehole to maintain the well opening.
- CATHODIC PROTECTION WELL a well constructed for the purpose of installing deep anodes to minimize or prevent-electrolytic corrosive action of metallic structures installed belowground surface, such as pipelines, transmission lines, well casings, storage tanks, or pilings.
- CEASE AND DESIST ORDER means an order issued by the State Engineer comprised of a red tag placed on a well rig at the well drilling location and a letter to the driller requiring that all well drilling activity at the well drilling location cease until such time as the order is lifted.
- CLOSED-LOOP HEATING/COOLING EXCHANGE—WELL—means the subsystem of a geothermal heat pump system that consists of the drilled vertical borehole into the Earth that is equipped with a heat exchange media conveyance tube (loop tube), and isgrouted from the bottom of the vertical borehole to the Earth's surface at the drilling site. Construction of a geothermal heat pump loop well includes, in continuous order, drilling of the vertical borehole, placement of the loop tube to the bottom of the vertical borehole with the grout tremie, and grouting of the vertical borehole from the bottom of the vertical borehole to the Earth's surface at the drill site. Closed loop systems circulate a heat transfer fluid (such as water or a mixture of water and food grade/non-toxic anti-freeze) to exchange heat with the subsurface geological environment.
- CONDUCTOR CASING means the temporary or permanent easing used in the upper portion of the well bore to prevent collapse of the formation during the construction of the well or to conduct the gravel pack to the perforated or screened areas in the easing.
- CONFINING UNIT a geological layer either of unconsolidated material, usually elay or hardpan, or bedrock, usually shale, through which virtually no water moves.
- CONSOLIDATED FORMATION bedrock consisting of sedimentary, igneous, or metamorphic rock (e.g., shale, sandstone, limestone, quartzite, conglomerate, basalt, granite, tuff, etc.).
- DEFAULT ORDER means an order issued by the-Presiding Officer after a well driller fails to attend a hearing in a welldriller adjudicative proceeding. A Default Order constitutes a Final-Judgment and Order.
- DEWATERING WELL a water extraction well constructed for the purpose of lowering the water table elevation, either-temporarily or permanently, around a man-made structure or construction activity.
- DISINFECTION or disinfecting is the use of chlorine or other disinfecting agent or process approved by the state engineer, in

sufficient concentration and contact time adequate to inactivate or eradicate bacteria such as coliform or other organisms.

- DIVISION means the Division of Water Rights. The terms Division and State Engineer may be used interchangeably in this rule.
- DRAWDOWN the difference in elevation between the static water level and the pumping water level in a well.
- DRILL RIG any power-driven percussion, rotary, boring, eoring, digging, jetting, or augering machine used in the construction of a well or borehole.
- EMERGENCY SITUATION any situation whereimmediate action is required to protect life or property. Emergency status would also extend to any situation where life is not immediately threatened but action is needed immediately and it is not possible to contact the state engineer for approval. For example, it would beconsidered an emergency if a domestic well needed immediate repair over a weekend when the state engineer's offices are closed.
- FILES means information maintained in the Division's public records, which may include both paper and electronic information.
- FINAL JUDGMENT AND ORDER means a final-decision issued by the Presiding Officer on the whole or a part of a well driller adjudicative proceeding. This definition includes "Default Orders."
- GRAVEL PACKED WELL a well in which filter material such as sand and/or gravel is placed in the annular space between the well intakes (screen or perforated easing) and the borehole wall to increase the effective diameter of the well and to prevent fine-grained sediments from entering the well.
- GROUNDWATER subsurface water in a zone of saturation.
- GROUT a fluid mixture of Portland cement or bentonite with water of a consistency that can be forced through a pipe and placed as required. Upon approval, various additives such as sand, bentonite, and hydrated lime may be included in the mixture to meet different requirements.
- HEATING/COOLING EXCHANGE SYSTEM also-known as GeoExchange, ground-source heat pump, geothermal heat pump, and ground-coupled heat pump; a heat pump that uses the Earth itself as a heat source (heating) and heat sink (cooling). It is coupled to the ground by means of a closed loop heat exchanger installed-vertically underground or by physically pumping water from a well-with an open loop systems and utilizing the thermal properties of the water to heat or cool.
- HYDRAULIC FRACTURING the process whereby water or other fluid is pumped with sand under high pressure into a well to fracture and clean-out the rock surrounding the well bore thus-increasing the flow to the well.
- INFRACTION NOTICE means a notice issued by the Division to the well driller informing him of his alleged act or acts violating the Administrative Rules for Water Drillers and the infraction points that have been assessed against him.
- ISSUED means a document executed by an authorized delegate of the State Engineer (in the case of an Infraction Notice) or by the Presiding Officer (in the case of a Hearing Notice, Final-Judgment and Order or other order related to a well driller adjudicative proceeding) and deposited in the mail.
- LICENSE means the express grant of permission orauthority by the State Engineer to carry on the activity of well drilling.

- LICENSED PUMP INSTALLER means a qualifiedindividual who has obtained a license from the Division and who is engaged in the installation, removal, alteration, or repair of pumps and pumping equipment for compensation.
- LOG means an official document or report that describes where, when, and how a regulated well was drilled, constructed, deepened, repaired, renovated, cleaned, developed, tested, equipped with pumping equipment, and/or abandoned. A Log shall be submitted to the Division by a licensee on forms provided by the Division-including a Well Driller's Report, Well Abandonment Report, or Pump Installer's Report.
- MONITOR WELL a well, as defined under "well" in this section, that is constructed for the purpose of determining water levels, monitoring chemical, bacteriological, radiological, or other physical properties of ground water or vadose zone water.
- NATIONAL SANITATION FOUNDATION (NSF) a-voluntary third party consensus standards and testing entity established under agreement with the U. S. Environmental Protection Agency-(EPA) to develop testing and adopt standards and certification-programs for all direct and indirect drinking water additives and-products. Information may be obtained from: NSF, 3475 Plymouth-Road, P O Box 1468, Ann Arbor, Michigan 48106 (NSF.org).
- NEAT CEMENT GROUT cement conforming to the ASTM Standard C150 (standard specification of Portland cement), with no more than six gallons of water per 94 pound sack (one cubic foot) of cement of sufficient weight density of not less than 15-lbs/gallon.
- NOMINAL SIZE means the manufactured commercial designation of the diameter of a casing. An example would be easing with an outside diameter of 12 3/4 inches which may be nominally 12-inch easing by manufactured commercial designation.
- OPEN-LOOP HEATING/COOLING EXCHANGE WELL-means a well system in which groundwater is extracted from a typical water production well and pumped through an above ground heat-exchanger inside the heat pump system. Heat is either extracted or added by the primary refrigerant loop (primary loop refrigerant does not come into contact with the pumped water), and then the water is returned to the same aquifer by injection through the original extraction well or through a separate injection well.
- OPERATOR a drill rig operator or pump rig operator is an individual who works under the direct supervision of a licensed Utah Water Well Driller or Pump Installer and who can be left in responsible charge of regulated well drilling or pump installation/repair activity using equipment that is under the direct control of the licensee.
- PARTY means the State Engineer, an authorized delegate of the State Engineer, the well driller, the pump installer, or the affected well owner.
- PIEZOMETER a tube or pipe, open at the bottom ingroundwater, and sealed along its length, used to measure hydraulic head or water level in a geologic unit.
- PITLESS ADAPTER a commercially manufactured devise designed for attachment to a well easing which allows buried pump-discharge from the well and allows access to the interior of the well-easing for installation or removal of the pump or pump appurtenances, while preventing contaminants from entering the well. Such devices protect the water and distribution lines from temperature extremes, permit extension of the casing above ground as required in Subsection R655-4-11.3.2 and allow access to the well, pump or system-

components within the well without exterior exeavation or disruption of surrounding earth or surface seal.

PITLESS UNIT - a factory-assembled device with capwhich extends the upper end of a well easing to above grade and is o constructed as to allow for buried pump discharge from the well and allows access to the interior of the well easing for installation orremoval of the pump or pump appurtenances, while preventingcontaminants from entering the well. Such devices protect the waterand distribution lines from temperature extremes, permit extension of the casing above ground as required in Subsection R655-4-11.3.2 and allow access to the well, pump or system components within the well without exterior excavation or disruption of surrounding earth orsurface seal.

POLLUTION - the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animals, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any or reasonable purpose.

POTABLE WATER - water supplied for humanconsumption, sanitary use, or for the preparation of food orpharmaceutical products which is free from biological, chemical, physical, and radiological impurities.

PRESIDING OFFICER - means an authorized delegate of the State Engineer who conducts a well driller adjudicative proceeding.

PRESSURE GROUTING - a process by which grout is confined within the drillhole or easing by the use of retaining plugs or packers and by which sufficient pressure is applied to drive the grout slurry into the annular space or zone to be grouted.

PRIVATE WATER PRODUCTION WELL - a privately-owned well constructed to supply water for any purpose which has been approved by the state engineer (such as irrigation, stockwater, domestic, commercial, industrial, etc.).

PROBATION - A disciplinary action that may be taken by the state engineer that entails greater review and regulation of well-drilling activities but which does not prohibit a well driller from engaging in the well drilling business or operating well drilling equipment.

PROVISIONAL WELL - authorization granted by the state engineer to drill under a pending, unapproved water right, change or exchange application; or for the purpose of determining characteristics of an aquifer, or the existence of a useable groundwater source. Water from a provisional well cannot be put to beneficial use until the application has been approved.

PUBLIC WATER SYSTEM SUPPLY WELL - a well, either publicly or privately owned, providing water for human consumption and other domestic uses which has at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days out of the year. Public Water System Supply Wells are also regulated by the Division of Drinking Water in the Utah Department of Environmental Quality (Section R309 of the Utah Administrative Code).

PUMP/PUMPING EQUIPMENT - means any equipment or materials utilized or intended for use in withdrawing or obtaining-groundwater for any use.

PUMP INSTALLATION/REPAIR - means the procedureemployed in the placement and preparation for operation of pumps and pumping equipment at the water well location, including alleonstruction or repair involved in making entrance to the water well, which involves the breaking of the well seal.

PUMPING WATER LEVEL - the water level in a well after a period of pumping at a given rate.

RECORD - means the official collection of all written and electronic materials produced in a well driller adjudicative proceeding, including but not limited to Infraction Notices, pleadings, motions, exhibits, orders and testimony produced during the adjudicative-proceedings, as well as the files of the Division as defined herein.

RED TAG - is a component of a "CEASE AND DESIST ORDER" in the form of a red colored tag placed on a well at a well drilling location

REGISTRATION - means the express grant of permission or authority by the State Engineer to carry on the activity of well-drilling or pump installation under the supervision of a licensed well-driller or pump installer.

REPAIRING, RENOVATING, AND DEEPENING - means the deepening, hydrofracturing, re-easing, perforating, re-perforating, installation of packers or seals, and any other material change in the design or construction of a well. Material changes include but are not limited to easing installation or modification including easing extensions, installation or modification of liner pipe, reaming or under reaming of the borehole, pitless unit installation or re-sealing.

REVOCATION - A disciplinary action that may be taken by the state engineer that reseinds the well driller's Utah Water Well-Driller's License

SAND - a material having a prevalent grain size ranging from 2 millimeters to 0.06 millimeters.

SAND CEMENT GROUT - a grout consisting of equalparts of cement conforming to ASTM standard C150 and sand/aggregate with no more than six (6) gallons of water per 94pound sack (one cubic foot) of cement.

STANDARD DIMENSION RATIO (SDR) - the ratio of average outside pipe diameter to minimum pipe wall thickness.

STATE ENGINEER - the director of the Utah Division of Water Rights or any employee of the Division of Water Rights-designated by the state engineer to act in administering these rules. The terms Division and State Engineer may be used interchangeably in this rule.

STATIC LEVEL - stabilized water level in a non-pumped well beyond the area of influence of any pumping well.

SURETY BOND - an indemnity agreement in a sum certain and payable to the state engineer, executed by the licensee as principal and which is supported by the guarantee of a corporation authorized to transact business as a surety in the State of Utah.

SUSPENSION - A disciplinary action that may be taken by the state engineer that prohibits the well driller from engaging in the well drilling business or operating well drilling equipment as a registered operator for a definite period of time and /or until certain conditions are met.

TEST WELL - authorization granted by the state engineer to drill under a Non-production well approval for the purpose of determining characteristics of an aquifer, or the existence of a useable groundwater source. Water from a Test Well cannot be put to-beneficial use.

TREMIE PIPE - a device that carries materials such as seal material, gravel pack, or formation stabilizer to a designated depth in a drill hole or annular space.

UNCONSOLIDATED FORMATION - loose, soft, incoherent rock material composed of sedimentary, igneous, ormetamorphic rock which includes sand, gravel, and mixtures of sand and gravel. These formations are widely distributed and can possess good water storage and transmissivity characteristics.

UNHYDRATED BENTONITE - dry bentonite consisting primarily of granules, tablets, pellets, or chips that may be placed in a well or borehole in the dry state and hydrated in place by either formation water or by the addition of potable water into the well or borehole containing the dry bentonite. Unhydrated bentonite can be used for sealing and abandonment of wells.

VADOSE ZONE - the zone containing water under less than atmospheric pressure, including soil water, intermediate vadose water and capillary water. The zone extends from land surface to the zone of saturation or water table.

— WATERTIGHT - a condition that does not allow theentrance, passage, or flow of water under normal operating conditions.

WELL - a horizontal or vertical exeavation or opening into the ground made by digging, boring, drilling, jetting, augering, ordriving or any other artificial method and left eased or open forutilizing or monitoring underground waters.

WELL DRILLER - any person who is licensed by the state engineer to construct water wells for compensation or otherwise. The licensed driller has total responsibility for the construction work in progress at the well drilling site.

WELL DRILLER BOND - A financial guarantee to the state engineer, in the form of a surety bond or cash bond, by which a licensed driller binds himself to pay the penal sum of \$5,000 to the state engineer in the event of significant noncompliance with the Administrative Rules for Water Wells.

WELL DRILLING - the act of drilling, constructing, deepening, replacing, repairing, renovating, cleaning, developing, or abandoning a well.

R655-4-3. Licenses and Registrations.

- 3.1 General.
- 3.1.1 Section 73-3-25 of the Utah Code requires everyperson that drills, constructs, deepens, repairs, renovates, cleans,
 develops, installs/repairs pumps, and abandons a regulated well in the
 state to obtain a license from the state engineer. Licenses and
 registrations are not transferable. Applicants for well driller or pump
 installer licensure must meet all requirements in this subsection, and
 applicants cannot obtain a Utah license through reciprocity or comity
 with a similar license from other States or organizations.
- 3.1.2 Any person found to be performing regulated well-activity without a valid license (well driller's license or pump installer's license, as applicable) or operator's registration will be ordered to cease and desist by the state engineer. The order may be made verbally but must also be followed by a written order. The order may be posted at an unattended well drilling site. A person found performing regulated well activities without a license will be subject to the state engineer's enforcement powers under Section 73-2-25 of the Utah Code (Related rules: Section R655-14 UAC) and subject to criminal prosecution under Section 73-3-26 of the Utah Code annotated, 1953.
 - 3.2 Well Driller's License.
- A Utah Well Driller's License allows an individual toperform regulated well activity including drilling, construction, deepening, repairing, renovating, cleaning, development, pumpinstallation/repair, and abandonment of water wells and other regulated

wells. An applicant must meet the following requirements to become licensed as a Utah Water Well Driller:

- 3.2.1 Applicants must be 21 years of age or older and be a eitizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the license application);
- 3.2.2 Complete and submit the application form provided by the state engineer.
- 3.2.3 Pay the application fee approved by the state-legislature.
- 3.2.4 Provide documentation of experience according to the following standards:
- 3.2.4.1 Water well drillers shall provide documentation of at least two (2) years of full time prior water well drilling experience with a licensed driller in good standing OR documentation of sixteen (16) wells constructed by the applicant under the supervision of a licensed well driller in good standing.
- 3.2.4.2 Monitor well drillers shall provide documentation of at least two (2) years of full time prior monitor well drilling experience with a licensed driller in good standing OR documentation of thirty two (32) wells constructed by the applicant under the supervision of a licensed well driller in good standing.
- 3.2.4.3 Heating/cooling exchange and other non-production well drillers must provide documentation of at least six (6) months of full time prior well drilling experience with a licensed driller in good standing AND documentation of sixteen (16) well drilling projects constructed by the applicant under the supervision of a licensed well driller in good standing.
- 3.2.4.4 A copy of the well log for each well constructed must be provided. The documentation must also show the applicant's experience with each type of drilling rig to be listed on the license. Acceptable documentation will include registration with the Division of Water Rights, letters from licensed well drillers (Utah or other states), or a water well drilling license granted by another state, etc.
- 3.2.4.5 Successful completion of classroom study ingeology, well drilling, map reading, and other related subjects may be substituted for up to, but not exceeding, twenty five percent of the required drilling experience, and for up to, but not exceeding, twenty five percent of the required drilled wells or well drilling projects. The state engineer will determine the number of months of drilling-experience and the number of drilled wells that will be credited for the classroom study.
- 3.2.4.6 A limited or restricted license can be obtained in subcategories of activity including well cleaning, well renovation, well abandonment, and well development/testing. Testing requirements for these license subcategories will be reduced or limited in accordance with the level of activity.
- 3.2.5 File a well driller bond in the sum of \$5,000 with the Division of Water Rights payable to the state engineer. The well driller bond must be filed under the conditions and criteria described in Section 4-3.9.
- 3.2.6 Obtain a score of at least 70% on each of the written licensing examinations required and administered by the state-engineer. The required examinations test the applicant's knowledge of:
- a. The Administrative Rules for Water Wells and Utah water law as it pertains to underground water;
- b. The minimum construction standards established by the state engineer for water well construction;

- e. Geologic formations and proper names used in describing underground material types;
- d. Reading maps and locating points from descriptionsbased on section, township, and range;
- e. Groundwater geology and the occurrence and movement of groundwater;
- f. The proper operating procedures and construction—methods associated with the various types of water well drilling rigs. (A separate test is required for each type of water well drilling rig to be listed on the license).
- 3.2.7 Demonstrate proficiency in resolving problemsituations that might be encountered during the construction of a water well by passing an oral examination administered by the state engineer.
 - 3.3 Drill Rig Operator's Registration.
- An applicant must meet the following requirements tobecome registered as a drill rig operator:
- 3.3.1 Applicants must be 18 years of age or older and be a eitizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the operator application).
- 3.3.2 Complete and submit the application form provided by the state engineer.
- 3.3.3 Pay the application fee approved by the state-legislature.
- 3.3.4 Provide documentation of at least six (6) months of prior water well drilling experience with a licensed driller in good-standing. The documentation must show the applicant's experience with each type of drilling rig to be listed on the registration. Acceptable documentation will include letters from licensed well-drillers or registration as an operator in another state.
- 3.3.5 Obtain a score of at least 70% on a writtenexamination of the minimum construction standards established by the state engineer for water well construction. The test will be provided to the licensed well driller by the state engineer. The licensed well driller will administer the test to the prospective operator and return it to the state engineer for scoring.
- 3.4 Pump Installer's License.
- A Utah Pump Installer's License allows an individual toperform regulated pump activity including pump removal, installation, and repair of water wells and other regulated wells. An individual can perform pump installation and repair work on their own well on their own property without obtaining a Pump Installer's License. Anapplicant must meet the following requirements to become licensed as a Utah Pump Installer:
- 3.4.1 Applicants must be 21 years of age or older and be a eitizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the license application).
- 3.4.2 Complete and submit the application form provided by the state engineer.
- 3.4.3 Pay the application fee approved by the state-legislature.
- 3.4.4 Provide documentation of experience of at least two (2) years of full time prior water well pump installation and repair experience with a driller or pump installer in good standing

- 3.4.4.4 The documentation must show the applicant's experience with each type of pump rig to be listed on the license. Acceptable documentation will include registration with the Division of Water Rights, reference letters from licensed well drillers/pump-installers (Utah or other states), or a license granted by another state, etc.
- 3.4.4.5 Successful completion of classroom study in pump installation/repair and other related subjects may be substituted for up to, but not exceeding, twenty five percent of the required pump experience. The state engineer will determine the number of months of drilling experience that will be credited for the classroom study.
- 3.4.5 File a pump installer bond in the sum of \$5,000 with the Division of Water Rights payable to the state engineer. The well driller bond must be filed under the conditions and criteria described in Section 4-3.9.
- 3.4.6 Obtain a score of at least 70% on each of the written licensing examinations required and administered by the state-engineer. The required examinations test the applicant's knowledge of:
- a. The Administrative Rules for Water Wells and Utah water law as it pertains to underground water;
- b. The minimum construction standards established by the state engineer pertaining to pump installation and repair;
- e. Groundwater protection procedures and standards applicable to pump installation and repair work on wells;
- d. The proper operating procedures and methods associated with pump installation and repair.
- 3.4.7 Demonstrate proficiency in resolving problemsituations that might be encountered during pump installation andrepair of a water well by passing an oral examination administered by the state engineer.
- 3.5 Pump Rig Operator's Registration.
- An applicant must meet the following requirements tobecome registered as a pump rig operator:
- 3.5.1 Applicants must be 18 years of age or older and be a eitizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the license application).
- 3.5.2 Complete and submit the application form provided by the state engineer.
- 3.5.3 Pay the application fee approved by the state-legislature.
- 3.5.4 Provide documentation of at least six (6) months of prior pump installation and repair experience with a licensed driller or pump installer in good standing. Acceptable documentation will-include letters from licensed well drillers or registration as an operator in another state.
- 3.5.5 Obtain a score of at least 70% on a writtenexamination of the minimum construction standards established by the state engineer for pump installation and repair. The test will beprovided to the licensed pump installer/well driller by the stateengineer. The licensed pump installer/well driller will administer the test to the prospective operator and return it to the state engineer for scoring.
 - 3.6 Conditional, Restricted, or Limited Licenses.
- The state engineer may issue a restricted, conditional, or limited license to an applicant based on prior drilling experience.

3.7 Refusal to Issue a License or Registration.

The state engineer may, upon investigation and after ahearing, refuse to issue a license or a registration to an applicant if it appears the applicant has not had sufficient training or experience to qualify as a competent well driller, pump installer, or operator.

3.8 Falsified Applications.

The state engineer may, upon investigation and after ahearing, revoke a license or a registration in accordance with Section 5.6 if it is determined that the original application contained false or misleading information.

3.9 Well Driller/Pump Installer Bond.

3.9.1 General

3.9.1.1. In order to become licensed and to continue licensure, well drillers and pump installers must file a bond in the form of a surety bond or cash bond, approved by the state engineer, in the sum of five thousand dollars (\$5,000) with the Division of Water-Rights, on a form provided by the Division, which is conditioned upon proper compliance with the law and these rules and which is effective for the licensing period in which the license is to be issued. The bond shall stipulate the obligee as the "Office of the State Engineer". The well driller bond is penal in nature and is designed to ensurecompliance by the licensed well driller or pump installer to protect the groundwater resource, the environment, and public health and safety. The bond may only be exacted by the state engineer for the purposes of investigating, repairing, or abandoning wells in accordance with applicable rules and standards. No other person or entity may initiate a claim against the well driller bond. Lack of a current and valid welldriller bond shall be deemed sufficient grounds for denial of adriller's/pump installer's license. The well driller bond may consist of a surety bond or a cash bond as described below.

3.9.2 Surety Bonds.

3.9.2.1. The licensee and a surety company or corporation authorized to do business in the State of Utah as surety shall bind themselves and their successors and assigns jointly and severally to the state engineer for the use and benefit of the public in full penal sum of five thousand dollars (\$5,000). The surety bond shall specifically-cover the licensee's compliance with the Administrative Rules for Water Wells found in R655.4 of the Utah Administrative Code. Forfeiture of the surety bond shall be predicated upon a failure to drill, construct, repair, renovate, deepen, clean, develop, perform pumpwork, or abandon a regulated well in accordance with these rules (R655.4 UAC). The bond shall be made payable to the 'Utah State Engineer' upon forfeiture. The surety bond must be effective and exactable in the State of Utah.

3.9.2.2. The bond and any subsequent renewal certificate shall specifically identify the licensed individual covered by that bond. The licensee shall notify the state engineer of any change in the amount or status of the bond. The licensee shall notify the state engineer of any cancellation or change at least thirty (30) days prior to the effective date of such cancellation or change. Prior to the expiration of the 30-days notice of cancellation, the licensee shall deliver to the state engineer a replacement surety bond or transfer to a eash bond. If such a bond is not delivered, all activities covered by the license and bond shall cease at the expiration of the 30 day period. Termination shall not relieve the licensee or surety of any liability for incidences that occurred during the time the bond was in force.

3.9.2.3. Before the bond is forfeited by the licensee and exacted by the state engineer, the licensee shall have the option of resolving the noncompliance to standard either by personally doing the

work or by paying to have another licensed driller do the work. If the driller chooses not to resolve the problem that resulted in noncompliance, the entire bond amount of five thousand dollars-(\$5,000) shall be forfeited by the surety and expended by the state-engineer to investigate, repair or abandon the well(s) in accordance with the standards in R655-4 UAC. Any excess there from shall be retained by the state engineer and expended for the purpose of investigating, repairing, or abandoning wells in accordance with applicable rules and standards. All claims initiated by the state-engineer against the surety bond will be made in writing.

3.9.2.4. The bond of a surety company that has failed, refused or unduly delayed to pay, in full, on a forfeited bond is not approvable.

3.9.3 Cash Bonds.

3.9.3.1. The requirements for the well driller bond may alternatively be satisfied by a cash bond in the form of a certificate of deposit (CD) for the amount of five thousand dollars (\$5,000) issued by a federally insured bank or credit union with an office(s) in the State of Utah. The cash bond must be in the form of a CD. Savings accounts, checking accounts, letters of credit, etc., are not acceptable eash bonds. The CD shall specifically identify the licensed individual covered by that fund. The CD shall be automatically renewable and fully assignable to the state engineer. CD shall state on its face that it is automatically renewable.

3.9.3.2. The eash bond shall specifically cover the licensee's compliance with well drilling rules found in R655-4 of the Utah Administrative Code. The CD shall be made payable or assigned to the state engineer and placed in the possession of the state engineer. If assigned, the state engineer shall require the bank or credit unionissuing the CD to waive all rights of setoff or liens against those CD. The CD, if a negotiable instrument, shall be placed in the state engineer's possession. If the CD is not a negotiable instrument, the CD and a withdrawal receipt, endorsed by the licensee, shall be placed in the state engineer's possession.

3.9.3.3. The licensee shall submit CDs in such a manner which will allow the state engineer to liquidate the CD prior to maturity, upon forfeiture, for the full amount without penalty to the state engineer. Any interest accruing on a CD shall be for the benefit of the licensee.

3.9.3.4. The period of liability for a cash bond is five (years) after the expiration, suspension, or revocation of the license. The cash bond will be held by the state engineer until the five year period is over, then it will be relinquished to the licensed driller. In the event that a cash bond is replaced by a surety bond, the period of liability, during which time the cash bond will be held by the state engineer, shall be five (5) years from the date the new surety bond becomes effective.

3.9.4 Exacting a Well Driller Bond.

3.9.4.1. If the state engineer determines, following an investigation and a hearing in accordance with the process defined in Sections 4-5, 4-6, and 4-7, that the licensee has failed to comply with the Administrative Rules for Water Wells and refused to remedy the noncompliance, the state engineer may suspend or revoke a license and fully exact the well driller bond and deposit the money as a non-lapsing dedicated credit.

3.9.4.2. The state engineer may expend the funds derived from the bond to investigate or correct any deficiencies which could adversely affect the public interest resulting from non-compliance with the Administrative Rules by any well driller.

3.9.4.3. The state engineer shall send written notification by certified mail, return receipt requested, to the licensee and the surety on the bond, if applicable, informing them of the determination to exact the well driller bond. The state engineer's decision regarding the noncompliance will be attached to the notification which will provide facts and justification for bond exaction. In the case of a surety bond exaction, the surety company will then forfeit the total bond amount to the state engineer. In the case of a cash bond, the state engineer will eash out the CD. The exacted well driller bond funds may then be used by the state engineer to cover the costs of well investigation, repair, and/or abandonment.

R655-4-4. Administrative Requirements and General Procedures.

4.1 Authorization to Drill.

The well driller shall make certain that a valid authorization or approval to drill exists before engaging in regulated well drillingactivity. Authorization to drill shall consist of a valid 'start card' based on any of the approvals listed below. Items 4.1.1 through 4.1.12 allow the applicant to contract with a well driller to drill, construct, deepen, replace, repair, renovate, clean, develop, or abandon exactly one wellat each location listed on the start eard or approval form. The drilling of multiple borings/wells at an approved location/point of diversion is not allowed without authorization from the state engineer's office. Most start eards list the date when the authorization to drill expires. If the expiration date has passed, the start card and authorization toengage in regulated drilling activity is no longer valid. If there is no expiration date on the start card, the driller must contact the stateengineer's office to determine if the authorization to drill is still valid. When the work is completed, the permission to drill is terminated. Preauthorization or pre-approval of pump installation/repair work isnot required.

- 4.1.1 An approved application to appropriate.
- 4.1.2 A provisional well approval letter.

An approved provisional well letter grants authority to drillbut allows only enough water to be diverted to determine the characteristics of an aquifer or the existence of a useable groundwater source.

- 4.1.3 An approved permanent change application.
 - 4.1.4 An approved exchange application.
 - —4.1.5 An approved temporary change application.
- 4.1.6 An approved application to renovate or deepen an existing well.
- 4.1.7 An approved application to replace an existing well.
 - 4.1.8 An approved monitor well letter.
- An approved monitor well letter grants authority to drill but allows only enough water to be diverted to monitor groundwater.
 - 4.1.9 An approved heat exchange well letter.
 - 4.1.10 An approved cathodic protection well letter.
- 4.1.11 An approved non-production well construction application.
- 4.1.12 Any letter or document from the state engineer directing or authorizing a well to be drilled or work to be done on a well.
 - 4.2 Start Cards.
- 4.2.1 Prior to commencing work to drill, construct, deepen, replace, repair, renovate, clean, or develop any well governed by these administrative rules, the driller must notify the state engineer of that intention by transmitting the information on the "Start Card" to the

state engineer by telephone, by facsimile (FAX), by hand delivery, or by e-mail. A completed original Start Card must be sent to the state engineer by the driller after it has been telephoned or E-mailed. A copy of the Start Card should be kept at the drill site at all times regulated activity is being conducted.

4.2.2 A specific Start Card is printed for each well drilling approval and is furnished by the state engineer to the applicant or the well owner. The start eard is preprinted with the water right or non-production well number, owner name/address, and the approved location of the well. The state engineer marks the approved well-drilling activity on the eard. The driller must put the following-information on the eard:

- a. The date on which work on the well will commence;
- b. The projected completion date of the work;
- c. The well driller's license number;
 - d. The well driller's signature.
- 4.2.3 When a single authorization is given to drill wells at more than one point of diversion, a start card shall be submitted for each location to be drilled.
- 4.2.4 Following the submittal of a start card, if the actual start date of the drilling activity is postponed beyond the date identified on the start card, the licensed driller must notify the state engineer of the new start date.
- 4.2.5 A start card is not required to abandon a well. However, prior to commencing well abandonment work, the driller is required to notify the state engineer by telephone, by facsimile, or by e-mail of the proposed abandonment work. The notice must include the location of the well. The notice should also include the water right or non-production well number associated with the well and the well owner if that information is available.
- 4.2.6 A start eard or pre-notification is not required toperform pump installation and repair work on a well.
 - 4.3 General Requirements During Construction.
- 4.3.1 The well driller or pump installer shall have the required penal bond continually in effect during the term of the license.
- 4.3.2 The well driller's/pump installer's license number or company name exactly as shown on the license must be prominently displayed on each well drilling/pump rig operated under the license. If the company name is changed the licensee must immediately inform the state engineer of the change in writing.
- 4.3.3 A licensed well driller or a registered drill rig operator must be at the well site whenever the following aspects of well-eonstruction are in process: advancing the borehole, setting easing and screen, placing a filter pack, constructing a surface seal, or similar-activities involved in well deepening, renovation, repair, cleaning, developing, or abandoning. All registered drill rig operators working under a well driller's license must be employees of the well driller and must use equipment either owned by or leased by the licensed well-driller.
- 4.3.3.1 A licensed pump installer/well driller or a registered drill rig or pump rig operator must be at the well site whenever the following aspects of pump work are in process: pump removal, pump installation, modification to the well head including capping, sealing, and pitless adapter/unit installation, or similar activities on and within the well involving pump installation/repair. All registered pump rig operators working under a pump installer/s/well driller's license must be employees of the pump installer/well driller and must use equipment either owned by or leased by the licensed pump installer/well driller.

- 4.3.3.2 A registered drill rig operator who is left inresponsible charge of advancing the borchole, setting easing andscreen, placing a filter pack, constructing a surface seal, or similaractivities involved in well deepening, renovation, repair, cleaning, developing, or abandoning must have a working knowledge of theminimum construction standards and the proper operation of thedrilling rig. The licensed well driller is responsible to ensure that a registered operator is adequately trained to meet these requirements.
- 4.3.3.3 A registered drill rig or pump rig operator who is left in responsible charge of pump installation or repair must have aworking knowledge of the minimum construction standards and the proper operation of the pump rig. The licensed well driller or pump installer is responsible to ensure that a registered operator is adequately trained to meet these requirements.
- 4.3.4 State engineer provisions for issuing cease and desist orders (Red Tags)
- 4.3.4.1 Construction Standards: The state engineer or staff of the Division of Water Rights may order that regulated work on a well cease if a field inspection reveals that the construction does not meet the minimum construction standards to the extent that the public interest might be adversely affected.
- 4.3.4.2 Licensed Drilling Method: A cease work order may also be issued if the well driller is not licensed for the drilling method being used for the well construction.
- 4.3.4.3 Incompetent Registered Operator: If, during a field inspection by the staff of the Division of Water Rights, it is determined that a registered operator in responsible charge does not meet these requirements, a state engineer's red tag (see Section 4.3.4) shall be placed on the drilling rig or pump rig and the drilling/pump operation shall be ordered to shut down. The order to cease work shall remain effective until a qualified person is available to perform the work.
- 4.3.4.4 No licensee or registered operator on site: If, during a field inspection by the staff of the Division of Water Rights, it is determined that neither a licensee or registered operator are one site when regulated well activity is occurring, the state engineer may order regulated well work to cease.
- 4.3.4.5 General: The state engineer's order shall be in the form of a red tag which shall be attached to the drilling/pump rig. A letter from the state engineer shall be sent to the licensee to explain the sections of the administrative rules which were violated. The letter shall also explain the requirements that must be met before the order ean be lifted.
- 4.3.4.6 A licensee may appeal a Cease and Desist order by:
- 4.3.4.6.1 submitting to the Division a written statementclearly and concisely stating the specific disputed facts, the supporting facts, and the relief sought; or
- 4.3.4.6.2 requesting a hearing on the issue according to the provisions of R655-4-7.
- 4.3.4.7 A Cease and Desist Order shall remain in forceduring the pendency of the appeal.
- 4.3.5 When required by the state engineer, the well driller or registered operator shall take lithologic samples at the specified-intervals and submit them in the bags provided by the state engineer.
- 4.3.6 A copy of the current Administrative Rules for Water Wells should be available at each well construction site for review by the construction personnel. Licensed well drillers/pump installers and registered operators must have proof of licensure or registration with them on site during regulated well activity.

- 4.3.7 Prior to starting construction of a new well, the licensed driller shall investigate and become familiar with the drilling conditions, geology of potential aquifers and overlying materials; anticipated water quality problems, and know contaminated water bearing zones that may be encountered in the area of the proposed drilling activity.
 - 4.4 Removing Drill Rig From Well Site.
- 4.4.1 A well driller shall not remove his drill rig from a well site unless the well drilling activity is properly completed or abandoned in accordance with the construction standards in Sections 9 thru 12.
- 4.4.2 For the purposes of these rules, the regulated work on a well will be considered completed when the well driller removes his drilling rig from the well site.
- 4.4.3 The well driller may request a variance from the state engineer to remove a drill rig from a well prior to completion or abandonment. This request must be in written form to the state-engineer. The written request must provide justification for leaving the well incomplete or un-abandoned and indicate how the well will be temporarily abandoned as provided in Section R655-4-14 and must give the date when the well driller plans to continue work to either complete the well or permanently abandon it.
 - 4.5 Official Well Driller's Report (Well Log).
- 4.5.1 Within 30 days of the completion of regulated work on any well, the driller shall file an official well driller's report (well log) with the state engineer. The blank well log form will be mailed to the licensed well driller upon receipt of the information on the Start Card as described in Subsection 4.2.
- 4.5.2 The water right number or non-production well-number, owner name/address, and the approved location of the well-will be preprinted on the blank well log provided to the well-driller. The driller is required to verify this information and make any-necessary changes on the well-log prior to submittal. The state-engineer will mark the approved activity (e.g., new, replace, repair, deepen) on the well-log. The driller must provide the following-information on the well-log:
 - a. The start and completion date of work on the well;
- b. The nature of use for the well (e.g., domestie, irrigation, stock watering, commercial, municipal, provisional, monitor, cathodic protection, heat pump, etc.;
- e. The borehole diameter, depth interval, drilling method and drilling fluids utilized to drill the well;
- d. The lithologic log of the well based on strata samples taken from the borehole as drilling progresses;
- e. Static water level information to include date ofmeasurement, static level, measurement method, reference point,artesian flow and pressure, and water temperature;
- f. The size, type, description, joint type, and depth intervals of easing, screen, and perforations;
- g. A description of the filter pack, surface and interval seal material, and packers used in the well along with necessary related information such as the depth interval, quantity, and mix ratio;
 - h. A description of the finished wellhead configuration;
 - i. The date and method of well development;
- j. The date, method, yield, drawdown, and elapsed time of a well yield test;
 - k. A description of pumping equipment (if available);
- Other comments pertinent to the well activity completed;

- m. The well driller's statement to include the driller name, license number, signature, and date.
- 4.5.3 Accuracy and completeness of the submitted well log are required. Of particular importance is the lithologic section which should accurately reflect the geologic strata penetrated during the drilling process. Sample identification must be logged in the field as the borehole advances and the information transferred to the well log form for submission to the state engineer.
- 4.5.4 An amended well log shall be submitted by the-licensed driller if it becomes known that the original report contained inaccurate or incorrect information, or if the original report requires-supplemental data or information. Any amended well log must be-accompanied by a written statement, signed and dated by the licensed well driller, attesting to the circumstances and the reasons for-submitting the amended well log.
- 4.6 Official Well Abandonment Reports (Abandonment-Logs).
- 4.6.1 Whenever a well driller is contracted to replace an existing well under state engineer's approval, it shall be the responsibility of the well driller to inform the well owner that it is required by law to permanently abandon the old well in accordance with the provisions of Section R655-4-12.
- 4.6.2 Within 30 days of the completion of abandonment-work on any well, the driller shall file an abandonment log with the state engineer. The blank abandonment log will be mailed to the licensed well driller upon notice to the state engineer of commencement of abandonment work as described in Subsection-R655-4-4(4.2.4).
- 4.6.3 The water right number or non-production well-number, owner name/address, and the well location (if available) will be preprinted on the blank abandonment log provided to the well-driller. The driller is required to verify this information and make any necessary changes on the abandonment log prior to submitting the log. The driller must provide the following information on the abandonment log:
 - a. Existing well construction information;
- b. Date of abandonment;
- c. Reason for abandonment:
- d. A description of the abandonment method;
- e. A description of the abandonment materials includingdepth intervals, material type, quantity, and mix ratio;
 - f. Replacement well information (if applicable);
- g. The well driller's statement to include the driller name, license number, signature, and date.
- 4.6.4 When a well is replaced and the well owner will not allow the driller to abandon the existing well, the driller must briefly explain the situation on the abandonment form and submit the form to the state engineer within 30 days of completion of the replacement well.
- 4.7 Official Pump Installation Report (Pump Log).
- 4.7.1 Soon after the completion of regulated pump work on any well, the licensee shall file an official pump installation report (pump log) with the state engineer. Blank pump log forms will be available to the licensee at any Division office, requested by mail, or downloaded from the Division's website (www.waterrights.utah.gov).
- 4.7.2 Pertinent information to be included on the pump log by the licensee shall consist of:
- a. The water right number or non-production well number;
- b. the well owner name and address;

- e. The approved point of diversion or location of the well;
- d. The start and completion date of work on the well;
- e. The nature of use for the well (e.g., domestic, irrigation, stock watering, commercial, municipal, provisional, monitor, cathodic protection, heat pump, etc.;
- f. Pertinent well details including easing diameters/depths; total well depth, well intake depth intervals, wellhead configuration including pitless adapter/unit configuration if applicable;
- g. A detailed description of pump-related work performed on or in the well including pump setting depth, pump type, pumping rate, valving, drop piping, jointing, capping, testing, sealing, disinfection, and pitless adapter/unit installation;
- h. Static water level information to include date ofmeasurement, static level, measurement method, reference point,artesian flow and pressure, and water temperature;
 - i. A description of the finished wellhead configuration;
- j. The date, method, yield, drawdown, and elapsed time of a well yield test;
 - k. Other comments pertinent to the well activity completed;
- m. The pump installer's statement to include the licenseename, license number, signature, and date.
 - 4.8 Incomplete or Incorrectly Completed Reports.
- An incomplete log or a log that has not been completed correctly will be returned to the licensee to be completed or corrected. The log will not be considered filed with the state engineer until it is complete and correct.
 - 4.8 Extensions of Time.
- The well driller may request an extension of time for filing the well log if there are circumstances which prevent the driller from obtaining the necessary information before the expiration of the 30-days. The extension request must be submitted in writing before the end of the 30-day period.
 - 4.9 Late Well Logs Lapsed License
- All outstanding well logs or abandonment logs shall beproperly submitted to the state engineer prior to the lapsing of alicense. A person with a lapsed license who has failed to submit all well/abandonment logs within 90 days of lapsing will be subject to the state engineer's enforcement powers under Section 73-2-25 of the Utah Code (Related rules: Section R655-14 UAC)

R655-4-5. Administrative Rule Infractions.

—5.1 List of Infractions and Points.

Licensed well drillers who commit the infractions listedbelow in Table 1 shall have assessed against their well drilling record the number of points assigned to the infraction.

TABLE-1

Level-I-Infractions-of-Administrative-Requirements

	Points
Well-log-submitted-late	10
Failure to-submit a Pump Log	10
Well-abandonment-report-submitted	
late	10
License-number-or-company	
name-not-clearly-posted-on-well	
drilling/pump-rig	10
Failing to notify the state engineer	
of-a-change-inthe-well	
licensee's company name	10

Failure_to_properly_notify_the	Failure-to-install-interval-seals-to
-state engineer-before the	eliminate-aquifer-commingling
— proposed start date shown	or-cross-contamination
Failure to notify the state engineer	Well-Abandonment
of-a-change-of-start-date50	Using-improper-procedures-to-abandon
Constructing-a-replacement-well	a-well
further than 150 ft from the	Using-improper-products-to-abandon-a
original-well-without-the	well
authorization-of-an-approved	
change-application50	Construction-Fluids
Failure to drill at the state engineer	Using_water_of_unacceptable_quality
- approved location as identified	in-the-well-drilling-operation40
	Using an unacceptable mud pit 40
Removing—the_well_drilling_rig_from	Failure to use treated or disinfected
- the well-site before completing the	water for drilling-processes
- well or temporarily or permanently	Using improper circulation materials
- abandoning the well50	- or drilling chemicals
abandon my the werr	- or driffing chemicars
	Filter/Gravel Packs and Formation Stabilizers
TABLE 2	Failure to disinfect filter pack40
THULE-E	
lanal II Informations of Administration Descriptures	1 1 1
Level-II-Infractions of Administrative Requirements	Failure to install formation stabilizeraccording to standard
Dainta	according to standard75
Points	W 33 O 3 W
Employing an operator who is not	Well-Completion
registered with the state 75	Failure to make well accessible to
Contracting out work to an	- water level-or-pressure head-measurements 30
— unlicensed driller (using the	Failure to install casing annular seals,
unlicensed-driller's-rig)-without	cap, and valving, and to control
prior-written-approval-from the state75	artesian-flow30
Performing any well-drilling activity without	Failure to disinfect a well upon
	completion of well-drilling activity40
100	Failure-to-install-sanitary-well-capping
Intentionally making a material	according to-standard75
misstatement-of-fact-in-an-official	Failure to install a pitless adapter/unit
well-driller's-report/pump-log-or-amended	according to standard75
official-well-driller's-report	Failure to develop and test a well - according
(well-log)	to-standard75
(Failure-to-hydrofracture-a-well
	- according to standard75
TABLE-3	Failure to install packers/plugs
TABLE 5	-according to standard75
Level-III-Infractions-of-Construction-Standards-/-Conditions	Failure to install well intakes(screens,
Level 111 1111 decrois of construction standards 7 conditions	
Points	—perforations, open bottom)—according to standard——75
	Failure install non-production wellsaccording to standard
Approvals	according-to-standard
Using a method of drilling not listed	D T I. 33 . I.' I. D
on the nervarities of received	Pump Installation and Repair
Failing to comply with any conditions	Failure to extend well casing at least
- included on the well approval such as	— 18" above ground — — — — 30
- minimum or maximum depths, specified	Failure to make well accessible to
— locations of perforations, etc. ——————————50	water level or pressure head measurements 30
Performing-any-well-construction	Failure-to-install-casing-annular-seals,
- activity in violation of a red tag	cap, and valving, and to control
cease-work-order	artesian-flow30
	Failure to disinfect a well upon
Casing	completion-of-pump-activity40
Failure-to-extend-well-casing-at-least	Failure to install a protective casing
	around-a-PVC-well-at-the-surface50
Failure to install a protective casing	Failure to maintain surface
-around-a-PVC-well-at-the-surface50	completion-and-security-standards75
Using improper casing joints	Failure_to_install_or_maintain
Using-or-attempting-to-use-sub-standard	Backflow-protection75
	Failure-to-develop-and-test-a-well
	according to standard
Surface-Seals	Failure to install sanitary well capping
Using improper products or procedures	-according to standard75
- to install a surface seal	Failure to install a pitless adapter/unit
Failure to seal off artesian flow on	-according to standard75
- the outside of casing	Failure to prevent contamination from entering a well
Failure to install surface seal to	— through placement, products, tools, and materials—100
-adequate depth based on formation type100	Failure to repair a well's surface seal
uncounted acpet pasca on formation type	rarrare co repair a werr 3 3011ace 36a1

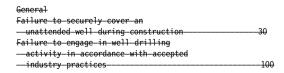


TABLE-4

Level-IV-Infractions-of-Application-Requirements

Submitting an initial license or registration application that contains false or misleading information 100

5.2 When Points Are Assessed.

Points will be assessed against a driller's record uponverification by the state engineer that an infraction has occurred. Points will be assessed at the time the state engineer becomes aware of the infraction regardless of when the infraction occurred.

5.3 Infraction Notice

When infraction points are assessed against a well driller's record, the State Engineer shall issue an infraction notice to the well-driller. The notice shall include an explanation of the administrative rule(s) violated, the date the alleged violations were discovered and the approximate date of occurrence, the number of points assessed for each infraction, the total number of points on the well drillers record, an explanation of the adjudicative process to appeal a cease and desist order and or infraction notice, and an explanation of how to delete points from the driller record, an any other information deemed pertinent by the state engineer.

5.4 Appeal of Infractions.

- 5.4.1 If the infraction points do not require a hearing, a well driller may appeal an infraction within 30 days of the date the Infraction Notice was issued. The appeal shall be made in writing to the state engineer and shall state clearly and concisely the disputed facts, the supporting facts, and the relief sought.
- 5.4.2 A well driller may request reconsideration of a denied appeal by requesting a hearing before the Presiding Officer within 20 days of the denial. If the Presiding Officer does not respond within 20 days after the request is submitted, then it is deemed denied.
 - —5.5 Warning Letter.
 - 5.5 Deleting Points from the Driller Record.
- Points assessed against a well driller's record shall remain on the record unless deleted through any of the following options:
- 5.5.1 Points shall be deleted three years after the date when the infraction is noted by the state engineer and the points are assessed against the driller's record.
- 5.5.2 One half the points on the record shall be deleted if the well driller is free of infractions for an entire year.
- 5.5.3 Thirty (30) points shall be deleted for obtaining six (6) hours of approved continuing education credits in addition to the eredits required to renew the water well driller's license. A driller may exercise this option only once each year.
- 5.5.4 Twenty (20) points shall be deleted for taking and-passing (with a minimum score of 70%) the test covering the-administrative requirements and the minimum construction standards. A driller may exercise this option only every other year.
 - 5.6 Well Driller Hearings.
- When the number of infraction points assessed against the well driller's record equals or exceeds 100, the state engineer shall

submit a request to the Presiding Officer for a hearing. The requested purpose of the hearing shall be to determine if administrative penalties should be levied against the water well driller including fines and probation, suspension, or revocation of the water well driller's.

5.7 Lack of Knowledge Not an Excuse.

Lack of knowledge of the law or the administrative requirements and minimum construction standards related to well-drilling shall not constitute an excuse for violation thereof:

R655-4-6. Administrative Penalties.

Administrative penalties ordered against a licensed driller by the Presiding Officer following a hearing can include probation, administrative fines, license suspension, and license revocation.—Administrative penalties are ordered based on the severity of the infraction (Level I, II, III from Tables 1-3 of Section 5.1) as well as the recurrence of an infraction. The maximum administrative fine perinfraction shall be capped at \$1000.

6.1 Level I Administrative Penalties: Level I administrative penalties shall be levied against Level I administrative infractions (see Table 1 of Section 5.1). The Level I administrative penalty structure is as follows:

6.1.1 At the first conviction of Level I infractions, the disciplinary action for the infractions shall be probation.

6.1.2 Second conviction shall result in probation and a fine at a rate of \$2.50 per infraction point.

6.1.3 Third conviction shall result in probation and an elevated fine at a rate of \$5.00 per infraction point.

6.1.4 Fourth conviction shall result in an elevated fine at a rate of \$10.00 per infraction point and possible suspension.

6.1.5 Continued and repeated convictions beyond the fourth conviction may result in an elevated fine at a rate of \$10.00 per-infraction point and possible suspension or revocation.

6.1.6 Fines for late well logs and abandonment logs shall be ealculated separately and added to fines calculated for other-infractions. For late well log infractions, the points associated with each infraction shall be multiplied by a factor based on the lateness of the well log. The infraction point multipliers are as follows in Table 5:

TABLE-5

Tardiness-of-the-log	Infraction Point Multiplier
1-2-weeks	0.50
2-4-weeks	1.00
1-3-months	1.50
3-6-months	2.00
6-9 months	2.50
9-12-months	3.00
0ver-12-months	4 .00

- 6.2 Level II Administrative Penalties: Level II administrative penalties shall be levied against Level II administrative infractions (see Table 2 of Section 5.1). The Level II administrative penalty structure is as follows:
- 6.2.1 At the first conviction of Level II infractions, the disciplinary action shall result in probation and a fine at a rate of \$2.50 per infraction point.
- 6.2.2 Second conviction shall result in probation and an elevated fine at a rate of \$5.00 per infraction point.
- 6.2.3 Third conviction shall result in possible suspension and an elevated fine at a rate of \$10.00 per infraction point.

6.2.4 Continued and repeated convictions beyond the fourth conviction may result in an elevated fine at a rate of \$10.00 per-infraction point and possible suspension or revocation.

- 6.3 Level III Administrative Penalties: Level III-administrative penalties shall be levied against Level III construction infractions (see Table 3 of Section 5.1). The Level III administrative penalty structure is as follows:
- 6.3.1 At the first conviction of Level III infractions, the disciplinary action shall result in probation and a fine at a rate of \$5.00 per infraction point.
- 6.3.2 Second conviction shall result in possible suspension and an elevated fine at a rate of \$10.00 per infraction point.
- 6.3.3 Third conviction may result in an elevated fine at a rate of \$10.00 per infraction point and possible suspension or revocation.
- 6.3.4 Level VI Administrative Penalties: The Level VI administrative penalty shall be levied against a Level IV application requirement infraction (see Table 4 of Section 5.1). The Level IV administrative penalty is revocation of the license at first conviction.
 - 6.4 Administrative Penalties General
- 6.4.1 Penalties shall only be imposed as a result of a well-driller hearing.
- 6.4.2 Failure to pay a fine within 30 days from the date it is assessed shall result in the suspension of the well driller license until the fine is paid.
- 6.4.3 Fines shall be deposited as a dedicated credit. The state engineer shall expend the money retained from fines for expenses related to well drilling activity inspection, well drilling enforcement, and well driller education.
- 6.5 Probation: As described above in Sections 6.1, 6.2, and 6.3, probation shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe first time infractions of the administrative rules that are limited in number and less serious in their impact on the well owner and on the health of the aquifer. The probation period shall generally last until the number of infraction points on the well driller's record is reduced below 70 through any of the options described in Subsection 4-5.5.
- 6.6 Suspension: Suspension shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe repeated convictions of the administrative rules, or infractions that a pose serious threat to thehealth of the aquifer, or a well driller's apparent disregard for the administrative rules or the state's efforts to regulate water well drilling. Depending upon the number and severity of the rule infractions asdescribed above in Sections 6.1, 6.2, and 6.3, the state engineer may elect to suspend a well driller license for a certain period of time and/or until certain conditions have been met by the well driller. Inestablishing the length of the suspension, the state engineer shallgenerally follow the guideline that three infraction points is theequivalent of one day of suspension. A well driller whose license has been suspended shall be prohibited from engaging in regulated welldrilling activity. License suspension may also result in the exaction of the Well Driller Bond as set forth in Subsection 4-3.9.4. A well driller whose license has been suspended is allowed to work as a registered operator under the direct, continuous supervision of a licensed welldriller. If the suspension period extends beyond the expiration date of the water well driller license, the water well driller may not apply to renew the license until the suspension period has run and any-

eonditions have been met. Once the suspension period has run and once all conditions have been met by the well driller, the suspension shall be lifted and the driller shall be notified that he/she may again engage in the well drilling business. The well driller shall then be placed on probation until the number of infraction points on the well driller's record is reduced below 70 through any of the options-described in Subsection 4-5.5.

Revocation: Revocation shall generally be thedisciplinary action imposed in situations where the facts established through testimony and evidence describe repeated convictions of the administrative rules for which the well driller's Utah Water Well-License has previously been suspended. Revocation shall also be the disciplinary action taken if after a hearing the facts establish that adriller knowingly provided false or misleading information on a driller license application. A well driller whose license has been revokedshall be prohibited from engaging in regulated well drilling activity. License revocation may also result in the exaction of the Well Driller Bond as set forth in Subsection 4-3.9.4. A well driller whose license has been revoked is allowed to work as a registered operator under the direct, continuous supervision of a licensed well driller. A well driller whose water well license has been revoked may not make application for a new water well license for a period of two years from the date of revocation. After the revocation period has run, a well driller maymake application for a new license as provided in Section R655-4-3. However, the well drilling experience required must be based on new experience obtained since the license was revoked.

R655-4-7. Adjudicative Proceedings.

7.1 Designation of Presiding Officers.

The following persons may be designated Presiding Officers in well driller adjudicative proceedings: Assistant State Engineers; Deputy State Engineers; or other qualified persons designated by the State Engineer.

- 7.2 Disqualification of Presiding Officers.
- 7.2.1 A Presiding Officer shall disqualify himself fromperforming the functions of the Presiding Officer regarding any matter in which he, his spouse, or a person within the third degree ofrelationship to either of them or the spouse of such person:
- 7.2.1.1 Is a party to the proceeding, or an officer, director, or trustee of a party;
- 7.2.1.2 Has acted as an attorney in the proceeding or served as an attorney for, or otherwise represented, a party concerning the matter in controversy;
- 7.2.1.3 Knows that he has a financial interest, eitherindividually or as a fiduciary, in the subject matter in controversy or in a party to the proceeding;
- 7.2.1.4 Knows that he has any other interest that could be substantially affected by the outcome of the proceeding; or
 - 7.2.1.5 Is likely to be a material witness in the proceeding.
- 7.2.2 A Presiding Officer is also subject to disqualification under principles of due process and administrative law.
- 7.2.3 These requirements are in addition to any requirements under the Utah Public Officers' and Employees' Ethics Act, Section 67-16-1 et seq.
- 7.2.4 A motion for disqualification shall be made first to the Presiding Officer. If the Presiding Officer is appointed, any determination of the Presiding Officer upon a motion for disqualification may be appealed to the State Engineer.
 - 7.3 Informal Proceedings

- 7.3.1 All adjudicative proceedings initiated under this rule are classified as informal adjudicative proceedings.
- 7.3.1 The procedures for informal adjudicative proceedings initiated under this rule are set forth in this rule.
 - 7.4 Service of Notice and Orders.
- 7.4.1 Hearing Notices and Final Judgment and Orders shall be served upon the well driller at the well driller's address using certified mail or methods described in Rule 5 of the Utah Rules of Civil Procedure.
- 7.4.2 Infraction notices, notices of approval or denial oflicensing or registration or license or registration renewal, and other routine correspondence related to the Division's Well Drilling Program shall be sent to the well driller at the well driller's address by regular U.S. Mail.
 - 7.5 Computation of Time.
- 7.5.1 Computation of any time period referred to in these rules shall begin with the first day following the act that initiates the running of the time period. The last day of the time period computed is included unless it is a Saturday, Sunday, or legal holiday or any other day on which the Division is closed, in which event the period shall run until the end of the business hours of the following business day.
- 7.5.2 The Presiding Officer, for good cause shown, may extend any time limit contained in these rules, unless precluded by statute. All requests for extensions of time shall be made by motion.
 - 7.6 Request for Hearing
- 7.6.1 A hearing before a Presiding Officer is permitted in a well drilling adjudicative proceeding if:
- 7.6.1.1 The proceeding was commenced by an Infraction Notice; or
- 7.6.1.2 The proceeding was commenced by a well driller request raising a genuine issue regarding
- 7.6.1.2.1 The denial of a license or registration renewal-application; or
- 7.6.1.2.2 The issuance of a cease and desist order (red tag)
- 7.6.2 Regardless of any other provision of the general laws to the contrary, all requests for a hearing shall be in writing and shall be filed with the Division to the attention of the Presiding Officer.
- 7.6.3 The request for a hearing shall state clearly and concisely the disputed facts, the supporting facts, the relief sought, and any additional information required by applicable statutes and rules.
- 7.6.4 The Presiding Officer shall, give all parties at least ten (10) days notice of the date, time and place for the hearing. The Presiding Officer may grant requests for continuances for good cause shown.
- 7.6.5 Any party may, by motion, request that a hearing be held at some place other than that designated by the Presiding Officer, due to disability or infirmity of any party or witness, or where justice and equity would be best served.
- 7.6.6 A well driller at any time may withdraw the well-driller's request for a hearing. The withdrawal shall be filed with the Division to the attention of the Presiding Officer, in writing, signed by the well driller or an authorized representative, and is deemed final upon the date filed.
- 7.7 Filings Generally.
- 7.7.1 Papers filed with the Division shall state the title of the proceeding and the name of the well driller on whose behalf the filing is made.
- 7.7.2 Papers filed with the Division shall be signed and dated by the well driller on whose behalf the filing is made or by the

- well driller's authorized representative. The signature constituteseertification that the well driller:
 - 7.7.2.1 Read the document:
 - 7.7.2.2 Knows the content thereof;
- 7.7.2.3 To the best of the well driller's knowledge, represents that the statements therein are true;
 - 7.7.2.4 Does not interpose the papers for delay; and
- 7.7.2.5 If the well driller's signature does not appear on the paper, authorized a representative with full power and authority to sign the paper.
- 7.7.3 All papers, except those submittals and documents that are kept in a larger format during the ordinary course of business, shall be submitted on an 8.5 x 11-inch paper. All papers shall be legibly hand printed or typewritten.
- 7.7.4 The Division may provide forms to be used by the parties.
- 7.7.5 The original of all papers shall be filed with the Division with such number of additional copies as the Division may reasonably require.
- 7.7.6 Simultaneously with the filing of any and all papers with the Division, the party filing such papers shall send a copy to all other parties, or their authorized representative to the proceedings, by hand delivery, or U.S. Mail, postage prepaid, properly addressed.
 - 7.8 Motions.
- 7.8.1 A party may submit a request to the Presiding Officer for any order or action not inconsistent with Utah law or these rules. Such a request shall be called a motion. The types of motions made shall be those that are allowed under these Rules and the Utah Rules of Civil Procedure.
- 7.8.2 Motions may be made in writing at any time before or after the commencement of a hearing, or they may be made orally during a hearing. Each motion shall set forth the grounds for the desired order or action and, if submitted in writing, state whether oral argument is requested. A written supporting memorandum, specifying the legal basis and support of the party's position shall accompany all motions:
- 7.8.3 The Presiding Officer may, upon the Presiding-Officer's own initiative or upon the motion of any party, order any party to file a response or other pleading, and further permit either-party to amend its pleadings in a manner just to all parties.
 - 7.9 Conduct of Hearings.
- 7.9.1 All parties, authorized representatives, witnesses and other persons present at the hearing shall conduct themselves in a manner consistent with the standards and decorum commonly observed in Utah courts. Where such decorum is not observed, the Presiding Officer may take appropriate action including adjournment, if necessary.
- 7.9.2 The Presiding Officer shall conduct the hearing, make all decisions regarding admission or exclusion of evidence or any other procedural matters, and have an oath or affirmation administered to all witnesses.
 - 7.10 Rules of Evidence in Hearings.
- 7.10.1 Discovery is prohibited, but the Division may issue subpoenas or other orders to compel production of necessary evidence.
- 7.10.2 A party may call witnesses and present oral, documentary, and other evidence.
- 7.10.3 A party may comment on the issues and conduct cross-examination of any witness as may be required for a full and true disclosure of all facts relevant to any issue designated for hearing, and

as may affect the disposition of any interest which permits the person participating to be a party.

- 7.10.4 A witness' testimony shall be under oath oraffirmation.
- 7.10.5 Any evidence may be presented by affidavit rather than by oral testimony, subject to the right of any party to call and examine or cross-examine the affiant.
- 7.10.6 Relevant evidence shall be admitted.
- 7.10.7 The Presiding Officer's decision may not be based solely on hearsay.
- 7.10.8 Official notice may be taken of all facts of which judicial notice may be taken in Utah courts.
- 7.10.9 All parties shall have access to public information contained in the Division's files and to all materials and information gathered in the investigation, to the extent permitted by law.
- 7.10.10 No evidence shall be admitted after completion of a hearing or after a case is submitted on the record, unless otherwise-ordered by the Presiding Officer.
 - 7.10.11 Intervention is prohibited.
- 7.10.12 A well driller appearing before the Presiding Officer for the purpose of a hearing may be represented by a licensed attorney. The Water Well Drilling Specialist shall present evidence before a Presiding Officer supporting the State Engineer's claim. At the State Engineer's discretion, other Division staff or a representative from the office of the Attorney General may also present supporting evidence.
 - 7.11 Transcript of Hearing.
- 7.11.1 Testimony and argument at the hearing shall berecorded electronically. The Division shall make copies of electronic recordings available to any party, upon written request. The feecharged for this service shall be equal to the actual costs of providing the copy. The Division is not responsible to supply any party with a transcript of a hearing.
- 7.11.2 If any party shall cause to be produced a transcript of a hearing, a copy of said transcript shall be filed with the Division and provided to all other parties. By order of the Presiding Officer and with the consent of all parties, such written transcript may be deemed an official transcript.
- 7.11.3 Corrections to an official transcript may be made only to conform it to the evidence presented at the hearing. Transcript corrections, agreed to by opposing parties, may be incorporated into the record, if and when approved by the Presiding Officer, at any time during the hearing, or after the close of the adjudicative proceeding. The Presiding Officer may call for the submission of proposed-corrections and may determine the disposition thereof at appropriate times during the course of the proceeding.
 - 7.12 Procedures and Standards for Orders
- 7.12.1 If the well driller attends the hearing, the Presiding Officer shall issue a Final Judgment and Order.
- 7.12.2 The Presiding Officer may issue a Default Order if, after proper notice, the well driller fails to attend a hearing scheduled by the Presiding Officer.
- 7.12.3 Within a reasonable time after the close of a well-driller adjudicative proceeding, the Presiding Officer shall issue a-written and signed Final Judgment and Order, including but not limited to:
- 7.12.3.1 A statement of law and jurisdiction;
- 7.12.3.2 A statement of facts;
- 7.12.3.3 An identification of the confirmed infraction(s);

- 7.12.3.4 An order setting forth actions required of the well driller:
- 7.12.3.5 A notice of the option to request reconsideration and the right to petition for judicial review;
- 7.12.3.6 The time limits for requesting reconsideration or filing a petition for judicial review; and
- 7.12.3.7 Other information the Presiding Officer deemsnecessary or appropriate.
- 7.12.4 The Presiding Officer's Final Judgment and Order shall be based on the record, as defined in this rule.
- 7.12.5 A copy of the Presiding Officer's Final Judgment and Order shall be promptly mailed to each of the parties.
- 7.12.6 A well driller who fails to attend a hearing waives any right to request reconsideration of the Final Judgment and Order per Section R655-4-7.13, but may petition for judicial review per-Section R655-4-7.16.
 - 7.13 Reconsideration.
- 7.13.1 Within 14 days after the Presiding Officer issues a Final Judgment and Order, any party may file a written request for reconsideration stating the specific grounds upon which relief is requested.
- 7.13.2 Unless otherwise provided by statute, the filing of a request for reconsideration is not a prerequisite for seeking judicial review of the order.
- 7.13.3 The request for reconsideration shall be filed with the Division to the attention of the Presiding Officer and one copy shall be mailed to each party by the party filing the request.
- 7.13.4 The Presiding Officer may issue a written ordergranting or denying the request for reconsideration. It is not required that the written order explain the grounds for the Presiding Officer's decision.
- 7.13.5 If the Presiding Officer does not issue an ordergranting a request for reconsideration within 14 days after the date it is filed with the Division, the request shall be considered denied.
 - 7.14 Amending Administrative Orders.
- 7.14.1 On the motion of any party or of the Presiding-Officer, the Presiding Officer may amend a Final Judgment and Order for reasonable cause shown, including but not limited to a clerical-mistake made in the preparation of the order.
- 7.14.2 A motion by any party to amend an order shall be made in a reasonable time and, if to amend a Final Judgment and Order, not more than three (3) months after the Final Judgment and Order was issued.
- 7.14.3 The Presiding Officer shall notify the parties of the receipt and consideration of a motion to amend an order by issuing a notice. The notice shall include a copy of the motion.
- 7.14.4 Any party opposing a motion to amend an order may submit information within the time period to be established by the Presiding Officer's notice of the motion.
- 7.14.5 After considering a motion to amend an order and any relevant information received from the parties, the Presiding-Officer shall advise the parties of his determination. If the Presiding-Officer determines that the order shall be amended, the Presiding-Officer shall issue the amended order to all parties.
- 7.15 Setting Aside a Final Judgment and Order.
- 7.15.1 On the motion of any party or on a motion by the Presiding Officer, the Presiding Officer may set aside a Final Judgment and Order on any reasonable grounds, including but not limited to the following:

- 7.15.1.1 The well driller was not properly served with an Infraction Notice:
- 7.15.1.2 A rule or policy was not followed when the Final Judgment and Order was issued;
- 7.15.1.3 Mistake, inadvertence, excusable neglect;
- 7.15.1.4 Newly discovered evidence which by due diligence could not have been discovered before the Presiding officer issued the Final Judgment and Order; or
- 7.15.1.5 Fraud, misrepresentation or other misconduct of an adverse party;
- 7.15.2 A motion to set aside a final order shall be made in a reasonable time and not more than three (3) months after the Final Judgment and Order was issued.
- 7.15.3 The Presiding Officer shall notify the parties of the receipt and consideration of a motion to set aside a final order by issuing a notice to all parties, including therewith a copy of the motion.
- 7.15.4 Any party opposing a motion to set aside a final order may submit information within the time period to be established by the Presiding Officer's notice of the motion.
- 7.15.4 After consideration of the motion to set aside an order and any information received from the parties, the Presiding Officer shall issue an order granting or denying the motion, and provide a copy of the order to all parties.
 - 7.16 Judicial Review.
- 7.16.1 Pursuant to Section 73-3-14, a Final Judgment and Order may be reviewed by trial de novo by the district court:
 - —7.16.1.1 In Salt Lake County; or
- 7.16.1.2 In the county where the violation occurred.
- 7.16.2 A well driller shall file a petition for judicial review of a Final Judgment and Order within 20 days from the day on which the order was issued, or if a request for reconsideration has been filed and denied, within 20 days of the date of denial of the request for reconsideration.
- 7.16.3 The Presiding Officer may grant a stay of an order or other temporary remedy during the pendency of the judicial review on the Presiding Officer's own motion, or upon the motion of a party. The procedures for notice, for consideration of motions, and for issuing a determination shall be as set forth herein for a motion to set aside a Final Judgment and Order.

R655-4-8. License and Operator Registration Renewal.

- 8.1 Well Driller and Pump Installer Licenses. The Division will mail to each licensed well driller and pump installer a notice (packet) to renew his/her license approximately 30 days before the expiration of the license. Failure to receive the notice does not relieve a licensee of his obligation to file application and pay the fee for renewal in a timely manner. A well driller shall notify the Division of any change in his mailing address within 30 days after the change.
- 8.1.1 Well driller licenses and Pump Installer licenses shall expire and be renewed according to the following provisions:
- a. The licenses of well drillers and pump installers whose last name begins with A thru L shall expire at 12 midnight on June 30 of odd numbered years.
- b. The licenses of well drillers and pump installers whose last name begins with M thru Z shall expire at 12 midnight on June 30 of even numbered years.
- e. Drillers and pump installers who meet the renewal requirements set forth in Subsection R655-4-8(8.1.2) on or before the expiration deadlines set forth in Subsection R655-4-8(8.1.1) shall be

- authorized to operate as a licensed well driller or pump installer until the new license is issued.
- d. Licensees must renew their licenses within 24 months of the license expiration date. Licensees failing to renew within 24-months of the license expiration date must re-apply for a license, meet all the application requirements of Subsections R655-4-3(3.2) or R655-4-3(3.4), and provide documentation of 12 hours of continuing education according to the requirements of R655-4-8(8.2) obtained within the previous 24 months.
- 8.1.2 Applications to renew a license must include the following items:
- a. Payment of the license renewal fee determined and approved by the legislature;
 - b. Written application to the state engineer;
- e. Documentation of continuing well driller bond coverage in the amount of five thousand dollars (\$5,000) penal bond for the next licensing period. The form and conditions of the well driller bond shall be as set forth in Section R655-4.3.9. Allowable documentation can include bond continuation certificates and CD statements.
- d. As applicable to the type of license, proper submission of all start eards, official well driller reports (well logs), pump installer reports (pump logs), and well abandonment reports for the current-licensing period;
- e. Documentation of compliance with the continuing education requirements described in Section 8.2. Acceptable documentation of attendance at approved courses must include the following information: the name of the course, the date it was conducted, the number of approved credits, the name and signature of the instructor and the licensees name; for example, certificates of completion, transcripts, attendance rosters, diplomas, etc. (Notelicensees are advised that the state engineer will not keep track of the continuing education courses each licensee attends during the year. Licensees are responsible to acquire and then submit documentation with the renewal application.)
- 8.1.3 License renewal applications that do not meet the requirements of Subsection R655-4-8(8.1.2) by June 30 of the expiration year or which are received after June 30 of the expiration year, will be assessed an additional administrative late fee determined and approved by the legislature.
- 8.1.4 Restricted, conditioned, limited, or denied renewal-applications
- 8.1.4.1 The state engineer may renew a license on a-restricted, conditional, or limited basis if the licensee's performance and compliance with established rules and construction standards-indicates the scope of the licensee's permitted activities should be reduced or that the licensee requires strict supervision during a probationary period.
- 8.1.4.2 The restricted, conditional, or limited license shall-state the restrictions, conditions, or limitations placed on the licensee's regulated activity; whether the restrictions, conditions, or limitations are permanent or time-limited; and the requirements, if any, whichmust be met for the license to be re-issued without restrictions, conditions, or limitations.
- 8.1.4.3 The state engineer may deny an application to renew a license if there has been a violation of these rules or UTAH CODE ANNOTATED Section 73-3-25 that casts doubt on the competency of the licensee or his willingness to comply with the well drilling-administrative requirements or construction standards.

8.1.4.4 Within 30 days of a license renewal applicationbeing denied or a license being renewed on a restricted, conditioned, or limited basis, a licensee may appeal the action by requesting a hearing according to the provisions of R655-4-7.

- 8.1.4.5 The restrictions, conditions, or limitations on alicense or the denial of a license shall remain effective during the pendency of the well driller/pump installer adjudicative proceeding.
 - 8.2 Continuing Education.
- 8.2.1 During each license period, licensed well drillers and pump installers are required to earn at least twelve (12) continuing education credits by attending training sessions sponsored or sanctioned by the state engineer. Drillers and pump installers who do not renew their licenses, but who intend to renew within the following 24 month period allowed in Section 8.1.1, are also required to earn-twelve (12) continuing education credits.
- 8.2.2 The state engineer shall establish a committee consisting of the state engineer or a representative, no more than four licensed well drillers/pump installers, a ground water scientist, and a manufacturer/supplier of well drilling/pump products. The committee will develop criteria for the training courses, approve the courses-which can offer continuing education credits, and assign the number of credits to each course. The committee will make recommendations to the state engineer concerning appeals from training course sponsors-and licensees related to earning continuing education credit.
- 8.2.3 The committee established in Section 8.2.2 shall-assign the number of continuing education credits to each proposed-training session based on the instructor's qualifications, a written-outline of the subjects to be covered, and written objectives for the session. Licensees wishing continuing education credit for other-training sessions shall provide the committee with all information it needs to assign continuing education requirements.
- 8.2.4 Licensed drillers must complete a State Engineer-sponsored "Administrative Rules for Well Drillers and Pump-Installers" review course or other approved rules review once every-four (4) years.
- 8.2.5 CE credits cannot be carried over from one licensing period to another.
- 8.3 Operator's Registration.
- 8.3.1 Drill Rig and Pump Rig operator registrations shall expire at the same time as the license of the well driller or pump-installer by whom they are employed. Operators who meet the renewal requirements set forth in Subsection R655-4-8(8.3.2) on or before 12 midnight June 30 of the expiration year shall be authorized to act as a registered operator until the new registration is issued. Operators must renew their registrations within 24 months of the registration expiration date. Operators failing to renew within 24 months of the registration expiration date must re-apply for an operator's registration and meet all the application requirements of Subsections R655-4-3(3.3) and R655-4-3(3.5).
- 8.3.2 Applications to renew an operator's registration must include the following items:
- a. Payment of the registration renewal fee determined and approved by the legislature;
- b. Written application to the state engineer.
- 8.3.3 Registration renewal applications that do not meet the requirements of Subsection R655-4-8(8.3.2) by the June 30 expiration date or that are received after the June 30 expiration date will be assessed an additional administrative late fee determined and approved by the legislature.

R655-4-9. The Approval Process for Non-Production Wells.

9.1 General.

Regulated non-production wells such as cathodic protection wells, closed-loop heating/cooling exchange wells, monitor/piezometer/test wells, and other wells meeting the criteria in R655-4-1(1.2.4) drilled and constructed to a depth greater than 30 feet below natural ground surface require approval from the state engineer.

9.2 Approval to Construct or Replace.

Approval to construct or replace non-production wells is issued by the state engineer's main office and regional offices following review of written requests from the owner/applicant or their appointed representative. The appointed representative shall not include the licensed driller designated on the application. The requests for approval shall be made on forms provided by the state engineer entitled "Request for Non-Production Well Construction". The following information must be included on the form:

- a. General location or common description of the project.
- b. Specific course and distance locations from established government surveyed outside section corners or quarter corners.
 - e. Total anticipated number of wells to be installed.
- d. Diameters, approximate depths and materials used in the wells.
 - e. Projected start and completion dates.
- f. Name and license number of the driller contracted to-install the wells.
- g. A detailed explanation of the purpose and technical aspects of the drilling project. This can also include reviews and approvals (e.g., building permits) done by local jurisdictions of the project. This additional documentation may expedite the Division's processing of the non-production well application.
- h. Signature of the well owner or authorized representative attesting to the accuracy and truthfulness of the information on the application. The licensed driller cannot be the signatory on the non-production well application.
- 9.2.1 There is no fee required to request approval to drill a non-production well. Using available information and sources, the-Division will evaluate the potential for the non-production well tobecome a contamination source or otherwise negatively impact the groundwater resource prior to approval. This evaluation can take up to 14 days to conduct. The Division shall list application information on its website to allow the public and local jurisdictions to review the project prior to approval. The well permit application shall be returned without review to the applicant if the Division determines that the application is incomplete, contains inaccurate information, lackssufficient information or is illegible. The Division shall deny theissuance of a well permit if the site where the well is to be drilled is designated by the Division as an area where wells may not beconstructed, including but not limited to contaminated or protectedaquifers, areas where drilling and construction of wells can impact other water rights, and other areas where environmental remediation may be adversely affected by the construction and/or operation of wells. Upon written approval by the state engineer, the project will be assigned an approved non-production well number which will bereferenced on all start eards and official well driller's reports.

R655-4-10. General Requirements.

10.1 Standards.

— 10.1.1 In some locations, the compliance with the following minimum standards will not result in a well being free from pollution

or from being a source of subsurface leakage, waste, or contamination of the groundwater resource. Since it is impractical to attempt to prepare standards for every conceivable situation, the well driller or pump installer shall judge when to construct or otherwise performwork on wells under more stringent standards when such precautions are necessary to protect the groundwater supply and those using the well in question. Other state and local regulations pertaining to well drilling and construction, groundwater protection, isolation distances (set backs) from potential contamination sources and/or other structures/boundaries, and water quality/testing regulations may exist that are either more stringent than these rules or that specifically apply to a given situation. It is the licensee's responsibility to understand and apply other federal, state, and local regulations as applicable.

—10.2 Well Site Locations.

-10.2.1 Well site locations are described by course anddistance from outside section corners or quarter corners (based on a Section/Township/Range Cadastral System) and by the Universal-Transverse Mercator (UTM) coordinate system on all state engineerauthorizations to drill (Start Cards). However, the licensee should also be familiar with local zoning ordinances, or county boards of healthrequirements which may limit or restrict the actual well location and construction in relationship to property/structure boundaries andexisting or proposed concentrated sources of pollution contamination such as septic tanks, drain fields, sewer lines, stockcorrals, feed lots, etc. The licensee should also be familiar with the Utah Underground Facilities Act (Title 54, Chapter 8a of the Utah-Code Annotated 1953 as amended) which requires subsurfaceexcavators (including well drilling) to notify operators of underground utilities prior to any subsurface excavation. Information on thisrequirement can be found by calling Blue Stakes Utility Notification Center at (800)662-4111.

10.2.2 Regulated wells shall be drilled at the approved location as defined on the valid start eard. The driller shall check the drilling location to see if it matches the state-approved location listed on the Driller's Start Card.

10.3 Unusual Conditions.

-10.3.1 If unusual conditions occur at a well site andcompliance with these rules and standards will not result in asatisfactory well or protection to the groundwater supply, a licensedwater well driller or pump installer shall request that special standards be prescribed for a particular well (variance request). The request for special standards shall be in writing and shall set forth the location of the well, the name of the owner, the unusual conditions existing at the well site, the reasons and justification that compliance with the rules and minimum standards will not result in a satisfactory well, and the proposed standards that the licensee believes will be more adequate for this particular well. If the state engineer finds that the proposedchanges are in the best interest of the public, the state engineer willapprove the proposed changes by assigning special standards for the particular well under consideration. At the Division's discretion, the licensee applying for the variance may be required to provideadditional technical information justifying the variance. The variance request will be evaluated, and a response will be given within fourteen days. In a public health emergency or other exceptional circumstance, verbal notification for a variance may be given. An emergency usually consists of a well failure resulting in a dry well or an unusable well. Driller convenience does not constitute an emergency.

R655-4-11. Well Drilling and Construction Requirements.

11.0 General.

11.0.1 Figures 1 through 5 are used to illustrate typical well eonstruction standards, and can be viewed in the State of Utah Water Well Handbook available at the Division of Water Rights, 1594 West North Temple, Salt Lake City, Utah. Figure 1 illustrates the typical construction of a drilled well with driven easing such as a well drilled using the cable tool method or air rotary with a drill-through easing driver. Figure 2 illustrates the typical construction of a well drilled with an oversized borehole and/or gravel packed without the use of surface easing. Figure 3 illustrates the typical construction of a well drilled with an oversized borehole and/or gravel packed with the use of surface easing. Figure 4 illustrates the typical construction of a well drilled with an oversized borehole and/or gravel packed completed in stratified formations in which poor formation material or poor quality water is encountered. Figure 5 illustrates the typical construction of a well completed with PVC or nonmetallic easing.

—11.1 Approved Products, Materials, and Procedures.

11.1.1 Any product, material or procedure designed for use in the drilling, construction, cleaning, renovation, development pump installation/repair, or abandonment of water production or non-production wells, which has received certification and approval for its intended use by the National Sanitation Foundation (NSF) under ANSI/NSF Standard 60 or 61, the American Society for Testing-Materials (ASTM), the American Water Works Association (AWWA) or the American National Standards Institute (ANSI) may be utilized. Other products, materials or procedures may also be utilized for their intended purpose upon manufacturers certification that they meet or exceed the standards or certifications referred to in this section and upon state engineer approval.

11.2 Well Casing - General

11.2.1 Drillers Responsibility. It shall be the sole-responsibility of the well driller to determine the suitability of any type of well easing for the particular well being constructed, in accordance with these minimum requirements.

11.2.2 Casing Stick-up. The well easing shall extend a minimum of 18 inches above finished ground (land) level and the natural ground surface should slope away from the easing. A secure sanitary, weatherproof seal or a completely welded cap shall be placed on the top of the well easing to prevent contamination of the well. If a vent is placed in the cap, it shall be properly screened to prevent access to the well by debris, insects, or other animals.

11.2.3 Steel Casing. All steel easing installed in Utah shall be in new or like-new condition, being free from pits or breaks, clean with all potentially dangerous chemicals or coatings removed, and shall meet the minimum specifications listed in Table 6 of these rules. In order to utilize steel well easing that does not fall within the eategories specified in Table 6, the driller shall receive written-approval from the state engineer. All steel easing installed in Utah-shall meet or exceed the minimum ASTM, ANSI, or AWWA standards for steel pipe as described in Subsection 11.1 unless otherwise-approved by the state engineer. Applicable standards (most recent revisions) may include:

ANSI/AWWA A100-AWWA Standard for Water Wells.

ANSI/ASTM A53-Standard Specifications for Pipe, Steel, Black and Hot-Dipped, Zine-Coated, Welded and Seamless.

ANSI/ASTM A139-Standard Specification for Electric-Fusion (Are)-Welded Steel Pipe (NPS 4 and over).

ANSI/AWWA C200-Standard for Steel Water Pipe-6 in. and Larger.

ASTM A589-89-Standard Specification for Seamless and Welded Carbon Steel Water-Well Pipe.

API Spec.5L and 5LS-Specification for Liner Pipe.

ASTM A106-Standard Specification for Seamless Carbon-Steel Pipe for High Temperature Service

ASTM A778-Standard Specifications for Welded, Unannealed Austenitic Stainless Steel Tubular Products.

ASTM A252-Standard Specification for Welded and Seamless Steel Pipe Piles.

ASTM A312-Standard Specification for Seamless, Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes

ASTM A409- Standard Specification for Welded Large-Diameter Austenitic Steel Pipe for Corrosive or High-Temperature-Service

TABLE-6
MINIMUM-WALL-THICKNESS-FOR-STEEL-WELL-CASING

Depth								
	0-	200-	300-	400-	600-	800	1000	1500
Nominal	to-	to-	to-	to-	to	to-	to-	to
Casing-	200-	300-	400-	600-	800	1000	1500	2000
Diamete	r(ft)-	-(ft)-	-(ft)	-(ft)-	-(ft)	-(ft)	- (ft)	-(ft)
-2	154	.154	154-	154-	.154	154		
-3	216	.216	216-	216-	.216	216		
-4	.237	.237	- .237 -	237-	.237-	237	237	237
-5	250	.250	- .250 -	250-	250	250	250	250
-6	250	.250	- .250 -	250-	250	250	250	250
-8	250	.250	250-	250-	.250	250	250	250
10	250	.250	250-	250-	250	250	312	312
12	250	.250	250-	250-	250	250	312	312
14	250	.250	250-	250-	312-	312	312	312
16	250	.250	312	312	312-	.312-	.375	375
18	250	.312	.312	312-	375	.375	375	438
20	250	.312	.312	312-	375	.375	.375	438
22	312	.312	.312	375	375	.375	.375	438
24	312	.312	.375	375	375	438		
30	312	.375	.375	438-	438	500		
Note:	Minimum	wall-t	nicknes	ss-is-	in-inch	es.		

11.2.4 Plastic and Other Non-metallic Casing.

11.2.4.1 Materials. PVC, SR, ABS, or other types of nonmetallie well easing and screen may be installed in Utah uponobtaining permission of the well owner. Plastic well easing and screen shall be manufactured and installed to conform with The American-National Standards Institute (ANSI) or the American Society for-Testing and Materials (ASTM) Standard F 480-95, which are incorporated by reference to these rules. Casing and screen meeting this standard is normally marked "WELL CASING" and with the-ANSI/ASTM designation "F 480-95, SDR-17 (or 13.5, 21, etc.)". All plastic easing and screen for use in potable water supplies shall bemanufactured to be acceptable to the American National Standards-Institute/National Sanitation Foundation (NSF) standard 61. Othertypes of plastic easings and screens may be installed uponmanufacturers certification that such casing meets or exceeds theabove described ASTM/SDR specification or ANSI/NSF approval and upon state engineer approval.

11.2.4.2 Minimum Wall Thickness and Depth-Requirements. PVC well easing and screen with a nominal diameter equal to or less than four (4) inches shall meet the minimum wall-thickness required under ASTM Standard F480-95 SDR 21 or a-Schedule 40 designation. PVC well easing and screen with a nominal

diameter greater than four (4) inches shall meet the minimum wall-thickness required under ASTM Standard F480-95 SDR 17 or a-Schedule 80 designation. Additionally, caution should be used-whenever other than factory slots or perforations are added to PVC well easing. The installation of hand cut slots or perforations-significantly reduces the collapse strength tolerances of unaltered-easings. The depth at which plastic easing and screen is placed in a well shall conform to the minimum requirements and restrictions as outlined in ASTM Standard F-480-95 and to PVC easing manufacturer recommendations.

11.2.4.3 Fiberglass Casing. Fiberglass reinforced plastic-well easings and screens may be installed in wells upon obtaining-permission of the well owner. All fiberglass easing or screens installed in wells for use in potable water supplies shall be manufactured to be acceptable by ANSI/NSF Standard 61 and upon state engineer-approval.

11.2.4.4 Driving Non-metallic Casing. Non-metallic casing shall not be driven, jacked, or dropped and may only be installed in an oversized borehole.

11.2.4.5 Protective Casing. If plastic or other non-metallic easing is utilized, the driller shall install a protective steel easing which complies with the provisions of Subsection 11.2.3 or an equivalentprotective covering approved by the state engineer over and around the well easing at ground surface to a depth of at least two and one half (2.5) feet. If a pitless adapter is installed on the well, the bottom of the protective cover shall be placed above the pitless adapter/wellconnection. If the pitless adapter is placed in the protective easing, the protective casing shall extend below the pitless entrance in the welleasing and be sealed both on the outside of the protective easing and between the protective easing and well easing. The protective covershall be sealed in the borehole in accordance with the requirements of Subsection 11.4. The annular space between the protective cover and non-metallic casing shall also be sealed with acceptable materials in accordance with Subsection 11.4. A sanitary, weather-tight seal or a completely welded cap shall be placed on top of the protective cover, thus enclosing the well itself. If the sanitary seal is vented, screens shall be placed in the vent to prevent debris insects, and other animals from entering the well. This protective easing requirement does not apply to monitor wells. Figure 5 depicts this requirement.

11.3 Casing Joints.

11.3.1 General. All well easing joints shall be made water tight. In instances in which a reduction in easing diameter is made, there shall be enough overlap of the easings to prevent misalignment and to insure the making of an adequate seal in the annular space-between easings to prevent the movement of unstable sediment orformation material into the well, in addition to preventing the degradation of the water supply by the migration of inferior quality-water through the annular space between the two easings.

or welded. If the joints are welded, the weld shall meet American-Welding Society standards and be at least as thick as the wall thickness of the casing and shall consist of at least two beads for the full-circumference of the joint. Spot welding of joints is prohibited.

11.3.3 Plastic Casing. All plastic well easing shall be-mechanically serew coupled, chemically welded, cam-locked or lug-coupled to provide water tight joints as per ANSI/ASTM F480-95. Metal serews driven into easing joints shall not be long enough to-penetrate the inside surface of the easing. Metal serews should be used only when surrounding air temperatures are below 50 degrees

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Fahrenheit (F) which retards the normal setting of the cement. Solvent-welded joints shall not impart taste, odors, toxic substances, or bacterial contamination to the water in the well.

— 11.4 Surface Seals and Interval Seals.

11.4.1 General. Before the drill rig is removed from the drill site of a well, a surface seal shall be installed. Well casings shall be sealed to prevent the possible downward movement of contaminated surface waters in the annular space around the well-easing. The seal shall also prevent the upward movement of artesian waters within the annular space around the well-easing. Depending upon hydrogeologic conditions around the well, interval seals may need to be installed to prevent the movement of groundwater either upward or downward around the well from zones that have been eased out of the well due to poor water quality or other reasons. The following surface and interval seal requirements apply equally to rotary drilled, cable tool drilled, bored, jetted, augered, and driven wells unless otherwise specified.

-11.4.2 Seal Material.

11.4.2.1 General. The seal material shall consist of neat cement grout, sand cement grout, unhydrated bentonite, or bentonite grout as defined in Section R655-4-2. Use of sealing materials other than those listed above must be approved by the state engineer.-Bentonite drilling fluid (drilling mud), dry drilling bentonite, or drillcuttings are not an acceptable scaling material. In no case shall drilling fluid (mud), drill cuttings, drill chips, or puddling clay be used, or allowed to fill, partially fill, or fall into the required sealing interval of a well during construction of the well. All hydrated sealing materials (neat cement grout, sand cement grout, bentonite grout) shall be placed by tremie pipe, pumping, or pressure from the bottom of the sealinterval upwards in one continuous operation when placed below a depth of 30 feet or when placed below static groundwater level.-Portland Cement grouts must be allowed to cure a minimum of 72 hours for Type I-II cement or 36 hours for Type III cement before well drilling, construction, or testing may be resumed. The volume of annular space in the seal interval shall be calculated by the driller to determine the estimated volume of seal material required to seal the annular space. The driller shall place at least the volume of material equal to the volume of annular space, thus ensuring that a continuous seal is placed. The driller shall maintain the well easing centered in the borehole during seal placement using centralizers or other means to ensure that the seal is placed radially and vertically continuous.

11.4.2.2 Bentonite Grout. Bentonite used to prepare grout for sealing shall have the ability to gel; not separate into water and solid materials after it gels; have a hydraulic conductivity or permeability value of 10E-7 centimeters per second or less; contain at least 20 percent solids by weight of bentonite, and have a fluid weight of 9.5 pounds per gallon or greater and be specifically designed for the purpose of sealing. Bentonite or polymer drilling fluid (mud) does not meet the definition of a grout with respect to density, gel strength, and solids content and shall not be used for sealing purposes. At no time shall bentonite grout contain materials that are toxic, polluting, develop odor or color changes, or serve as a micro-bacterial nutrient. All-bentonite grout shall be prepared and installed according to the manufacturer's instructions and these rules. All additives must be certified by a recognized certification authority such as NSF and approved by the state engineer.

11.4.2.3 Unhydrated Bentonite. Unhydrated bentonite (e.g., granular, tabular, pelletized, or chip bentonite) may be used in the construction of well seals above a depth of 50 feet. Unhydrated

bentonite can be placed below a depth of 50 feet when placed inside the annulus of two easings, when placed using a tremie pipe, or by using a placement method approved by the state engineer. The bentonite material shall be specifically designed for well scaling and be within industry tolerances. All unhydrated bentonite used for scaling must be free of organic polymers and other contamination. Placement of bentonite shall conform to the manufacturer's specifications and instructions and result in a scal free of voids or bridges. Granular or powdered bentonite shall not be placed under water by gravity feeding from the surface. When placing unhydrated bentonite, a sounding or tamping tool shall be run in the scaling interval during pouring to-measure fill-up rate, verify a continuous scal placement, and to break up possible bridges or cake formation.

11.4.3 Seal and Unperforated Casing Placement.

11.4.3.1 General Seal Requirements. Figure 1 illustrates the construction of a surface seal for a typical well. The surface seal must be placed in an annular space that has a minimum diameter of four (4) inches larger than the nominal size of the permanent well easing (This amounts to a 2-inch annulus). The surface seal must extend from land surface to a minimum depth of 30 feet. The completed surface sealmust fully surround the permanent well easing, must be evenlydistributed, free of voids, and extend to undisturbed or recompacted soil. In unconsolidated formations such as gravels, sands, or otherunstable conditions when the use of drilling fluid or other means of keeping the borehole open are not employed, either a temporarysurface casing with a minimum depth of 30 feet and a minimumnominal diameter of four (4) inches greater than the outermostpermanent easing shall be utilized to ensure proper seal placement or the well driller shall notify the state engineer's office that the seal will be placed in a potentially unstable open borehole without a temporary surface easing by telephone or FAX in conjunction with the start card submittal in order to provide an opportunity for the state engineer's office to inspect the placement of the seal. If a temporary surfaceeasing is utilized, the surface easing shall be removed in conjunction with the placement of the seal. Alternatively, conductor easing may be sealed permanently in place to a depth of 30 feet with a minimum 2inch annular seal between the surface casing and borehole wall. If the temporary surface casing is to be removed, the surface casing shall be withdrawn as scaling material is placed between the outer-mostpermanent well casing and borehole wall. The sealing material shallbe kept at a sufficient height above the bottom of the temporary surface easing as it is withdrawn to prevent eaving of the borehole wall. If the temporary conductor easing is driven in place without a 2-inch annular seal between the surface easing and borehole wall, the surface easing may be left in place in the borehole only if it is impossible to remove because of unforeseen conditions and not because of inadequatedrilling equipment, or if the removal will seriously jeopardize theintegrity of the well and the integrity of subsurface barriers topollutants or contaminant movement. The temporary surface easing can only be left in place without a sufficient 2-inch annular seal asdescribed above with the approval of the state engineer on a case by ease basis. If the surface easing is left in place, it shall be perforated to allow seal material to penetrate through the easing and into theformation and annular space between the surface easing and borehole wall. Unhydrated bentonite shall not be used to construct the surface seal when the surface easing is left in place. Grout seal materials must be used to construct the surface seal when the surface casing is left in place. The grout must be placed with sufficient pressure to force the grout through the surface easing perforations and into the annular-

space between the surface easing and borehole wall and into theformation. Surface seals and unperforated easing shall be installed in wells located in unconsolidated formation such as sand and gravel with minor elay or confining units; unconsolidated formation consisting of stratified layers of materials such as sand, gravel, and elay or otherconfining units; and consolidated formations according to the following procedures.

11.4.3.2 Unconsolidated Formation without Significant-Confining Units. This includes wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without-significant clay beds (at least six feet thick) or other confining-formations. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet. Permanent unperforated easing shall-extend at least to a depth of 30 feet and also extend below the lowest anticipated pumping level. Additional easing placed in the open-borehole below the required depths noted above shall meet the easing requirements of Subsection 9.2 unless the easing is installed as a liner inside a larger diameter approved easing.

11.4.3.3 Unconsolidated Formation with Significant-Confining Units. This includes wells that penetrate an aquifer overlain by elay or other confining formations that are at least six (6) feet thick. The surface seal must be placed in a 2-inch annular space to a-minimum depth of 30 feet and at least five (5) feet into the confining unit above the water bearing formation. Unperforated easing shall-extend from ground surface to at least 30 feet and to the bottom of the confining unit overlying the water bearing formation. If necessary to complete the well, a smaller diameter easing, liner, or well screen may be installed below the unperforated easing. The annular space between the two easings shall be scaled with grout, bentonite, or a mechanical packer. Additional easing placed in the open borehole below the required depths noted above shall meet the easing requirements of Subsection 11.2 unless the easing is installed as a liner inside a larger diameter approved easing.

11.4.3.4 Consolidated Formation. This includes drilled wells that penetrate an aquifer, either within or overlain by a consolidated formation. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet and at least five (5) feet into competent consolidated formation. Unperforated permanent easing shall be installed to extend to a depth of at least 30 feet and the lower part of the easing shall be driven and sealed at least five (5) feet into the consolidated formation. If necessary to complete the well, a smaller diameter easing, liner, or well screen may be installed below the unperforated easing. The annular space between the two easings shall be sealed with grout, bentonite, or a mechanical packer. Additional easing placed in the open borehole below the required depths noted above shall meet the easing requirements of Subsection 11.2 unless the easing is installed as a liner inside a larger diameter approved easing.

11.4.3.5 Sealing Artesian Wells. Unperforated well easing shall extend into the confining stratum overlying the artesian zone, and shall be adequately sealed into the confining stratum to prevent both surface and subsurface leakage from the artesian zone. If leaks occur around the well easing or adjacent to the well, the well shall be completed with the seals, packers, or easing necessary to eliminate the leakage. The driller shall not move the drilling rig from the well site until leakage is completely stopped, unless authority for temporary removal of the drilling rig is granted by the state engineer, or when loss of life or property is imminent. If the well flows naturally at land surface due to artesian pressure, the well shall be equipped with a

eontrol valve so that the flow can be completely stopped. The control valve must be available for inspection by the state engineer at all times. All flowing artesian water supply wells shall be tested for artesian shut-in pressure in pounds per square inch and rate of flow in cubic feet per second, or gallons per minute, under free discharge conditions. This data shall be reported on the well log.

11.4.4 Interval Seals. Formations containing undesirable materials (e.g., fine sand and silt that can damage pumping equipment and result in turbid water), contaminated groundwater, or poor quality groundwater must be sealed off so that the unfavorable formation-eannot contribute to the performance and quality of the well. These zones must also be sealed to eliminate the potential of cross-contamination or commingling between two aquifers of differing quality. Figure 4 illustrates this situation. Unless approved by the state engineer, construction of wells that cause the commingling or cross-connection of otherwise separate aquifers is not allowed.

— 11.4.5 Other Sealing Methods. In wells where the above-described methods of well sealing do not apply, special sealing-procedures can be approved by the state engineer upon written request by the licensed well driller.

11.5 Special Requirements for Oversized and Gravel-Packed Wells. This section applies to wells in which easing is installed in an open borehole without driving or drilling in the easing and an annular space is left between the borehole wall and well easing (e.g., mud rotary wells, flooded reverse circulation wells, air rotary wells in open bedrock).

11.5.1 Oversized Borehole. The diameter of the borehole shall be at least four (4) inches larger than the outside diameter of the well easing to be installed to allow for proper placement of the gravel pack and/or formation stabilizer and adequate clearance for grouting and surface seal installations. In order to accept a smaller diametereasing in any oversized borehole penetrating unconsolidated orstratified formations, the annular space must be sealed in accordance with Subsection 11.4. In order to minimize the risk of: 1) borehole eaving or collapse; 2) casing failure or collapse; or 3) axial distortion of the easing, it is recommended that the entire annular space in anoversized borehole between the casing and borehole wall be filled with formation stabilizer such as approved seal material, gravel pack, filter material or other state engineer-approved materials. Well easingplaced in an oversized borehole should be suspended at the groundsurface until all formation stabilizer material is placed in order toreduce axial distortion of the easing if it is allowed to rest on thebottom of an open oversized borehole. In order to accept a smallerdiameter easing, the annular space in an oversized borehole penetrating unconsolidated formations (with no confining layer) must be sealed in accordance with Subsection 11.4 to a depth of at least 30 feet or from static water level to ground surface, whichever is deeper. The annular space in an oversized borehole penetrating stratified or consolidated formations must be sealed in accordance with Subsection 11.4 to adepth of at least 30 feet or five (5) feet into an impervious strata (e.g., elay) or competent consolidated formation overlying the waterproducing zones back to ground surface, whichever is deeper.-Especially in the case of an oversized borehole, the requirements of Subsection 11.4.4 regarding interval scaling must be followed.

11.5.2 Gravel Pack or Filter Material. The gravel pack or filter material shall consist of clean, well-rounded, chemically stable grains that are smooth and uniform. The filter material should not contain more than 2% by weight of thin, flat, or clongated pieces and should not contain organic impurities or contaminants of any kind. In

order to assure that no contamination is introduced into the well via the gravel pack, the gravel pack must be washed with a minimum 100 ppm solution of chlorinated water or dry hypochlorite mixed with the gravel pack at the surface before it is introduced into the well (see Table 7 of these rules for required amount of chlorine material).

11.5.3 Placement of Filter Material. All filter material shall be placed using a method that through common usage has been shown to minimize a) bridging of the material between the borehole and the easing, and b) excessive segregation of the material after it has been introduced into the annulus and before it settles into place. It is not acceptable to place filter material by pouring from the ground surface unless proper sounding devices are utilized to measure dynamic filter depth, evaluate pour rate, and minimize bridging and formation of voids.

— 11.5.4 No Surface Casing Used. If no permanent conductor easing is installed, neat cement grout, sand cement grout, bentonite-grout, or unhydrated bentonite-seal shall be installed in accordance-with Subsection 11.4. Figure 2 of these rules illustrates the eonstruction of a typical well of this type.

11.5.5 Permanent Conductor Casing Used. If permanent conductor easing is installed, it shall be unperforated and installed and sealed in accordance with Subsection 11.4 as depicted in Figure 3 of these rules. After the gravel pack has been installed between theconductor easing and the well easing, the annular space between the two casings shall be sealed by either welding a water-tight steel capbetween the two easings at land surface or filling the annular spacebetween the two easings with neat cement grout, sand cement grout, bentonite grout, or unhydrated bentonite from at least 50 feet to the surface and in accordance with Subsection 11.4. If a hole will beereated in the permanent conductor easing in order to install a pitless adapter into the well easing, the annual space between the conductor easing and well easing shall be sealed to at least a depth of thirty (30) feet with neat cement grout, sand cement grout, bentonite grout, orunhydrated bentonite. A waterproof cap or weld ring sealing the two easings at the surface by itself without the annular seal between the two easings is unacceptable when a pitless adapter is installed in this fashion. Moreover in this case, the annular space between the surface easing and well easing must be at least 2 inches in order to facilitate seal placement.

11.5.6 Gravel Feed Pipe. If a gravel feed pipe, used to add gravel to the gravel pack after well completion, is installed, the diameter of the borehole in the sealing interval must be at least four (4) inches in diameter greater than the permanent easing plus the diameter of the gravel feed pipe. The gravel feed pipe must be completely surrounded by the seal. The gravel feed pipe must extend at least 18 inches above ground and must be sealed at the top with a watertight eap or plug (see Figure 2).

11.5.7 Other Gravel Feed Options. If a permanent surface easing is installed in the construction of a filter pack well, a watertight, welded, steel plate (ring) at least 3/16 of an inch in thickness shall be installed between the inner production easing and the outer surface easing at the wellhead. A watertight fill port with threaded cap may be installed for the purpose of placing additional filter pack material in the well.

11.6 Protection of the Aquifer.

11.6.1 Drilling Fluids and LCMs. The well driller shall take due care to protect the producing aquifer from clogging or contamination. Organic substances shall not be introduced into the well or borehole during drilling or construction. Every effort shall be

made to remove all substances and materials introduced into theaquifer or aquifers during well construction. "Substances andmaterials" shall mean all bentonite- and polymer-based drilling fluids, filter cake, and any other inorganic substances added to the drillingfluid that may seal or clog the aquifer. The introduction of losteirculation materials (LCM's) during the drilling process shall belimited to those products which will not present a potential medium for bacterial growth or contamination. Only LCM's which are nonorganie, which can be safely broken down and removed from theborehole, may be utilized. This includes, but is not limited to,paper/wood products, brans, hulls, grains, starches, havs/straws, and proteins. This is especially important in the construction of wellsdesigned to be used as a public water system supply. All polymers and additives used in any well shall be certified by NSF/ANSI approvalstandards for use in potable water supply wells, or equivalent standards as approved by the Division. The product shall be clearly labeled as meeting these standards. Polymers and additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will promote growth of microorganisms.

11.6.2 Containment of Drilling Fluid. Drilling or eirculating fluid introduced into the drilling process shall be contained in a manner to prevent surface or subsurface contamination and to prevent degradation of natural or man-made water courses or impoundments. Rules regarding the discharges to waters of the state are promulgated under R317-8-2 of the Utah Administrative Code and regulated by the Utah Division of Water Quality (Tel. 801-536-6146). Pollution of waters of the state is a violation of the Utah Water Quality Act, Utah Code Annotated Title 19, Chapter 5.

11.6.3 Mineralized, Contaminated or Polluted Water. Whenever a water bearing stratum that contains nonpotable mineralized, contaminated or polluted water is encountered, the stratum shall be adequately sealed off so that contamination or comingling of the overlying or underlying groundwater zones will not occur (see Figure 4).

11.6.4 Down-hole Equipment. All tools, drilling equipment, and materials used to drill, repair, renovate, clean, or install a pump in a well shall be free of contaminants prior to beginning well-construction or other in-well activity. Contaminants include lubricants, fuel, bacteria, etc. that will reduce the well efficiency, and any other item(s) that will be harmful to public health and/or the resource or reduce the life of the water well. It is recommended that excess-lubricants placed on drilling equipment be wiped clean prior to insertion into the borehole.

11.6.5 Well Disinfection and Chlorination of Water. contaminated or untreated water shall be placed in a well duringconstruction. Water should be obtained from a chlorinated municipal system. Where this is not possible, the water must be treated to give 100 parts per million free chlorine residual. Upon completion of a well or work on a well, the driller or pump installer shall disinfect the well using accepted disinfection procedures to give 100 parts per million free chlorine residual equally distributed in the well water from statie level to the bottom of the well. A chlorine solution designated forpotable water use prepared with either calcium hypochlorite (powdered, granular, or tablet form) or sodium hypochlorite in liquid form shall be used for water well disinfection. Off-the-shelf chlorine compounds intended for home laundry use, pool or fountain useshould not be used if they contain additives such as antifungal agents, silica ("Ultra" brands), scents, etc. Table 7 provides the amount of ehlorine compound required per 100 gallons of water or 100 feet linear

easing volume of water to mix a 100 parts per million solution. Disinfection situations not depicted in Table 7 must be approved by the state engineer. Additional recommendations and guidelines for water well system disinfection are available from the state engineer upon request.

TABLE-7

AMOUNT OF CHLORINE COMPOUND FOR EACH 100 FEET OF WATER

STANDING IN WELL (100 ppm solution)

Well	- (25%-HOCL)-	-(65%-H0CL) -	Na-HyCLT** (12-trade-%) -(fluid-ounces)	-(100%-C12)
2	1.00	0.50	3.5	0.03
4	3.50	1.50	7.0	0.06
6	8.00	3.00	16.0	0.12
8	14.50	5.50	28.0	0.22
10	22.50	8.50	45.0	0.34
12	32.50	12.00	64.0	0.50
14	44.50	16.50	88.0	0.70
16	58.00	26.00	112	0.88
20	90.50	33.00	179	1.36
For every 100 -galof-water				
-add:	5.50	2.00	11.5	0.09

NOTES: *Calcium Hypochlorite (solid)

**Sodium Hypochlorite (liquid)

***Liquid Chlorine

-11.7 Special Requirements.

11.7.1 Explosives. Explosives used in well construction shall not be detonated within the section of easing designed or expected to serve as the surface seal of the completed well, whether or not the surface seal has been placed. If explosives are used in the construction of a well, their use shall be reported on the official well-log. In no case shall explosives, other than explosive shot perforators specifically designed to perforate steel easing, be detonated inside the well easing or liner pipe.

11.7.2 Access Port. Every well shall be equipped with a usable access port so that the position of the water level, or pressure head, in the well can be measured at all times.

11.7.3 Completion or Abandonment. A licensed driller shall not remove his drill rig from a well site unless the well is completed or abandoned. Completion of a well shall include all surface seals, gravel packs or curbs required. Dry boreholes, or otherwise unsuccessful attempts at completing a well, shall be properly abandoned in accordance with Section R655-4-14. Upon completion, all wells shall be equipped with a watertight, tamper-resistant easing cap or sanitary seal.

11.7.4 Surface Security. If it becomes necessary for the driller to temporarily discontinue the drilling operation before-completion of the well or otherwise leave the well or borehole-unattended, the well and/or borehole must be covered securely to-prevent contaminants from entering the easing or borehole and rendered secure against entry by children, vandals, domestic animals, and wildlife.

11.7.5 Pitless Adapters/Units. Pitless adapters or units are acceptable to use with steel well easing as long as they are installed in accordance with manufacturers recommendations and specifications as well as meet the Water Systems Council Pitless Adapter Standard (PAS-97) which are incorporated herein by reference and are available from Water Systems Council, 13 Bentley Dr., Sterling, VA 20165,

phone 703-430-6045, fax 703-430-6185 (watersystemscouncil.org):-The pitless adaptor, including the cap or cover, easing extension, and other attachments, must be so designed and constructed to be secure, water tight, and to prevent contamination of the potable water supply from external sources. Pitless wellhead configurations shall havesuitable access to the interior of the well in order to measure waterlevel and for well disinfection purposes. Pitless configurations shall be of watertight construction throughout and be constructed of materials at least equivalent to and having wall thickness and strengthcompatible to the casing. Pitless adapters or units are notrecommended to be mounted on PVC well easing. If a pitless adapter is to be used with PVC easing, it should be designed for use with PVC easing, and the driller should ensure that the weight of the pump and column do not exceed the strength of the PVC well easing. A cement grout seal shall not be allowed within the pitless unit or pitless adaptor sealing interval. The pitless adapter or unit sealing interval shall besealed with unhydrated bentonite. The pitless adapter or unit, including the cap or cover, pitless case and other attachments, shall be designed and constructed to be watertight to prevent the entrance ofcontaminants into the well from surface or near-surface sources.

11.7.6 Hydraulic Fracturing. The hydraulic fracturing pressure shall be transmitted through a drill string and shall not be transmitted to the well easing. Hydraulic fracturing intervals shall be at least 20 feet below the bottom of the permanent easing of a well. All hydraulic fracturing equipment shall be thoroughly disinfected with a 100 part per million chlorine solution prior to insertion into the well. The driller shall include the appropriate hydraulic fracturing information on the well log including methods, materials, maximum pressures, location of packers, and initial/final yields. In no ease shall hydrofacturing allow commingling of waters within the well bore. Clean sand or other material (propping agents) approved by the Division may be injected into the well to hold the fractures open when pressure is removed.

11.7.7 Static Water Level, Well Development, and Well-Yield. To fulfill the requirements of Subsection R655-4-4.5.2, new-wells designed to produce water shall be developed to remove drill-euttings, drilling mud, or other materials introduced into the well-during construction and to restore the natural groundwater flow to the well to the extent possible. After a water production well is developed, a test should be performed to determine the rate at which groundwater can be reliably produced from the well. Following development and testing, the static water level in the well should also be measured. Static water level, well development information, and well yield-information shall be noted on the official submittal of the Well Log by the well driller.

11.7.8 Packers. Packers shall be of a material that will not impart taste, odor, toxic substances or bacterial contamination to the water in the well.

11.7.9 Screens. Screens must be constructed of corrosion-resistant material and sufficiently strong to withstand stresses-encountered during and after installation. Screen slot openings, screen length, and screen diameter should be sized and designed to provide sufficient open area consistent with strength requirements to transmit sand-free water from the well. Screens should be installed so that exposure above pumping level will not occur.

11.7.10 Openings in the Casing. There shall be no opening in the easing wall between the top of the easing and the bottom of the required easing seal except for pitless adapters, measurement access ports, and other approved openings installed in conformance with these

standards. In no case shall holes be cut in the easing wall for the purpose of lifting or lowering easing into the well bore unless such holes are properly welded closed and watertight prior to placement into the well bore.

11.7.11 Casing vents. If a well requires venting, it must terminate in a down-turned position at least 18-inches above ground (land) level, at or above the top of the casing or pitless unit and becovered with a 24 mesh corrosion-resistant screen.

R655-4-12. Special Wells.

—12.1 Construction Standards for Special Wells.

12.1.1 General. The construction standards outlined in Section R655-4-11 are meant to serve as minimum acceptable construction standards. Certain types of wells such as cathodic protection wells, closed-loop heating or cooling exchange wells, recharge and recovery wells, and public supply wells require special construction standards that are addressed in this section or in rules promulgated by other regulating agencies. At a minimum, when constructing special wells as listed above, the well shall be constructed by a licensed well driller, and the minimum construction standards of Section R655-4-11 shall be followed in addition to the following special standards.

12.1.2 Public Water Supply Wells. Public water supplywells are subject to the minimum construction standards outlined in-Section R655-4-11 in addition to the requirements established by the Department of Environmental Quality, Division of Drinking Waterunder Rules R309-515 and R309-600. Plans and specifications for a public supply well must be reviewed and approved by the Division of Drinking Water before the well is drilled. These plans and specifications shall include the procedures, practices, and materialsused to drill, construct, seal, develop, clean, disinfect, and test thepublic supply well. A Preliminary Evaluation Report describing the potential vulnerability and protection strategies of the new well tocontamination must also be submitted and approved prior to drilling. A representative of the Division of Drinking Water must be present at the time the surface grout seal is placed in all public supply wells, so that the placement of the seal can be certified. In order to assure that a representative will be available, and to avoid down-time waiting for a representative, notice should be given several days in advance of the projected surface grout seal placement. When the time and date for the surface grout seal installation are confirmed a definite appointmentshould be made with the representative of the Division of Drinking Water to witness the grout seal placement by calling (801) 536-4200. The licensed driller shall have available a copy of the start eard relating to the well and provide that information to the inspectingrepresentative at the time of the surface grout seal installation and inspection.

12.1.3 Cathodic Protection Well Construction. Cathodic protection wells shall be constructed in accordance with the casing, joint, surface seal, and other applicable requirements outlined in Section R655-4-11. Any annular space existing between the base of the annular surface seal and the top of the anode and conductive fill-interval shall be filled with appropriate fill or sealing material. Fill-material shall consist of washed granular material such as sand, pea gravel, or sealing material. Fill material shall not be subject to-decomposition or consolidation and shall be free of pollutants and contaminants. Fill material shall not be toxic or contain drill cuttings or drilling mud. Additional sealing material shall be placed below the minimum depth of the annular surface seal, as needed, to prevent the

eross-connection and commingling of separate aquifers and waterbearing zones. Vent pipes, anode access tubing, and any other tubular materials (i.e., the outermost easing) that pass through the interval to be filled and sealed are considered easing for the purposes of thesestandards and shall meet the requirements of Subsections R655-4-11.2 and 11.3. Cathodic protection well easing shall be at least 2 inches in internal diameter to facilitate eventual well abandonment. Figure 6illustrates the construction of a typical eathodic protection well.

12.1.4 Closed-loop Heating/Cooling Exchange Wells. Wells or boreholes utilized for heat exchange or thermal heating in a elosed-loop fashion, which are greater than 30 feet in depth and encounter formations containing groundwater, must be drilled by a licensed driller and the owner or applicant must have an approved application for that specific purpose as outlined in Section R655-4-9. Wells or boreholes installed for heat or thermal exchange process must comply with the minimum construction standards of Section R655-4-11.

12.1.4.1 For open-loop systems where groundwater is removed, processed, and re-injected, a non-consumptive use water right approval must be obtained from the state engineer. Approval to re-inject water underground is also required from the Utah Division of Water Quality. Open-loop system wells shall be constructed in accordance with the requirements found in Section 11. If a separate well or borchole is required for re-injection purposes, it must also comply with these standards and the groundwater must be injected into the same water bearing zones as from which it is initially withdrawn. The quality and quantity of groundwater shall not be diminished or degraded upon re-injection.

12.1.4.2 Closed-loop heat exchange wells must also comply with the guidelines set forth in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop-Heat Pump Systems (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614.898-7786, websitewww.ngwa.org, email customerservice@ngwa.org) or standards setforth in the Design and Installation Standards for Closed-Loop/Geothermal Heat Pump Systems (standards are copyrighted and available from the International Ground Source Heat Pump-Association (374 Cordell South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). Theseguidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT-84116). For closed-loop systems where groundwater is not removed in the process, non-production well approval must be obtained from the state engineer. Specific requirements for closed-loop wells include:

a. The location of closed loop heat pump wells must comply with applicable ordinances, regulations, or other enforceable instruments of local governments to ensure adequate protection of public water systems from encroachments or any impairment of the groundwater resource.

b. Closed-loop system wells must be sealed from the bottom of the well/boring to ground surface using acceptable materials and placement methods described in Section 11.4. Sand may be added to the seal mix to enhance thermal conductivity as long as the seal mix meets permeability and gel strength standards outlined in Section 11.4.

e. Borehole Diameter: The borehole diameter of a closed loop heat pump well must be of sufficient size to allow placement of the pipe and placement of a tremie to emplace the grout. In general, for loop piping with a nominal diameter of 3/4 to 1 inch, the borehole

diameter shall be at least 4.75 inches. For loop piping with a nominal diameter of 1.25 inches, the borehole diameter shall be at least 5.25 inches. For loop piping with a nominal diameter of 1.5 to 2.0 inches, the borehole diameter shall be at least 6.0 inches.

- d. Grouting of Vertical Ground Water Heat Pump Wells: Grouting the annulus of a heat pump well shall be completed within 24 hours from the time the borehole is drilled and loaded with the U-bend assembly and within at least 6 hours from the time the drill rig moves off the borehole. Full-length grout placement is required on all vertical elosed loop heat pump boreholes.
- e. Placement of Grout Material: Full-length grout material must be placed by tremie from the bottom of the borehole to the top. The tremie pipe must not be left in the borehole. The grout must fill the entire borehole. Grout must not be allowed to free-fall.
- f. Pipe: Pipe material, joining methods, and installation must meet the guidelines and standards referenced in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump Systems, (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614.898-7786, email customerservice@ngwa.org) and in the Designand Installation Standards for Closed-Loop/Geothermal Heat Pump-Systems (standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell-South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). Guidelines and standards may be viewedduring normal business hours at the Division's main office at 1594-West North Temple, SLC, UT 84116). U-bend connections shall be factory jointed and piping shall not have any fusion joints below a depth of 30 feet.
- g. Pressure Testing: Loop piping shall be pressure testedprior to installation into the borehole. Loop piping failing this initial pressure testing shall not be installed. The installed system must be pressure tested at a minimum of 2 times the system operating pressure to ensure the integrity of the system. If a pressure loss is detected, the eause must be properly repaired or material replaced or properlyplugged. The system shall be pressure tested again following anyrepairs. Pressure testing procedures shall follow the guidelines and standards in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump-Systems, (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH-43081-8978, Phone 614-898-7791, Fax 614.898-7786, emaileustomerservice@ngwa.org) and in the Design and Installation-Standards for Closed-Loop/Geothermal Heat Pump Systems-(standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell South, Oklahoma State-University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT-84116).
- h. Heat transfer fluid, additives, and inhibitors. The heat transfer fluids, additives, and inhibitors used inside the closed-loop-assembly must be nontoxie, safe to install, provide corrosion-protection, not promote bacterial growth, and not produce an unacceptable risk to the environment in the event of a system leak. Water used in the heat transfer fluid mix must be from a treated potable source or be disinfected in accordance with these rules. Use and placement of fluids, additives, and inhibitors shall be in accordance

with the guidelines and standards in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump Systems, (guidelines are copyrighted and available from the National Ground Water Association at 601-Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614-898-7786, email customerservice@ngwa.org) and in the Design and Installation Standards for Closed-Loop/Geothermal Heat Pump-Systems (standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell-South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594-West North Temple, SLC, UT 84116).

- i. Abandonment: When closed-loop heat exchange wells are required to be permanently abandoned (decommissioned and sealed), the most recent version of the Permanent Loop Pipe-Decommissioning standards of the Closed-Loop/Geothermal Heat-Pump Systems Design and Installation Standards shall be followed. These standards are published by the International Ground Source-Heat Pump Association (374 Cordell South, Oklahoma State-University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu).
- 12.1.4.3 The rules herein pertain only to the heating and eooling exchange well constructed to a depth greater than 30 feet and are not intended to regulate the incidental work that may occur up to the well such as plumbing, electrical, piping, trenching, and backfilling activities.
- 12.1.5 Recharge and Recovery Wells. Any well drilled-under the provisions of Title 73, Chapter 3b (Groundwater Recharge and Recovery Act) shall be constructed in a manner consistent with these rules and shall be drilled by a currently licensed driller. Special rules regarding the injection of water into the ground are also-promulgated under the jurisdiction of the Utah Department of Environmental Quality, Division of Water Quality (Rule R317-7 "Underground Injection Control Program" of the Utah Administrative Code) and must be followed in conjunction with the Water Well-Drilling rules.

R655-4-13. Deepening, Rehabilitation, and Renovation of Wells.

- —13.1 Sealing of Casing.
- 13.1.1 If in the repair of a drilled well, the old easing is withdrawn, the well shall be recased and resealed in accordance with the rules provided in Subsection R655-4-11(11.4).
 - 13.2 Inner Casing.
- 13.2.1 If an inner easing is installed to prevent leakage of undesirable water into a well, the space between the two well easings shall be completely sealed using packers, easing swedging, pressure grouting, etc., to prevent the movement of water between the easings.
 - 13.3 Outer Casing.
- 13.3.1 If the "over-drive" method is used to eliminate-leakage around an existing well, the easing driven over the well shall meet the minimum specifications listed in Subsection R655-4-11(11.4).
- 13.4 Artesian Wells.
- 13.4.1 If upon deepening an existing well, an artesian zone is encountered, the well shall be eased and completed as provided in Subsection R655-4-11(11.4).
- 13.5 Drilling in a Dug Well.
- 13.5.1 A drilled well may be constructed through an existing dug well provided that:

- 13.5.1.1 Unperforated Casing Requirements. An unperforated section of well easing extends from a depth of at least ten (10) feet below the bottom of the dug well and at least 20 feet below land surface to above the maximum static water level in the dug well.
- 13.5.1.2 Seal Required. A two foot thick seal of neatcement grout, sand cement grout, or bentonite grout is placed in the bottom of the dug well so as to prevent the direct movement of water from the dug well into the drilled well.
- 13.5.1.3 Test of Seal. The drilled well shall be pumped or bailed to determine whether the seal described in Subsection R655-4-13(13.5.1.2) is adequate to prevent movement of water from the dugwell into the drilled well. If the seal leaks, additional sealing and testing shall be performed until a water tight seal is obtained.
 - 13.6 Well Rehabilitation and Cleaning.
- 13.6.1 Tools used to rehabilitate or clean a well shall be eleaned, disinfected, and free of contamination prior to placement in a well.
- 13.6.2 The driller shall use rehabilitation and cleaning tools properly so as not to permanently damage the well or aquifer. If the surface seal is damaged or destroyed in the process of rehabilitation or cleaning, the driller shall repair the surface seal to the standards set forth in Subsection R655-4-11(11.4).
- 13.6.3 Debris, sediment, and other materials displacedinside the well and surrounding aquifer as a result of rehabilitation or eleaning shall be completely removed by pumping, bailing, welldevelopment, or other approved methods.
- 13.6.4 Detergents, chlorine, acids, or other chemicals placed in wells for the purpose of increasing or restoring yield, shall bespecifically designed for that purpose and used according to the manufacturer's recommendations.
- 13.6.5 Any renovation, rehabilitation, cleaning, or other work on a well that requires alteration of the well itself shall be eonducted by a licensed well driller.
- 13.6.6 Following completion of deepening, renovation, rehabilitation, cleaning, or other work on a well, the well shall be-properly disinfected in accordance with Subsection R655-4-11(11.6.5).

R655-4-14. Abandonment of Wells.

- 14.1 Temporary Abandonment.
- 14.1.1 When any well is temporarily removed from service; the top of the well shall be sealed with a tamper resistant, water-tight eap or seal. If a well is in the process of being drilled and istemporarily abandoned, the well shall be sealed with a tamper resistant, water-tight eap or seal and a surface seal installed inaccordance with Subsection R655-4-11(11.4). The well may be temporarily abandoned during construction for a maximum of 90 days. After the 90 day period, the temporarily abandoned well shall be completed as a well that meets the standards of Section 11 or permanently abandoned in accordance with the following requirements, and an official well abandonment report (abandonment log) must be submitted in compliance with Section R655-4-4.
 - 14.2 Permanent Abandonment.
- 14.2.1 The rules of this section apply to the abandonment of the type of wells listed in Subsection R655-4-1(1.2) including private water wells, public supply wells, monitor wells, cathodic protection-wells, and heating or cooling exchange wells. A licensed driller shall notify the state engineer prior to commencing abandonment work and submit a complete and accurate abandonment log following abandonment work in accordance with Section R655-4-4 of these-

rules. Prior to commencing abandonment work, the driller shall obtain a copy of the well log of the well proposed to be abandoned from the well owner or the state engineer, if available, in order to determine the proper abandonment procedure. Any well that is to be permanently abandoned shall be completely filled in a manner to prevent vertical movement of water within the borehole as well as preventing the annular space surrounding the well casing from becoming a conduit for possible contamination of the groundwater supply. A well driller who wishes to abandon a well in a manner that does not comply with the provisions set forth in this section must request approval from the state engineer.

- 14.3 License Required.
- 14.3.1 Well abandonment shall be accomplished under the direct supervision of a currently licensed water well driller who shall be responsible for verification of the procedures and materials used.
 - 14.4 Acceptable Materials.
- 14.4.1 Neat cement grout, sand cement grout, unhydrated bentonite, or bentonite grout shall be used to abandon wells and boreholes. Other sealing materials or additives, such as fly ash, may be used in the preparation of grout upon approval of the state engineer. Drilling mud or drill cuttings shall not be used as any part of a sealing materials for well abandonment. The liquid phase of the abandonment fluid shall be water from a potable municipal system or disinfected in accordance with Subsection R655-4-11(11.6.5).
 - 14.5 Placement of Materials.
- 14.5.1 Neat cement and sand cement grout shall beintroduced at the bottom of the well or required sealing interval and
 placed progressively upward to the top of the well. The sealingmaterial shall be placed by the use of a grout pipe, tremie line, dump
 bailer or equivalent in order to avoid freefall, bridging, or dilution of
 the sealing materials or separation of aggregates from sealants.
 Sealing material shall not be installed by freefall (gravity) unless the
 interval to be sealed is dry and no deeper than 30 feet below groundsurface. If the well to be abandoned is a flowing artesian well, the well
 may be pressure grouted from the surface. The well should be capped
 immediately after placement of seal materials to allow the seal material
 to set up and not flow out of the well.
- 14.5.2 Bentonite-based abandonment products shall be-mixed and placed according to manufacturer's recommended-procedures and result in a seal free of voids or bridges. Granular or powered bentonite shall not be placed under water. When placing-unhydrated bentonite, a sounding or tamping tool shall be run in the sealing interval during pouring to measure fill-up rate, verify acontinuous seal placement, and to break up possible bridges or eaker formation.
- 14.5.3 The uppermost ten (10) feet of the abandoned well easing or borehole shall consist of neat cement grout or sand cement grout.
- 14.5.4 Abandonment materials placed opposite any nonwater bearing intervals or zones shall be at least as impervious as the formation or strata prior to penetration during the drilling process.
- 14.5.5 Prior to well or borehole abandonment, all pump equipment, piping, and other debris shall be removed to the extent possible. The well shall also be sounded immediately before it is plugged to make sure that no obstructions exist that will interfere with the filling and sealing. If the well contains lubricating oil that has leaked from a turbine shaft pump, it shall be removed from the well-prior to abandonment and disposed of in accordance with applicable state and federal regulations.

14.5.6 Verification shall be made that the volume of sealing and fill material placed in a well during abandonment operations equals or exceeds the volume of the well or borehole to be filled and sealed.

14.6 Termination of Casing.

14.6.1 The easings of wells to be abandoned shall besevered a minimum of two feet below either the natural ground surface adjacent to the well or at the collar of the hole, whichever is the lower elevation. A minimum of two (2) feet of compacted native material shall be placed above the abandoned well upon completion.

-14.7 Abandonment of Artesian Wells.

14.7.1 A neat cement grout, sand-cement grout, or concrete plug shall be placed in the confining stratum overlying the artesian zone so as to prevent subsurface leakage from the artesian zone. The remainder of the well shall be filled with sand-cement grout, neat-cement grout, bentonite abandonment products, or bentonite grout. The uppermost ten (10) feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.8 Abandonment of Drilled and Jetted Wells.

14.8.1 A neat cement grout or sand cement grout plug shall be placed opposite all perforations, screens or openings in the well-casing. The remainder of the well-shall be filled with cement grout, neat cement, bentonite abandonment products, concrete, or bentonite slurry. The uppermost ten feet of the well-shall be abandoned as required in Subsection R655-4-14(14.5.3).

—14.9 Abandonment of Gravel Packed Wells.

14.9.1 All gravel packed wells shall be pressure grouted throughout the perforated or screened section of the well. The remainder of the well shall be filled with sand cement grout, neat eement grout, bentonite abandonment products, or bentonite grout. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.10 Removal of Casing.

14.10.1 It is recommended that the well easing be removed during well abandonment, and when doing so, the abandonment-materials shall be placed from the bottom of the well or borehole-progressively upward as the easing is removed. The well shall be sealed with sand cement grout, neat cement grout, bentonite abandonment products, or bentonite grout. In the case of gravel-packed wells, the entire gravel section shall be pressure grouted. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.11 Replacement Wells.

14.11.1 Wells which are to be removed from operation and replaced by the drilling of a new well under an approved replacement application, shall be abandoned in a manner consistent with the provisions of Section R655-4-14 before the rig is removed from the site of the newly constructed replacement well, unless written authorization to remove the rig without abandonment is provided by the state engineer. Also refer to the requirements provided in Subsection R655-4-4(4.4).

14.12 Abandonment of Cathodic Protection Wells.

14.12.1 The general requirements for permanent well-abandonment in accordance with Section R655-4-14 shall be followed for the abandonment of eathodic protection wells.

— 14.12.2 A cathodic protection well shall be investigated before it is destroyed to determine its condition, details of its construction and whether conditions exist that will interfere with filling and scaling.

14.12.3 Casing, cables, anodes, granular backfill, eonductive backfill, and sealing material shall be removed as needed, by re-drilling, if necessary, to the point needed to allow proper-placement of abandonment material. Casing that cannot be removed shall be adequately perforated or punctured at specific intervals to-allow pressure injection of sealing materials into granular backfill and all other voids that require sealing.

R655-4-15. Monitor Well Construction Standards.

—15.1 Scope.

15.1.1 Certain construction standards that apply to water-wells also apply to monitor wells. Therefore, these monitoring well-standards refer frequently to the water well standard sections of the rules. Standards that apply only to monitor wells, or that require-emphasis, are discussed in this section. Figure 7 illustrates a schematic of an acceptable monitor well with an above-ground surface-eompletion. Figure 8 illustrates a schematic of an acceptable monitor well with a flush-mount surface completion. Figures 7 and 8 can be viewed in the publication, State of Utah Administrative Rules for Water Wells, most recent edition, available at the Division of Water Rights, 1594 West North Temple, Salt Lake City, Utah.

15.1.2 These standards are not intended as a completemanual for monitoring well construction, alteration, maintenance, and These standards serve only as minimum statewideguidelines towards ensuring that monitor wells do not constitute asignificant pathway for the movement of poor quality water, pollutants, or contaminants. These standards provide no assurance that a monitor well will perform a desired function. Ultimate responsibility for the design and performance of a monitoring well rests with the well owner and/or the owner's contractor, and/or technical representative(s). Most monitor well projects are the result of compliance with the Environmental Protection Agency (EPA), Federal Regulations such as the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or "Superfund"), or specific State Solid and Hazardous Waste requirements. The contracts governing their installation aretightly written containing specific requirements as to site location, materials used, sampling procedures and overall objectives. Therefore specific construction requirements for monitor well installation shall be governed by applicable contracts and regulations providing they meet or exceed state requirements and specifications. Guidelines andrecommended practices dealing with the installation of monitor wells may be obtained from the state engineer upon request. Additionalrecommended information may be obtained from the Environmental-Protection Agency (EPA), Resource Conservation and Recovery Act-(RCRA), Groundwater Monitoring Enforcement and Compliance-Document available from EPA's regional office in Denver, Coloradoand from the Handbook of Suggested Practices for the Design and Installation of Groundwater Monitoring Wells, available from the National Groundwater Association in Dublin, Ohio.

15.2 Installation and Construction.

15.2.1 Materials and Equipment Contaminant-Free. All-material used in the installation of monitor wells shall be contaminant-free when placed in the ground. Drilling equipment shall be clean and contaminant free in accordance with Subsection R655-4-11(11.6.4). During construction contaminated water should not be allowed to enter contaminant-free geologic formations or water bearing zones.

— 15.2.2 Borehole Integrity. Some minor cross-contamination may occur during the drilling process, but the integrity of the borehole

and individual formations must then be safeguarded from permanent eross connection.

15.2.3 Casing and Sereen. The well easing should be perforated or sereened and filter packed with sand or gravel where necessary to provide adequate sample collection at depths where appropriate aquifer flow zones exist. The easing and sereen selected shall not affect or interfere with the chemical, physical, radiological, or biological constituents of interest. Sereens in the same well shall not be placed across separate water bearing zones in order to minimize interconnection, aquifer commingling, and cross contamination. Screens in a nested well can be placed in separate water bearing zones as long as the intervals between the water bearing zones are appropriately sealed and aquifer cross connection and commingling does not occur. Monitor well easing and screen shall conform to ASTM standards, or consist of at least 304 or 316 stainless steel, PTFE (Teflon), or Schedule 40 PVC easing.

15.2.4 Gravel/Filter Pack. If installed, the gravel or filter pack should generally extend two (2) feet to ten (10) feet above-screened or perforated areas to prevent the migration of the sealing-material from entering the zones being sampled. Gravel or filter pack material shall meet the requirements of Subsection R655-4-11(11.5.2). Gravel/filter pack for monitoring wells does not require disinfection. Drill cutting should not be placed into the open borehole annulus. The well driller shall ensure that a bridge or voids do not occur in the annular space during the placement of the gravel pack by means of a sounding device or other mechanism.

15.2.5 Annular Seal. All monitor wells constructed shallhave a continuous surface seal, which seals the annular space between the borehole and the permanent easing, in accordance with theprovisions in Section R655-4-11. The surface seal depth requirements of Section R655-4-11 do not apply to monitor wells. The surface seal may be more or less than 50 feet depending on the screen/perforation and/or gravel pack interval. Seals shall also be constructed to prevent interconnection and commingling of separate aquifers penetrated by the well, prevent migration of surface water and contaminations into the well and aquifers, and shall provide easing stability. The seal shall have a minimum diameter of four inches larger than the nominal size of the permanent easing, and shall extend from land surface to the top of the filter pack. After the permanent easing and filter pack (optional) has been set in final position, a layer of bentonite or fine sand (e.g., mortar sand) shall be placed on top of the filter pack to maintainseparation between the seal material and the screened interval in order to insure that the seal placement will not interfere with the filter pack. The remaining annular space shall be filled to land surface in acontinuous operation with unhydrated bentonite, neat cement grout, sand-cement grout, or bentonite grout. Only potable water should be used to hydrate any grout or slurry mixture. The completed annularspace shall fully surround the permanent easing, be evenly distributed, free of voids, and extend from the permanent easing to undisturbed or recompacted soil. All sealing materials and placement methods shall conform to the standards in Section R655-4-2 and Subsection R655-4-11(11.4). The well driller shall ensure that a bridge or voids do not occur in the annular space during the placement of the seal.

15.2.6 Cuttings, Decon Water, Development Water, and Other IDW. Drill cuttings, decontamination (Decon) water, monitor well development water, and other investigation derived waste (IDW) shall be managed and disposed of in accordance with applicable state and federal environmental regulations. It is the responsibility of the driller to know and understand such requirements.

- 15.3 Minimum Surface Protection Requirements.
- 15.3.1 If a well is eased with metal and completed above ground surface, a locking water resistant cap shall be installed on the top of the well.
- 15.3.2 If the well is not eased with metal and completed above ground surface, a protective metal easing shall be installed over and around the well. The protective easing shall be cemented at least two feet into the ground around the nonmetallic easing. A water tight eap shall be installed in the top of the well easing. A locking eap shall be installed on the top of the protective easing.
- 15.3.3 Monitor wells completed above ground and potentially accessible to vehicular damage shall be protected in the following manner. At least three metal posts, at least three inches in diameter, shall be eemented in place around the easing. Each post-shall extend at least three feet above and two feet below ground-surface. A concrete pad may be installed to add protection to the surface completion. If installed, the concrete pad shall be at least four (4) inches thick and shall slope to drain away from the well easing. The base shall extend at least two (2) feet laterally in all directions from the outside of the well boring. When a concrete pad is used, the well seal may be part of the concrete pad.
- 15.3.4 If the well is completed below land surface, a water tight cap with a lock shall be attached to the top of the well easing. A metal monument or equivalent shall be installed over and around the well. The monument shall serve as a protective cover and be installed level with the land surface and be equipped with a waterproof seal to prevent inflow of any water or contaminants. Drains will be provided, when feasible, to keep water out of the well and below the well cap. The monument and cover must be designed to withstand the maximum expected load.
 - 15.4 Abandonment.
- 15.4.1 Abandonment of monitor wells shall be completed in compliance with the provisions of Section R655-4-14. The provisions of Section R655-4-14 are not required for the permanent abandonment of monitor wells completed at a depth of 30 feet below natural ground surface.

R655-4-16. Pump Installation and Repair.

- 16.1 Pump installation practices. All pump installations shall be completed in such a manner as to prevent waste and contamination of groundwater by pollution material entering the well from pumping equipment, easing connectors, fittings, piping, sanitary seals or caps.
- 16.2 Surface Scal. If in the process of pump installation or repair, the well's surface scal is disturbed or damaged, it shall be repaired and rescaled in accordance with the standards provided in Subsection R655-4-11(11.4).
- 16.3 Tools, Equipment, and Materials. Down-hole tools and equipment used in performance of pump installation and repair shall be cleaned, disinfected, and free of contamination prior to placement in a well. All tools, drilling equipment, and materials used to drill a well shall be free of contaminants prior to beginning pump-related work. Contaminants include lubricants, fuel, bacteria, etc. that will reduce the well efficiency, and any other item(s) that will be harmful to public health and/or the resource or reduce the life of the water well. It is recommended that excess lubricants placed on equipment be wiped clean prior to insertion into the well. Thread-Compounds, Sealants, and Lubricants must not exceed the maximum contaminant levels for chemicals, taste, and odor. The licensee shall

use pump-related tools and equipment properly so as not topermanently damage the well or aquifer.

- 16.4 Disinfection. Following completion of pump-installation and repair work on a well, the well, pump, and in-well-discharge piping shall be properly disinfected in accordance with Subsection R655-4-11(11.6.5).
- 16.5. Product, material, and Process Standards. Any-product, material or procedure designed for use related to pump-installation and repair of water production or non-production wells, which has received certification and approval for its intended use by the National Sanitation Foundation (NSF) under ANSI/NSF Standard 60 or 61, the American Society for Testing Materials (ASTM), the American Water Works Association (AWWA) or the American-National Standards Institute (ANSI) may be utilized. Other products, materials or procedures may also be utilized for their intended purpose upon manufacturers certification that they meet or exceed the standards or certifications referred to in this section and upon state engineer-approval. Organic substances shall not be introduced into the well or borehole during pump installation and repair work.
- 16.6 Surface Completions. Pump installers shall leave the well surface completion upon completion of pump installation/repair work in accordance with the standards in Subsection R655-4-11 as it pertains to easing stick up, steel/PVC easing extensions, sanitary-eapping and venting, and protective easings. Upon completion, all wells shall be equipped with a watertight, tamper-resistant easing cap or sanitary seal.
- 16.7 Flowing Artesian Wells. In accordance with—Subsection R655-4-11(11.4.3.5, artesian wells that flow naturally at the surface, the well shall be equipped with a control valve so that the flow can be completely stopped. The control valve must be available for inspection by the state engineer at all times.
- 16.8 Seals Between Casings. If the well is constructed of multiple easing strings at or near the ground surface and if a pitless adapter/unit is installed, the standards of Subsection R655-4-11(11.5.5) shall be employed to ensure proper sealing between easings is maintained.
- 16.9 Water Level and Flow Measurement. Following pump installation and repair work, the well shall be left in such a manner to allow for access to water level measurements in accordance with R655-4-11(11.7.2). After pump installation and repair work is completed on a well, the static water level should be measured after which a test should be performed to determine the rate at which groundwater can be reliably produced from the well. Pumping water level should be measured and recorded during this test. Static water level and well testing information shall be noted on the official submittal of the Pump Log by the pump installer or well driller.
- 16.10 Surface Security. If it becomes necessary for the pump installer to temporarily discontinue operation on a well before completion or otherwise leave the well unattended, the well must be covered securely to prevent contaminants from entering the easing and rendered secure against entry by children, vandals, domestic animals, and wildlife.
- 16.11 Above-grade connections. An above-grade connection into the top or side of a well easing shall be at least eighteen inches (18") above the land surface and shall be constructed so as to exclude dirt or other foreign matter by at least one of the following methods, as may be applicable:
 - (A) Threaded connection;
 - (B) Welded connection;

- (C) Expansion sealer;
- (D) Bolted flanges with rubber gaskets;
- (E) Overlapping well cap; or
- (F) If a water well pump is mounted or sealed on a concrete pedestal, the easing shall extend at least to the top of the pedestal and at least eighteen inches (18") above the land surface.
- 16.12 Pitless Connections. Pitless adapters and units shall be installed in accordance with the standards set forth in Subsection-R655-4-11(11.7.5). Pitless adapters shall be installed below the frost line. A below-ground connection shall not be submerged in water at the time of installation. Holes cut in the easing through which the pitless adapters are installed must be sized and constructed so as to guarantee a watertight seal with the pitless adapter in place.
- 16.13 Backflow Protection. When a check valve or foot valve is not a part of the pump, a check valve or back-siphon-prevention device shall be installed on the pump discharge line within the well or beyond the well to eliminate the opportunity for contaminated water to backflush into the well. Such device must be designed to direct or isolate the water flow to prevent water in the distribution line from running back down the well during removal or repair to the pump and pumping equipment. When a flow meter is installed on a well the meter must be located downstream from the backflow preventer and be placed in accordance with manufacturer spacing specifications.
- 16.14 Hand Pumps. Hand pumps shall be of the force type equipped with a packing gland around the pump rod, a delivery spout which is closed and downward directed, and a one-piece bell-type base which is part of the pump stand or is attached to the pump column in a watertight manner. The bell base of the pump shall be bolted with a gasket to a flange which is securely attached to the easing or pipe sleeve.
- 16.15 Pumping Water Level. In a screened or perforated well, the well pump setting and suction inlet shall be located so that the pumping level of the water cannot be drawn below the top of the screen.
- 16.16 Pump and Column/Drop Pipe Removal. During any repair or installation of a water well pump, the licensed installer shall make a reasonable effort to maintain the integrity of ground water and to prevent contamination by elevating the pump column and fittings, or by other means suitable under the circumstances.]

R655-4. Water Wells.

R655-4-1. Purpose, Scope, and Exclusions.

1.1 Purpose.

Under Subsection 73-2-1(4)(b), the State Engineer, as the Director of the Utah Division of Water Rights, is required to make rules regarding well construction and related regulated activities and the licensing of water well drillers and pump installers.

These rules are promulgated pursuant to Section 73-3-25. The purpose of these rules is to assist in the orderly development of underground water; insure that minimum construction standards are followed in the drilling, construction, deepening, repairing, renovating, cleaning, development, testing, disinfection, pump installation/repair, and abandonment of water wells and other regulated wells; prevent pollution of aquifers within the state; prevent wasting of water from flowing wells; obtain accurate records of well construction operations; and insure compliance with the state engineer's authority for appropriating water.

These rules also establish administrative procedures for applications, approvals, hearings, notices, revocations, orders and their

judicial review, and all other administrative procedures required or allowed by these rules. These rules shall be liberally construed to permit the Division to effectuate the purposes of Utah law.

1.2 Scope.

The drilling, construction, deepening, repair, renovation, replacement, or abandonment of the following types of wells are regulated by these administrative rules and the work must be permitted by the Utah Division of Water Rights and completed by a licensed well driller. The cleaning, development, testing, and disinfection, in the following types of wells is regulated by these administrative rules and the work must be completed by a licensed well driller or a licensed pump installer; however a permit is not required. Moreover, the installation and repair of pumps in the following types of wells are regulated by these administrative rules and the work must be completed by a licensed pump installer; however a permit is not required. Pursuant to Section 73-3-25(2)(a), a person conducting pump installation and repair work on their own well on their own property for their own use is exempt from these rules and is not required to have a pump installer's license. These rules apply to both vertical, angle and horizontal wells if they fall within the criteria listed below. The rules contained herein pertain only to work on or within the well itself. These rules do not regulate the incidental work beyond the well such as plumbing, electrical, and excavation work up to the well; and the building of well enclosures unless these activities directly impact or change the construction of the well itself. The process for an applicant to obtain approval to drill, construct, deepen, repair, renovate, clean, develop, abandon, or replace the wells listed below in 1.2.1, 1.2.2, 1.2.3, and 1.2.4 is outlined in Section R655-4-9 of these rules.

- 1.2.1 Cathodic protection wells which are completed to a depth greater than 30 feet.
- 1.2.2 Closed-loop and open-loop Heating and/or cooling exchange wells which are greater than 30 feet in depth and which encounter formations containing groundwater. If a separate well or borehole is required for re-injection purposes, it must also comply with these administrative rules.
- 1.2.3 Monitor, piezometer, and test wells designed for the purpose of testing and monitoring water level, pressure, quality and/or quantity which are completed to a depth greater than 30 feet.
- 1.2.4 Other wells (cased or open) which are completed to a depth greater than 30 feet that can potentially interfere with established aquifers such as wells to monitor mass movement (inclinometers), facilitate horizontal utility placement, monitor man-made structures, house instrumentation to monitor structural performance, or dissipate hydraulic pressures (dewatering wells).
- 1.2.5 Private water production wells which are completed to a depth greater than 30 feet.
 - 1.2.6 Public water system supply wells.
- 1.2.7 Recharge and recovery wells which are drilled under the provisions of Title 73, Chapter 3b "Groundwater Recharge and Recovery Act" Utah Code Annotated.
 - 1.3 Exclusions.
- The drilling, construction, deepening, repair, renovation, replacement, cleaning, development, pump installation/repair, or abandonment of the following types of wells or boreholes are excluded from regulation under these administrative rules:
- 1.3.1 Any wells described in Section 1.2 that are constructed to a final depth of 30 feet or less. However, diversion and beneficial use of groundwater from wells at a depth of 30 feet or less shall require

- approval through the appropriation procedures and policies of the state engineer and Title 73, Chapter 3 of the Utah Code Annotated.
- 1.3.2 Geothermal wells. Although not regulated under the Administrative Rules for Water Wells, geothermal wells are subject to Section 73-22-1 "Utah Geothermal Resource Conservation Act" Utah Code Annotated and the rules promulgated by the state engineer including Section R655-1, Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah. Moreover, those drilling and constructing geothermal wells must hold a current well driller's license in accordance with Sections R655-4-3 and R655-4-8 of these rules.
- 1.3.3 Temporary exploratory wells drilled to obtain information on the subsurface strata on which an embankment or foundation is to be placed or an area proposed to be used as a potential source of material for construction.
- 1.3.4 Wells or boreholes drilled or constructed into nonwater bearing zones or which are 30 feet or less in depth for the purpose of utilizing heat from the surrounding earth.
- 1.3.5 Geotechnical borings drilled to obtain lithologic data which are not installed for the purpose of utilizing or monitoring groundwater, and which are properly sealed immediately after drilling and testing.
- 1.3.6 Oil, gas, and mineral/mining exploration/production wells. These wells are subject to rules promulgated under the Division of Oil, Gas, and Mining of the Utah Department of Natural Resources.
- 1.3.7 Well setback/separation and water quality testing requirements are generally regulated at the local health department level or by another state agency.

R655-4-2. Definitions.

ABANDONED WELL - any well which is not in use and has been sealed or plugged with approved sealing materials so that it is rendered unproductive and shall prevent contamination of groundwater. A properly abandoned well will not produce water nor serve as a channel for movement of water from the well or between water bearing zones.

ADDRESS - the current residential or business address of a well driller as recorded in the Division's files.

ADJUDICATIVE PROCEEDING - means, for the purposes of this rule, an administrative action or proceeding commenced by the Division in conjunction with an Infraction Notice; or an administrative action or proceeding commenced in response to a well driller's appeal or a Cease and Desist Order or an appeal of a restriction or denial of a license renewal application.

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) - a nationally recognized testing laboratory that certifies building products and adopts standards including those for steel and plastic (PVC) casing utilized in the well drilling industry. ANSI standards are often adopted for use by ASTM and AWWA. Current information on standards can be obtained from: ANSI, 1430 Broadway, New York, NY 10018 (ANSI.org).

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) - an independent organization concerned with the development of standards on characteristics and performance of materials, products and systems including those utilized in the well drilling industry. Information may be obtained from: ASTM, 1916. Race Street, Philadelphia, PA 19013 (ASTM.org).

AMERICAN WATER WORKS ASSOCIATION (AWWA) - an international association which publishes standards intended to represent a consensus of the water supply industry that the product or procedure described in the standard shall provide satisfactory service or results. Information may be obtained from: AWWA, 6666 West Quincy Avenue, Denver CO 80235 (AWWA.org).

ANNULAR SPACE - the space between the outer well casing and the borehole or the space between two sets of casing.

AQUIFER - a porous underground formation yielding withdrawable water suitable for beneficial use.

ARTESIAN AQUIFER - a water-bearing formation which contains underground water under sufficient pressure to rise above the zone of saturation.

ARTESIAN WELL - a well where the water level rises appreciably above the zone of saturation.

BACKFLOW PREVENTER - means a safety device, assembly, or construction practice used to prevent water pollution or contamination by preventing flow of a mixture of water and/or chemicals from the distribution piping into a water well or in the opposite direction of that intended. This includes but is not limited to check valves, foot valves, curb stops, or air gaps

BENTONITE - a highly plastic, highly absorbent, colloidal swelling clay composed largely of mineral sodium montmorillonite. Bentonite is commercially available in powdered, granular, tablet, pellet, or chip form which is hydrated with potable water and used for a variety of purposes including the stabilization of borehole walls during drilling, the control of potential or existing high fluid pressures encountered during drilling below a water table, well abandonment, and to provide a seal in the annular space between the well casing and borehole wall.

BENTONITE GROUT - a mixture of bentonite and potable water specifically designed to seal and plug wells and boreholes mixed at manufacturer's specifications to a grout consistency which can be pumped through a pipe directly into the annular space of a well or used for abandonment. Its primary purpose is to seal the borehole or well in order to prevent the subsurface migration or communication of fluids.

CASH BOND - A type of well driller bond in the form of a certificate of deposit (CD) submitted and assigned to the State Engineer by a licensed driller to satisfy the required bonding requirements.

<u>CASING</u> - a tubular retaining and sealing structure that is installed in the borehole to maintain the well opening.

CATHODIC PROTECTION WELL - a well constructed for the purpose of installing deep anodes to minimize or prevent electrolytic corrosive action of metallic structures installed below ground surface, such as pipelines, transmission lines, well casings, storage tanks, or pilings.

CEASE AND DESIST ORDER - means an order issued by the State Engineer comprised of a red tag placed on a well rig at the well drilling location and a letter to the driller requiring that all well drilling activity at the well drilling location cease until such time as the order is lifted.

CLOSED-LOOP HEATING/COOLING EXCHANGE WELL - means the subsystem of a geothermal heat pump system that consists of the drilled vertical borehole into the Earth that is equipped with a heat exchange media conveyance tube (loop tube), and is grouted from the bottom of the vertical borehole to the Earth's surface at the drilling site. Construction of a geothermal heat pump loop well includes, in continuous order, drilling of the vertical borehole,

placement of the loop tube to the bottom of the vertical borehole with the grout tremie, and grouting of the vertical borehole from the bottom of the vertical borehole to the Earth's surface at the drill site. Closed loop systems circulate a heat transfer fluid (such as water or a mixture of water and food grade/non-toxic anti-freeze) to exchange heat with the subsurface geological environment.

CONDUCTOR CASING - means the temporary or permanent casing used in the upper portion of the well bore to prevent collapse of the formation during the construction of the well or to conduct the gravel pack to the perforated or screened areas in the casing.

CONFINING UNIT - a geological layer either of unconsolidated material, usually clay or hardpan, or bedrock, usually shale, through which virtually no water moves.

CONSOLIDATED FORMATION - bedrock consisting of sedimentary, igneous, or metamorphic rock (e.g., shale, sandstone, limestone, quartzite, conglomerate, basalt, granite, tuff, etc.).

DEFAULT ORDER - means an order issued by the Presiding Officer after a well driller fails to attend a hearing in a well driller adjudicative proceeding. A Default Order constitutes a Final Judgment and Order.

DEWATERING WELL - a water extraction well constructed for the purpose of lowering the water table elevation, either temporarily or permanently, around a man-made structure or construction activity.

DISINFECTION - or disinfecting is the use of chlorine or other disinfecting agent or process approved by the state engineer, in sufficient concentration and contact time adequate to inactivate or eradicate bacteria such as coliform or other organisms.

DIVISION - means the Division of Water Rights. The terms Division and State Engineer may be used interchangeably in this rule.

DRAWDOWN - the difference in elevation between the static water level and the pumping water level in a well.

DRILL RIG - any power-driven percussion, rotary, boring, coring, digging, jetting, or augering machine used in the construction of a well or borehole.

EMERGENCY SITUATION - any situation where immediate action is required to protect life or property. Emergency status would also extend to any situation where life is not immediately threatened but action is needed immediately and it is not possible to contact the state engineer for approval. For example, it would be considered an emergency if a domestic well needed immediate repair over a weekend when the state engineer's offices are closed.

FILES - means information maintained in the Division's public records, which may include both paper and electronic information.

FINAL JUDGMENT AND ORDER - means a final decision issued by the Presiding Officer on the whole or a part of a well driller adjudicative proceeding. This definition includes "Default Orders"

GRAVEL PACKED WELL - a well in which filter material such as sand and/or gravel is placed in the annular space between the well intakes (screen or perforated casing) and the borehole wall to increase the effective diameter of the well and to prevent fine-grained sediments from entering the well.

GROUNDWATER - subsurface water in a zone of saturation.

GROUT - a fluid mixture of Portland cement or bentonite with water of a consistency that can be forced through a pipe and

placed as required. Upon approval, various additives such as sand, bentonite, and hydrated lime may be included in the mixture to meet different requirements.

HEATING/COOLING EXCHANGE SYSTEM - also known as GeoExchange, ground-source heat pump, geothermal heat pump, and ground-coupled heat pump; a heat pump that uses the Earth itself as a heat source (heating) and heat sink (cooling). It is coupled to the ground by means of a closed loop heat exchanger installed vertically underground or by physically pumping water from a well with an open loop systems and utilizing the thermal properties of the water to heat or cool.

HYDRAULIC FRACTURING - the process whereby water or other fluid is pumped with sand under high pressure into a well to fracture and clean-out the rock surrounding the well bore thus increasing the flow to the well.

INFRACTION NOTICE - means a notice issued by the Division to the well driller informing him of his alleged act or acts violating the Administrative Rules for Water Drillers and the infraction points that have been assessed against him.

ISSUED - means a document executed by an authorized delegate of the State Engineer (in the case of an Infraction Notice) or by the Presiding Officer (in the case of a Hearing Notice, Final Judgment and Order or other order related to a well driller adjudicative proceeding) and deposited in the mail.

LICENSE - means the express grant of permission or authority by the State Engineer to carry on the activity of well drilling.

LICENSED PUMP INSTALLER - means a qualified individual who has obtained a license from the Division and who is engaged in the installation, removal, alteration, or repair of pumps and pumping equipment for compensation.

LOG - means an official document or report that describes where, when, and how a regulated well was drilled, constructed, deepened, repaired, renovated, cleaned, developed, tested, equipped with pumping equipment, and/or abandoned. A Log shall be submitted to the Division by a licensee on forms provided by the Division including a Well Driller's Report, Well Abandonment Report, or Pump Installer's Report.

MONITOR WELL - a well, as defined under "well" in this section, that is constructed for the purpose of determining water levels, monitoring chemical, bacteriological, radiological, or other physical properties of ground water or vadose zone water.

NATIONAL SANITATION FOUNDATION (NSF) - a voluntary third party consensus standards and testing entity established under agreement with the U. S. Environmental Protection Agency (EPA) to develop testing and adopt standards and certification programs for all direct and indirect drinking water additives and products. Information may be obtained from: NSF, 3475 Plymouth Road, PO Box 1468, Ann Arbor, Michigan 48106 (NSF.org).

NEAT CEMENT GROUT -- cement (types I, II, III, V, high-alumina, or a combination thereof) conforming to the ASTM Standard C150 (standard specification of Portland cement), with no more than six gallons of water per 94 pound sack (one cubic foot) of cement of sufficient weight density of not less than 15 lbs/gallon. One cubic yard of neat cement grout contains approximately 1993 pounds of Portland cement and not more than 127 gallons of clean water. Bentonite, controlled density fill (CDF), or fly ash shall not be added to neat cement grout unless state engineer approval is received.

NOMINAL SIZE - means the manufactured commercial designation of the diameter of a casing. An example would be casing

with an outside diameter of 12 3/4 inches which may be nominally 12-inch casing by manufactured commercial designation.

OPEN-LOOP HEATING/COOLING EXCHANGE WELL - means a well system in which groundwater is extracted from a typical water production well and pumped through an above ground heat exchanger inside the heat pump system. Heat is either extracted or added by the primary refrigerant loop (primary loop refrigerant does not come into contact with the pumped water), and then the water is returned to the same aquifer by injection through the original extraction well or through a separate injection well.

OPERATOR - a drill rig operator or pump rig operator is an individual who works under the direct supervision of a licensed Utah Water Well Driller or Pump Installer and who can be left in responsible charge of regulated well drilling or pump installation/repair activity using equipment that is under the direct control of the licensee.

PARTY means the State Engineer, an authorized delegate of the State Engineer, the well driller, the pump installer, or the affected well owner.

PIEZOMETER - a tube or pipe, open at the bottom in groundwater, and sealed along its length, used to measure hydraulic head or water level in a geologic unit.

PITLESS ADAPTER - a commercially manufactured devise designed for attachment to a well casing which allows buried pump discharge from the well and allows access to the interior of the well casing for installation or removal of the pump or pump appurtenances, while preventing contaminants from entering the well. Such devices protect the water and distribution lines from temperature extremes, permit extension of the casing above ground as required in Subsection R655-4-11.3.2 and allow access to the well, pump or system components within the well without exterior excavation or disruption of surrounding earth or surface seal.

PITLESS UNIT - a factory-assembled device with cap which extends the upper end of a well casing to above grade and is o constructed as to allow for buried pump discharge from the well and allows access to the interior of the well casing for installation or removal of the pump or pump appurtenances, while preventing contaminants from entering the well. Such devices protect the water and distribution lines from temperature extremes, permit extension of the casing above ground as required in Subsection R655-4-11.3.2 and allow access to the well, pump or system components within the well without exterior excavation or disruption of surrounding earth or surface seal.

POLLUTION - the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animals, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any or reasonable purpose.

POTABLE WATER - water supplied for human consumption, sanitary use, or for the preparation of food or pharmaceutical products which is free from biological, chemical, physical, and radiological impurities.

PRESIDING OFFICER - means an authorized delegate of the State Engineer who conducts a well driller adjudicative proceeding.

PRESSURE GROUTING - a process by which grout is confined within the drillhole or casing by the use of retaining plugs or packers and by which sufficient pressure is applied to drive the grout slurry into the annular space or zone to be grouted.

PRIVATE WATER PRODUCTION WELL - a privately owned well constructed to supply water for any purpose which has been approved by the state engineer (such as irrigation, stockwater, domestic, commercial, industrial, etc.).

PROBATION - A disciplinary action that may be taken by the state engineer that entails greater review and regulation of well drilling activities but which does not prohibit a well driller from engaging in the well drilling business or operating well drilling equipment.

PROVISIONAL WELL - authorization granted by the state engineer to drill under a pending, unapproved water right, change or exchange application; or for the purpose of determining characteristics of an aquifer, or the existence of a useable groundwater source. Water from a provisional well cannot be put to beneficial use until the application has been approved.

PUBLIC WATER SYSTEM SUPPLY WELL - a well, either publicly or privately owned, providing water for human consumption and other domestic uses which has at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days out of the year. Public Water System Supply Wells are also regulated by the Division of Drinking Water in the Utah Department of Environmental Quality (Section R309 of the Utah Administrative Code).

PUMP/PUMPING EQUIPMENT - means any equipment or materials utilized or intended for use in withdrawing or obtaining groundwater for any use.

PUMP INSTALLATION/REPAIR - means the procedure employed in the placement and preparation for operation of pumps and pumping equipment at the water well location, including all construction or repair involved in making entrance to the water well, which involves the breaking of the well seal.

PUMPING WATER LEVEL - the water level in a well after a period of pumping at a given rate.

RECORD - means the official collection of all written and electronic materials produced in a well driller adjudicative proceeding, including but not limited to Infraction Notices, pleadings, motions, exhibits, orders and testimony produced during the adjudicative proceedings, as well as the files of the Division as defined herein.

RED TAG - is a component of a "CEASE AND DESIST ORDER" in the form of a red colored tag placed on a well at a well drilling location

REGISTRATION - means the express grant of permission or authority by the State Engineer to carry on the activity of well drilling or pump installation under the supervision of a licensed well driller or pump installer.

REPAIRING, RENOVATING, AND DEEPENING - means the deepening, hydrofracturing, re-casing, perforating, re-perforating, installation of packers or seals, and any other material change in the design or construction of a well. Material changes include but are not limited to casing installation or modification including casing extensions, installation or modification of liner pipe, reaming or under reaming of the borehole, pitless unit installation or re-sealing.

REVOCATION - A disciplinary action that may be taken by the state engineer that rescinds the well driller's Utah Water Well Driller's License

SAND - a material having a prevalent grain size ranging from 2 millimeters to 0.06 millimeters.

SAND CEMENT GROUT - a grout consisting of equal parts by volume of cement conforming to ASTM standard C150 and

clean sand/aggregate with no more than six (6) gallons of water per 94 pound sack (one cubic foot) of cement.

STANDARD DIMENSION RATIO (SDR) - the ratio of average outside pipe diameter to minimum pipe wall thickness.

STATE ENGINEER - the director of the Utah Division of Water Rights or any employee of the Division of Water Rights designated by the state engineer to act in administering these rules. The terms Division and State Engineer may be used interchangeably in this rule.

STATIC LEVEL - stabilized water level in a non-pumped well beyond the area of influence of any pumping well.

SURETY BOND - an indemnity agreement in a sum certain and payable to the state engineer, executed by the licensee as principal and which is supported by the guarantee of a corporation authorized to transact business as a surety in the State of Utah.

SUSPENSION - A disciplinary action that may be taken by the state engineer that prohibits the well driller from engaging in the well drilling business or operating well drilling equipment as a registered operator for a definite period of time and /or until certain conditions are met.

TEST WELL - authorization granted by the state engineer to drill under a Non-production well approval for the purpose of determining characteristics of an aquifer, or the existence of a useable groundwater source. Water from a Test Well cannot be put to beneficial use.

TREMIE PIPE - a device that carries materials such as seal material, gravel pack, or formation stabilizer to a designated depth in a drill hole or annular space.

UNCONSOLIDATED FORMATION - loose, soft, incoherent rock material composed of sedimentary, igneous, or metamorphic rock which includes sand, gravel, and mixtures of sand and gravel. These formations are widely distributed and can possess good water storage and transmissivity characteristics.

UNHYDRATED BENTONITE - dry bentonite consisting primarily of granules, tablets, pellets, or chips that may be placed in a well or borehole in the dry state and hydrated in place by either formation water or by the addition of potable water into the well or borehole containing the dry bentonite. Unhydrated bentonite can be used for sealing and abandonment of wells.

VADOSE ZONE - the zone containing water under less than atmospheric pressure, including soil water, intermediate vadose water and capillary water. The zone extends from land surface to the zone of saturation or water table.

WATERTIGHT - a condition that does not allow the entrance, passage, or flow of water under normal operating conditions.

WELL - a horizontal or vertical excavation or opening into the ground made by digging, boring, drilling, jetting, augering, or driving or any other artificial method and left cased or open for utilizing or monitoring underground waters.

WELL DRILLER - any person who is licensed by the state engineer to construct water wells for compensation or otherwise. The licensed driller has total responsibility for the construction work in progress at the well drilling site.

WELL DRILLER BOND - A financial guarantee to the state engineer, in the form of a surety bond or cash bond, by which a licensed driller binds himself to pay the penal sum of \$5,000 to the state engineer in the event of significant noncompliance with the Administrative Rules for Water Wells.

WELL DRILLING - the act of drilling, constructing, deepening, replacing, repairing, renovating, cleaning, developing, or abandoning a well.

R655-4-3. Licenses and Registrations.

- 3.1 General.
- 3.1.1 Section 73-3-25 of the Utah Code requires every person that drills, constructs, deepens, repairs, renovates, cleans, develops, tests, disinfects, installs/repairs pumps, and abandons a regulated well in the state to obtain a license from the state engineer. Licenses and registrations are not transferable. Applicants for well driller or pump installer licensure must meet all requirements in this subsection, and applicants cannot obtain a Utah license through reciprocity or comity with a similar license from other States or organizations.
- 3.1.2 Any person found to be performing regulated well activity without a valid license (well driller's license or pump installer's license, as applicable) or operator's registration will be ordered to cease and desist by the state engineer. The order may be made verbally but must also be followed by a written order. The order may be posted at an unattended well drilling site. A person found performing regulated well activities without a license will be subject to the state engineer's enforcement powers under Section 73-2-25 of the Utah Code (Related rules: Section R655-14 UAC) and subject to criminal prosecution under Section 73-3-26 of the Utah Code annotated, 1953.
 - 3.2 Well Driller's License.
- A Utah Well Driller's License allows an individual to perform regulated well activity including drilling, construction, deepening, repairing, renovating, cleaning, development, testing, disinfection, pump installation/repair, and abandonment of water wells and other regulated wells. An applicant must meet the following requirements to become licensed as a Utah Water Well Driller:
- 3.2.1 Applicants must be 21 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the license application);
- 3.2.2 Complete and submit the application form provided by the state engineer.
- 3.2.3 Pay the application fee approved by the state legislature.
- 3.2.4 Provide documentation of experience according to the following standards:
- 3.2.4.1 Water well drillers shall provide documentation of at least two (2) years of full time prior water well drilling experience utilizing the applied for drilling methods with a licensed driller in good standing OR documentation of sixteen (16) applicable wells constructed by the applicant under the supervision of a licensed well driller in good standing.
- 3.2.4.2 Monitor well drillers shall provide documentation of at least two (2) years of full time prior monitor well drilling experience utilizing the applied for drilling methods with a licensed driller in good standing OR documentation of thirty two (32) wells constructed by the applicant under the supervision of a licensed well driller in good standing.
- 3.2.4.3 Heating/cooling exchange and other non-production well drillers must provide documentation of at least six (6) months of full time prior well drilling experience utilizing the applied for drilling methods with a licensed driller in good standing AND documentation

- of sixteen (16) well drilling projects constructed by the applicant under the supervision of a licensed well driller in good standing.
- 3.2.4.4 A copy of the well log for each well constructed must be provided. The documentation must also show the applicant's experience with each type of drilling rig to be listed on the license. Acceptable documentation will include registration with the Division of Water Rights, letters from licensed well drillers (Utah or other states), or a water well drilling license granted by another state, etc.
- 3.2.4.5 Successful completion of training/education in well drilling, geology, map reading, and other related subjects may be substituted for up to, but not exceeding, twenty five percent of the required drilling experience, and for up to, but not exceeding, twenty five percent of the required drilled wells or well drilling projects. The state engineer will determine the number of months of drilling experience and the number of drilled wells that will be credited for the classroom study.
- 3.2.4.6 A limited or restricted license can be obtained in subcategories of activity including well cleaning, well renovation, well abandonment, and well development/testing. Testing requirements for these license subcategories will be reduced or limited in accordance with the level of activity.
- 3.2.5 File a well driller bond in the sum of \$5,000 with the Division of Water Rights payable to the state engineer. The well driller bond must be filed under the conditions and criteria described in Section 4-3.9.
- 3.2.6 Obtain a score of at least 70% on each of the written licensing examinations required and administered by the state engineer. The required examinations test the applicant's knowledge of:
- a. The Administrative Rules for Water Wells and Utah water law as it pertains to underground water;
- b. The minimum construction standards established by the state engineer for water well construction;
- c. Geologic formations and proper names used in describing underground material types;
- d. Reading maps and locating points from descriptions based on section, township, and range;
- e. Groundwater geology and the occurrence and movement of groundwater;
- f. The proper operating procedures and construction methods associated with the various types of water well drilling rigs. (A separate test is required for each type of water well drilling rig to be listed on the license).
- 3.2.7 Demonstrate proficiency in resolving problem situations that might be encountered during the construction of a water well by passing an oral examination administered by the state engineer.
 - 3.3 Drill Rig Operator's Registration.
- An applicant must meet the following requirements to become registered as a drill rig operator:
- 3.3.1 Applicants must be 18 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the operator application).
- 3.3.2 Complete and submit the application form provided by the state engineer.
- 3.3.3 Pay the application fee approved by the state legislature.
- 3.3.4 Provide documentation of at least six (6) months of prior water well drilling experience with a licensed driller in good

standing. The documentation must show the applicant's experience with each type of drilling rig to be listed on the registration.

Acceptable documentation will include letters from licensed well drillers or registration as an operator in another state.

- 3.3.5 Obtain a score of at least 80% on a written examination of the minimum construction standards established by the state engineer for water well construction. The test will be provided to the licensed well driller by the state engineer. The licensed well driller will administer the test to the prospective operator and return it to the state engineer for scoring.
 - 3.4 Pump Installer's License.
- A Utah Pump Installer's License allows an individual to perform regulated pump activity including pump removal, installation, and repair in water wells and other regulated wells. A licensed pump installer can also clean, develop, pump test, and disinfect a regulated well. An individual (does not include entities such as businesses, corporations, governments, water systems, and municipalities) can perform pump installation and repair work on their own well on their own property without obtaining a Pump Installer's License. An applicant must meet the following requirements to become licensed as a Utah Pump Installer:
- 3.4.1 Applicants must be 21 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the license application).
- 3.4.2 Complete and submit the application form provided by the state engineer.
- 3.4.3 Pay the application fee approved by the state legislature.
- 3.4.4 Provide documentation of experience of at least two (2) years of full time prior water well pump installation and repair experience with a driller or pump installer in good standing
- 3.4.4.4 The documentation must show the applicant's experience with each type of pump rig to be listed on the license. Acceptable documentation will include registration with the Division of Water Rights, reference letters from licensed well drillers/pump installers (Utah or other states), or a license granted by another state, etc.
- 3.4.4.5 Successful completion of training/education in pump installation/repair and other related subjects may be substituted for up to, but not exceeding, twenty five percent of the required pump experience. The state engineer will determine the number of months of drilling experience that will be credited for the classroom study.
- 3.4.5 File a pump installer bond in the sum of \$5,000 with the Division of Water Rights payable to the state engineer. The bond must be filed under the conditions and criteria described in Section 4-3.9.
- 3.4.6 Obtain a score of at least 70% on each of the written licensing examinations required and administered by the state engineer. The required examinations test the applicant's knowledge of:
- a. The Administrative Rules for Water Wells and Utah water law as it pertains to underground water;
- b. The minimum construction standards established by the state engineer pertaining to pump installation and repair;
- c. Groundwater protection procedures and standards applicable to pump installation and repair work on wells;
- d. The proper operating procedures and methods associated with pump installation and repair.

- 3.4.7 Demonstrate proficiency in resolving problem situations that might be encountered during pump installation and repair of a water well by passing an oral examination administered by the state engineer.
 - 3.5 Pump Rig Operator's Registration.
- An applicant must meet the following requirements to become registered as a pump rig operator:
- 3.5.1 Applicants must be 18 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the license application).
- 3.5.2 Complete and submit the application form provided by the state engineer.
- 3.5.3 Pay the application fee approved by the state legislature.
- 3.5.4 Provide documentation of at least six (6) months of prior pump installation and repair experience with a licensed driller or pump installer in good standing. Acceptable documentation will include letters from licensed well drillers or registration as an operator in another state.
- 3.5.5 Obtain a score of at least 80% on a written examination of the minimum construction standards established by the state engineer for pump installation and repair. The test will be provided to the licensed pump installer/well driller by the state engineer. The licensed pump installer/well driller will administer the test to the prospective operator and return it to the state engineer for scoring.
 - 3.6 Conditional, Restricted, or Limited Licenses.
- The state engineer may issue a restricted, conditional, or limited license to an applicant based on prior drilling experience.
 - 3.7 Refusal to Issue a License or Registration.
- The state engineer may, upon investigation and after a hearing, refuse to issue a license or a registration to an applicant if it appears the applicant has not had sufficient training or experience to qualify as a competent well driller, pump installer, or operator.
 - 3.8 Falsified Applications.
- The state engineer may, upon investigation and after a hearing, revoke a license or a registration in accordance with Section 5.6 if it is determined that the original application contained false or misleading information.
 - 3.9 Well Driller/Pump Installer Bond.
 - 3.9.1 General
- 3.9.1.1. In order to become licensed and to continue licensure, well drillers and pump installers must file a bond in the form of a surety bond or cash bond, approved by the state engineer, in the sum of five thousand dollars (\$5,000) with the Division of Water Rights, on a form provided by the Division, which is conditioned upon proper compliance with the law and these rules and which is effective for the licensing period in which the license is to be issued. The bond shall stipulate the obligee as the "Office of the State Engineer". The bond is penal in nature and is designed to ensure compliance by the licensed well driller or pump installer to protect the groundwater resource, the environment, and public health and safety. The bond may only be exacted by the state engineer for the purposes of investigating, repairing, or abandoning wells in accordance with applicable rules and standards. No other person or entity may initiate a claim against the bond. Lack of a current and valid bond shall be deemed sufficient grounds for denial or discontinuation of a

driller's/pump installer's license. The well driller/pump installer bond may consist of a surety bond or a cash bond as described below.

3.9.2 Surety Bonds.

3.9.2.1. The licensee and a surety company or corporation authorized to do business in the State of Utah as surety shall bind themselves and their successors and assigns jointly and severally to the state engineer for the use and benefit of the public in full penal sum of five thousand dollars (\$5,000). The surety bond shall specifically cover the licensee's compliance with the Administrative Rules for Water Wells found in R655-4 of the Utah Administrative Code. Forfeiture of the surety bond shall be predicated upon a failure to drill, construct, repair, renovate, deepen, clean, develop, test, disinfect, perform pump work, or abandon a regulated well in accordance with these rules (R655-4 UAC). The bond shall be made payable to the 'Utah State Engineer' upon forfeiture. The surety bond must be effective and exactable in the State of Utah.

3.9.2.2. The bond and any subsequent renewal certificate shall specifically identify the licensed individual covered by the bond (company names may be included on the bond, but the licensed driller name must be included). The licensee shall notify the state engineer of any change in the amount or status of the bond. The licensee shall notify the state engineer of any cancellation or change at least thirty. (30) days prior to the effective date of such cancellation or change. Prior to the expiration of the 30-day notice of cancellation, the licensee shall deliver to the state engineer a replacement surety bond or transfer to a cash bond. If such a bond is not delivered, all activities covered by the license and bond shall cease at the expiration of the 30 day period. Termination shall not relieve the licensee or surety of any liability for incidences that occurred during the time the bond was in force.

3.9.2.3. Before the bond is forfeited by the licensee and exacted by the state engineer, the licensee shall have the option of resolving the noncompliance to standard either by personally doing the work or by paying to have another licensed driller do the work. If the licensee chooses not to resolve the problem that resulted in noncompliance, the entire bond amount of five thousand dollars (\$5,000) shall be forfeited by the surety and expended by the state engineer to investigate, repair or abandon the well(s) in accordance with the standards in R655-4 UAC. Any excess there from shall be retained by the state engineer and expended for the purpose of investigating, repairing, or abandoning wells in accordance with applicable rules and standards. All claims initiated by the state engineer against the surety bond will be made in writing.

3.9.2.4. The bond of a surety company that has failed, refused or unduly delayed to pay, in full, on a forfeited bond is not approvable.

3.9.3 Cash Bonds.

3.9.3.1. The requirements for the well driller/pump installer bond may alternatively be satisfied by a cash bond in the form of a certificate of deposit (CD) for the amount of five thousand dollars (\$5,000) issued by a federally insured bank or credit union with an office(s) in the State of Utah. The cash bond must be in the form of a CD. Cash, savings accounts, checking accounts, letters of credit, etc., are not acceptable cash bonds. The CD shall specifically identify the licensed individual covered by that fund. The CD shall be automatically renewable and fully assignable to the state engineer. CD shall state on its face that it is automatically renewable.

3.9.3.2. The cash bond shall specifically cover the licensee's compliance with well drilling rules found in R655-4 of the Utah Administrative Code. The CD shall be made payable or assigned to

the state engineer and placed in the possession of the state engineer. If assigned, the state engineer shall require the bank or credit union issuing the CD to waive all rights of setoff or liens against those CD. The CD, if a negotiable instrument, shall be placed in the state engineer's possession. If the CD is not a negotiable instrument, the CD and a withdrawal receipt, endorsed by the licensee, shall be placed in the state engineer's possession.

3.9.3.3. The licensee shall submit CDs in such a manner which will allow the state engineer to liquidate the CD prior to maturity, upon forfeiture, for the full amount without penalty to the state engineer. Any interest accruing on a CD shall be for the benefit of the licensee.

3.9.3.4. The period of liability for a cash bond is five (years) after the expiration, suspension, or revocation of the license. The cash bond will be held by the state engineer until the five year period is over, then it will be relinquished to the licensed driller. In the event that a cash bond is replaced by a surety bond, the period of liability, during which time the cash bond will be held by the state engineer, shall be five (5) years from the date the new surety bond becomes effective.

3.9.4 Exacting a Well Driller/Pump Installer Bond.

3.9.4.1. If the state engineer determines, following an investigation and a hearing in accordance with the process defined in Sections 4-5, 4-6, and 4-7, that the licensee has failed to comply with the Administrative Rules for Water Wells and refused to remedy the noncompliance, the state engineer may suspend or revoke a license and fully exact the well driller bond and deposit the money as a non-lapsing dedicated credit.

3.9.4.2. The state engineer may expend the funds derived from the bond to investigate or correct any deficiencies which could adversely affect the public interest resulting from non-compliance with the Administrative Rules by any well driller/pump installer.

3.9.4.3. The state engineer shall send written notification by certified mail, return receipt requested, to the licensee and the surety on the bond, if applicable, informing them of the determination to exact the well driller bond. The state engineer's decision regarding the noncompliance will be attached to the notification which will provide facts and justification for bond exaction. In the case of a surety bond exaction, the surety company will then forfeit the total bond amount to the state engineer. In the case of a cash bond, the state engineer will cash out the CD. The exacted well driller bond funds may then be used by the state engineer to cover the costs of well investigation, repair, and/or abandonment.

R655-4-4. Administrative Requirements and General Procedures.

4.1 Authorization to Drill or Conduct Regulated Activity.

The well driller shall make certain that a valid authorization or approval to drill exists before engaging in regulated well drilling activity. Authorization to drill shall consist of a valid 'start card' based on any of the approvals listed below. Items 4.1.1 through 4.1.12 allow the applicant to contract with a well driller to drill, construct, deepen, replace, repair, renovate, or abandon exactly one well at each location listed on the start card or approval form. The drilling of multiple borings/wells at an approved location/point of diversion is not allowed without authorization from the state engineer's office. Most start cards list the date when the authorization to drill expires. If the expiration date has passed, the start card and authorization to engage in regulated drilling activity is no longer valid. If there is no expiration date on the start card, the driller must contact the state engineer's office to

determine if the authorization to drill is still valid. When the work is completed, the permission to drill is terminated. Preauthorization or pre-approval of pump installation/repair work, well cleaning, development, testing, and disinfection is not required. A well renovation permit is required if an existing well is to be modified by activities such as deepening, casing/seal/gravel pack repair/renovation, liner installation, pitless adapter/unit installation, and perforating/screen installation. A well renovation permit is not required if the well is not modified by activities such as cleaning, development, testing, disinfection, and pump work.

- 4.1.1 An approved application to appropriate.
- 4.1.2 A provisional well approval letter (also known as a Rush Letter Approval).

An approved provisional well letter grants authority to drill but allows only enough water to be diverted to determine the characteristics of an aquifer or the existence of a useable groundwater source.

- 4.1.3 An approved permanent change application.
- 4.1.4 An approved exchange application.
- 4.1.5 An approved temporary change application.
- 4.1.6 An approved application to renovate or deepen an existing well.
 - 4.1.7 An approved application to replace an existing well.
 - 4.1.8 An approved monitor well letter.

An approved monitor well letter grants authority to drill but allows only enough water to be diverted to monitor groundwater.

- 4.1.9 An approved heat exchange well letter.
- 4.1.10 An approved cathodic protection well letter.
- 4.1.11 An approved non-production well construction application.
- 4.1.12 Any letter or document from the state engineer directing or authorizing a well to be drilled or work to be done on a well.
 - 4.2 Start Cards.
- 4.2.1 Prior to commencing work to drill, construct, deepen, replace, repair, renovate, clean, or develop any well governed by these administrative rules, the driller must notify the state engineer of that intention by transmitting the information on the "Start Card" to the state engineer by telephone (leaving a voice mail is acceptable notification), by facsimile (FAX), by hand delivery, or by e-mail (with completed Start Card scanned and attached to e-mail). Thereafter, a completed original Start Card must be sent to the state engineer by the driller after it has been telephoned in (including voice mail). A completed original Start Card does not need to be sent to the state engineer by the driller after it has been faxed or E-mailed. A copy of the Start Card should be kept at the drill site at all times regulated activity is being conducted.
- 4.2.2 A specific Start Card is printed for each well drilling approval and is furnished by the state engineer to the applicant or the well owner. The start card is preprinted with the water right or non-production well number, owner name/address, and the approved location of the well. The state engineer marks the approved well drilling activity on the card. If a Start Card is stamped with 'Special Conditions', the licensee shall contact the state engineer's office to determine what the special drilling conditions or limitations are; then implement them in the drilling and construction of the well. The driller must put the following information on the card:
 - a. The date on which work on the well will commence;
 - b. The projected completion date of the work;

- c. The well driller's license number;
- d. The licensed well driller's signature.
- 4.2.3 When a single authorization is given to drill wells at more than one point of diversion, a start card shall be submitted for each location to be drilled.
- 4.2.4 Following the submittal of a start card, if the actual start date of the drilling activity is postponed beyond the date identified on the start card, the licensed driller must notify the state engineer of the new start date.
- 4.2.5 A start card is not required to abandon a well. However, prior to commencing well abandonment work, the driller is required to notify the state engineer by telephone, by facsimile, or by e-mail of the proposed abandonment work. The notice must include the location of the well. The notice should also include the water right or non-production well number associated with the well and the well owner if that information is available.
- 4.2.6 A start card or pre-notification is not required to perform pump installation and repair work on a well.
 - 4.3 General Requirements During Construction.
- 4.3.1 The well driller or pump installer shall have the required penal bond continually in effect during the term of the license; otherwise the license will become inactive.
- 4.3.2 The well driller's/pump installer's license number or company name exactly as shown on the license must be prominently displayed on each well drilling/pump rig operated under the license. If the company name is changed the licensee must immediately inform the state engineer of the change in writing.
- 4.3.3 A licensed well driller or a registered drill rig operator must be at the well site whenever the following aspects of well construction are in process: advancing the borehole, setting casing and screen, placing a filter pack, constructing a surface seal, or similar activities involved in well deepening, renovation, repair, cleaning, developing, testing, disinfecting, capping, pitless installation, or abandoning. All registered drill rig operators working under a well driller's license must be employees of the well driller and must use equipment either owned by or leased by the licensed well driller.
- 4.3.3.1 A licensed pump installer or a registered pump rig operator must be at the well site whenever the following aspects of pump work are in process: pump removal, pump installation, modification to the well head including capping, sealing, and pitless adapter/unit installation, or similar activities on and within the well involving pump installation/repair. Inasmuch as a licensed pump installer is allowed to clean, develop, test, and disinfect a regulated well, these activities must be performed in the presence of a licensed pump installer or registered pump rig operator. All registered pump rig operators working under a pump installer's license must be employees of the pump installer and must use equipment either owned by or leased by the licensed pump installer.
- 4.3.3.2 A registered drill rig operator who is left in responsible charge of advancing the borehole, setting casing and screen, placing a filter pack, constructing a surface seal, or similar activities involved in well deepening, renovation, repair, cleaning, developing, testing, disinfecting, capping, pitless installation, or abandoning must have a working knowledge of the minimum construction standards and the proper operation of the drilling rig. The licensed well driller is responsible to ensure that a registered operator is adequately trained to meet these requirements.
- 4.3.3.3 A registered pump rig operator who is left in responsible charge of pump installation or repair must have a working

knowledge of the minimum construction standards and the proper operation of the pump rig. The licensed well driller or pump installer is responsible to ensure that a registered operator is adequately trained to meet these requirements.

- 4.3.4 State engineer provisions for issuing cease and desist orders (Red Tags)
- 4.3.4.1 Construction Standards: The state engineer or staff of the Division of Water Rights may order that regulated work on a well cease if a field inspection reveals that the construction does not meet the minimum construction standards to the extent that the public interest might be adversely affected.
- 4.3.4.2 Licensed Drilling Method: A cease work order may also be issued if the well driller is not licensed for the drilling method being used for the well construction.
- 4.3.4.3 Incompetent Registered Operator: If, during a field inspection by the staff of the Division of Water Rights, it is determined that a registered operator in responsible charge does not meet these requirements, a state engineer's red tag (see Section 4.3.4) shall be placed on the drilling rig or pump rig and the drilling/pump operation shall be ordered to shut down. The order to cease work shall remain effective until a qualified person is available to perform the work.
- 4.3.4.4 No licensee or registered operator on site: If, during a field inspection by the staff of the Division of Water Rights, it is determined that neither a licensee or registered operator are one site when regulated well activity is occurring, the state engineer may order regulated well work to cease.
- 4.3.4.5 General: The state engineer's order shall be in the form of a red tag which shall be attached to the drilling/pump rig. A letter from the state engineer shall be sent to the licensee to explain the sections of the administrative rules which were violated. The letter shall also explain the requirements that must be met before the order can be lifted.
 - 4.3.4.6 A licensee may appeal a Cease and Desist order by:
- 4.3.4.6.1 submitting to the Division a written statement clearly and concisely stating the specific disputed facts, the supporting facts, and the relief sought; or
- 4.3.4.6.2 requesting a hearing on the issue according to the provisions of R655-4-7.
- 4.3.4.7 A Cease and Desist Order shall remain in force during the pendency of the appeal.
- 4.3.5 When required by the state engineer, the well driller or registered operator shall take lithologic samples at the specified intervals and submit them in the bags provided by the state engineer.
- 4.3.6 A copy of the current Administrative Rules for Water Wells should be available at each well construction site for review by the construction personnel. Licensed well drillers/pump installers and registered operators must have proof of licensure or registration with them on site during regulated well activity.
- 4.3.7 Prior to starting construction of a new well, the licensed driller shall investigate and become familiar with the drilling conditions, geology of potential aquifers and overlying materials, anticipated water quality problems, and know contaminated water bearing zones that may be encountered in the area of the proposed drilling activity.
 - 4.4 Removing Drill Rig From Well Site.
- 4.4.1 A well driller shall not remove his drill rig from a well site unless the well drilling activity is properly completed or abandoned in accordance with the construction standards in Sections 9 thru 12.

- 4.4.2 For the purposes of these rules, the regulated work on a well will be considered completed when the well driller removes his drilling rig from the well site. The regulated pump work on a well will be considered completed when the pump installer removes his pump rig from the well site.
- 4.4.3 The well driller may request a variance from the state engineer to remove a drill rig from a well prior to completion or abandonment. This request must be in written form to the state engineer. The written request must provide justification for leaving the well incomplete or un-abandoned and indicate how the well will be temporarily abandoned as provided in Section R655-4-14 and must give the date when the well driller plans to continue work to either complete the well or permanently abandon it.
 - 4.5 Official Well Driller's Report (Well Log).
- 4.5.1 Within 30 days of the completion of regulated work on any well, the driller shall file an official well driller's report (well log) with the state engineer. The blank well log form will be mailed to the licensed well driller upon receipt of the information on the Start Card as described in Subsection 4.2.
- 4.5.2 The water right number or non-production well number, owner name/address, and the approved location of the well will be preprinted on the blank well log provided to the well driller. The driller is required to verify this information and make any necessary changes on the well log prior to submittal. The state engineer will mark the approved activity (e.g., new, replace, repair, deepen) on the well log. The driller must provide the following information on the well log:
 - a. The start and completion date of work on the well;
- b. The nature of use for the well (e.g., domestic, irrigation, stock watering, commercial, municipal, provisional, monitor, cathodic protection, heat pump, etc.;
- c. The borehole diameter, depth interval, drilling method and drilling fluids utilized to drill the well;
- d. The lithologic log of the well based on strata samples taken from the borehole as drilling progresses;
- e. Static water level information to include date of measurement, static level, measurement method, reference point, artesian flow and pressure, and water temperature;
- f. The size, type, description, joint type, and depth intervals of casing, screen, and perforations;
- g. A description of the filter pack, surface and interval seal material, and packers used in the well along with necessary related information such as the depth interval, quantity, and mix ratio;
 - h. A description of the finished wellhead configuration;
 - i. The date and method of well development;
- j. The date, method, yield, drawdown, and elapsed time of a well yield test;
 - k. A description of pumping equipment (if available);
 - 1. Other comments pertinent to the well activity completed;
- m. The well driller's statement to include the driller name, license number, signature, and date.
- 4.5.3 Accuracy and completeness of the submitted well log are required. Of particular importance is the lithologic section which should accurately reflect the geologic strata penetrated during the drilling process. Sample identification must be logged in the field as the borehole advances and the information transferred to the well log form for submission to the state engineer.
- 4.5.4 An amended well log shall be submitted by the licensed driller if it becomes known that the original report contained

inaccurate or incorrect information, or if the original report requires supplemental data or information. Any amended well log must be accompanied by a written statement, signed and dated by the licensed well driller, attesting to the circumstances and the reasons for submitting the amended well log.

- 4.6 Official Well Abandonment Reports (Abandonment Logs).
- 4.6.1 Whenever a well driller is contracted to replace an existing well under state engineer's approval, it shall be the responsibility of the well driller to inform the well owner that it is required by law to permanently abandon the old well in accordance with the provisions of Section R655-4-14.
- 4.6.2 Within 30 days of the completion of abandonment work on any well, the driller shall file an abandonment log with the state engineer. The blank abandonment log will be mailed to the licensed well driller upon notice to the state engineer of commencement of abandonment work as described in Subsection R655-4-4(4.2.5).
- 4.6.3 The water right number or non-production well number, owner name/address, and the well location (if available) will be preprinted on the blank abandonment log provided to the well driller. The driller is required to verify this information and make any necessary changes on the abandonment log prior to submitting the log. The driller must provide the following information on the abandonment log:
 - a. Existing well construction information;
 - b. Date of abandonment;
 - c. Reason for abandonment;
 - d. A description of the abandonment method;
- e. A description of the abandonment materials including depth intervals, material type, quantity, and mix ratio;
 - f. Replacement well information (if applicable);
- g. The well driller's statement to include the driller name, license number, signature, and date.
- 4.6.4 When a well is replaced and the well owner will not allow the driller to abandon the existing well, the driller must briefly explain the situation on the abandonment form and submit the form to the state engineer within 30 days of completion of the replacement well.
 - 4.7 Official Pump Installation Report (Pump Log).
- 4.7.1 Soon after the completion of regulated pump work on any well, the licensee shall file an official pump installation report (pump log) with the state engineer. If well disinfection is the only activity on a well, a pump log need not be filed with the state engineer. Blank pump log forms will be available to the licensee at any Division office, requested by mail, or downloaded from the Division's website (www.waterrights.utah.gov).
- 4.7.2 Pertinent information to be included on the pump log by the licensee shall consist of:
 - a. The water right number or non-production well number;
 - b. the well owner name and address;
 - c. The approved point of diversion or location of the well;
 - d. The start and completion date of work on the well;
- e. The nature of use for the well (e.g., domestic, irrigation, stock watering, commercial, municipal, provisional, monitor, cathodic protection, heat pump, etc.;
- f. Pertinent well details including casing diameters/depths, total well depth, well intake depth intervals, wellhead configuration including pitless adapter/unit configuration if applicable;

- g. A detailed description of pump-related work performed on or in the well including pump setting depth, pump type, pumping rate, valving, drop piping, jointing, capping, testing, sealing, disinfection, and pitless adapter/unit installation;
- h. Static water level information to include date of measurement, static level, measurement method, reference point, artesian flow and pressure, and water temperature;
 - i. A description of the finished wellhead configuration;
- j. The date, method, yield, drawdown, and elapsed time of a well yield test:
 - k. Other comments pertinent to the well activity completed;
- m. The pump installer's statement to include the licensee name, license number, signature, and date.
 - 4.8 Incomplete or Incorrectly Completed Reports.
- An incomplete log or a log that has not been completed correctly will be returned to the licensee to be completed or corrected. The log will not be considered filed with the state engineer until it is complete and correct.
 - 4.8 Extensions of Time.

The well driller may request an extension of time for filing the well log if there are circumstances which prevent the driller from obtaining the necessary information before the expiration of the 30 days. The extension request must be submitted in writing before the end of the 30-day period.

4.9 Late Well Logs - Lapsed License

All outstanding well logs or abandonment logs shall be properly submitted to the state engineer prior to the lapsing of a license. A person with a lapsed license who has failed to submit all well/abandonment logs within 90 days of lapsing will be subject to the state engineer's enforcement powers under Section 73-2-25 of the Utah Code (Related rules: Section R655-14 UAC)

R655-4-5. Administrative Rule Infractions.

5.1 List of Infractions and Points.

Licensed well drillers who commit the infractions listed below in Table 1 shall have assessed against their well drilling record the number of points assigned to the infraction.

$\frac{{\it TABLE}\ 1}{{\it Level}\ I\ Infractions\ of\ Administrative\ Requirements}}$

	Points
Well log submitted late	10
Failure to submit a Pump Log	10
Well abandonment report submitted	
_ late	10
<u>License number or company</u>	
name not clearly posted on well	
drilling/pump_rig	10
Failing to notify the state engineer	
<u>of a change in the well</u>	
licensee's company name	10
Failure to properly notify the	
state engineer before the	
proposed start date shown	
on the start card	20
Failure to properly notify the	
state engineer before the	
abandonment of a regulated well	20
Failure to notify the state engineer	
of a change of start date	50
Constructing a replacement well	
<u>further than 150 ft from the</u>	
original well without the	

_authorization of an approved	
change application	50
Failure to drill at the state engineer	
approved location as identified	
on the start card	50
Removing the well drilling rig from	
the well site before completing the	
well or temporarily or permanently	
abandoning the well	50

TABLE 2

<u>Level II Infractions of Administrative Requirements</u>

	Points
Employing an operator who is not	
registered with the state	75
Contracting out work to an	
unlicensed driller (using the	
unlicensed driller's rig) without	
prior written approval from the state	75
Performing any well drilling activity without	
valid authorization (except in emergency	
situations)	100
Intentionally making a material	
misstatement of fact in an official	
well driller's report/pump log or amended	
official well driller's report	
(well log)	100

TABLE 3

$\underline{\text{Level III Infractions of Construction Standards / Conditions}}$

	Points
<u>Approvals</u>	
<u>Using a method of drilling not listed</u>	
on the well driller's license	30
Failing to comply with any conditions	
included on the well approval such as	
minimum or maximum depths, specified	
locations of perforations, etc.	50
Performing any well construction	
activity in violation of a red tag	
cease work order	100
Casing	
Failure to extend well casing at least	
18" above ground	30
Failure to install casing	
in accordance with these rules	50
Failure to install a protective casing	
around a PVC well at the surface	50
Using improper casing joints	100
Using or attempting to use sub-standard	100
well casing	100
<u>Surface Seals</u>	
Using improper products or procedures	
to install a surface seal	100
Failure to seal off artesian flow on	
the outside of casing	100
<u>Failure to install surface seal to</u>	
adequate depth based on formation type	100
<u>Failure to install interval seals to</u>	
eliminate aquifer commingling	
or cross contamination	100
Well Abandonment	
Using improper procedures to abandon	
a well	100
	100
Using improper products to abandon a	100
well	100

<u>Using water of unacceptable quality</u>	
in the well drilling operation	40
Using an unacceptable mud pit	40
Failure to use treated or disinfected water for drilling processes	40
Using improper circulation materials	
or drilling chemicals	100
Filter/Gravel Packs and Formation Stabilizers	
Failure to disinfect filter pack	40
Failure to install filter pack properly	75
Failure to install formation stabilizer	
according to standard	<u>75</u>
Well Completion	
Failure to make well accessible to water level or pressure head measurements	20
	30
Failure to install casing annular seals,cap, and valving, and to control	
artesian flow	30
Failure to disinfect a well upon	
completion of well drilling activity	40
Failure to install sanitary well capping	
according to standard	75
Failure to install a pitless adapter/unit	
according to standard	<u>75</u>
Failure to develop and test a well according to	
standard	75
Failure to hydrofracture a well	7.5
according to standard	<u>75</u>
Failure to install packers/plugsaccording to standard	75
Failure to install well intakes(screens,	/
perforations, open bottom) according to standard	75
Failure to install non-production wells	
according to standard	100
Pump Installation and Repair	
Failure to extend well casing at least	
18" above ground	30
Failure to make well accessible to	20
water level or pressure head measurements	30
Failure to install casing annular seals,	
<pre>cap, and valving, and to control artesian flow</pre>	30
Failure to disinfect a well upon	
completion of pump activity	40
Failure to install a protective casing	
around a PVC well at the surface	50
Failure to maintain surface	
completion and security standards	75
<u>Failure to install or maintain</u>	
Backflow protection	<u>75</u>
Failure to develop and test a well	
according to standard	<u>75</u>
Failure to install sanitary well capping	7.5
according to standard	<u>75</u>
Failure to install a pitless adapter/unit according to standard	75
Failure to prevent contamination from entering a wel	
through placement, products, tools, and materials	
Failure to repair a well's surface seal	100
<u>General</u>	
Failure to securely cover an	
unattended well during construction	30
Failure to engage in well drilling	
<u>activity in accordance with accepted</u>	
industry practices	100

Construction Fluids

TABLE 4

Level IV Infractions of Application Requirements

Submitting an initial license or registration application that contains false or misleading information 100

5.2 When Points Are Assessed.

Points will be assessed against a driller's record upon verification by the state engineer that an infraction has occurred. Points will be assessed at the time the state engineer becomes aware of the infraction regardless of when the infraction occurred.

5.3 Infraction Notice

When infraction points are assessed against a well driller's record, the State Engineer shall issue an infraction notice to the well driller. The notice shall include an explanation of the administrative rule(s) violated, the date the alleged violations were discovered and the approximate date of occurrence, the number of points assessed for each infraction, the total number of points on the well drillers record, an explanation of the adjudicative process to appeal a cease and desist order and or infraction notice, and an explanation of how to delete points from the driller record, an any other information deemed pertinent by the state engineer.

5.4 Appeal of Infractions.

- 5.4.1 If the infraction points do not require a hearing, a well driller may appeal an infraction within 30 days of the date the Infraction Notice was issued. The appeal shall be made in writing to the state engineer and shall state clearly and concisely the disputed facts, the supporting facts, and the relief sought.
- 5.4.2 A well driller may request reconsideration of a denied appeal by requesting a hearing before the Presiding Officer within 20 days of the denial. If the Presiding Officer does not respond within 20 days after the request is submitted, then it is deemed denied.
 - 5.5 Deleting Points from the Driller Record.
- Points assessed against a well driller's record shall remain on the record unless deleted through any of the following options:
- 5.5.1 Points shall be deleted three years after the date when the infraction is noted by the state engineer and the points are assessed against the driller's record.
- 5.5.2 One half the points on the record shall be deleted if the well driller is free of infractions for an entire year.
- 5.5.3 Thirty (30) points shall be deleted for obtaining six (6) hours of approved continuing education credits in addition to the credits required to renew the water well driller's license. A driller may exercise this option only once each year.
- 5.5.4 Twenty (20) points shall be deleted for taking and passing (with a minimum score of 70%) the test covering the administrative requirements and the minimum construction standards. A driller may exercise this option only every other year.

5.6 Well Driller Hearings.

When the number of infraction points assessed against the well driller's record equals or exceeds 100, the state engineer shall submit a request to the Presiding Officer for a hearing. The requested purpose of the hearing shall be to determine if administrative penalties should be levied against the water well driller including fines and probation, suspension, or revocation of the water well driller's. In lieu of a hearing, the well driller may request a preliminary conference to resolve and agree upon the dispute, fines, and penalties. If resolution

cannot be reached at the preliminary conference, a hearing shall be held.

5.7 Lack of Knowledge Not an Excuse.

Lack of knowledge of the law or the administrative requirements and minimum construction standards related to well drilling shall not constitute an excuse for violation thereof.

R655-4-6. Administrative Penalties.

- Administrative penalties ordered against a licensed driller by the Presiding Officer following a hearing can include probation, administrative fines, license suspension, and license revocation. Administrative penalties are ordered based on the severity of the infraction (Level I, II, III from Tables 1-3 of Section 5.1) as well as the recurrence of an infraction. The maximum administrative fine per infraction shall be capped at \$1000.
- 6.1 Level I Administrative Penalties: Level I administrative penalties shall be levied against Level I administrative infractions (see Table 1 of Section 5.1). The Level I administrative penalty structure is as follows:
- 6.1.1 At the first conviction of Level I infractions, the disciplinary action for the infractions shall be probation.
- 6.1.2 Second conviction shall result in probation and a fine at a rate of \$2.50 per infraction point.
- 6.1.3 Third conviction shall result in probation and an elevated fine at a rate of \$5.00 per infraction point.
- 6.1.4 Fourth conviction shall result in an elevated fine at a rate of \$10.00 per infraction point and possible suspension.
- 6.1.5 Continued and repeated convictions beyond the fourth conviction may result in an elevated fine at a rate of \$10.00 per infraction point and possible suspension or revocation.
- 6.1.6 Fines for late well logs and abandonment logs shall be calculated separately and added to fines calculated for other infractions. For late well log infractions, the points associated with each infraction shall be multiplied by a factor based on the lateness of the well log. The infraction point multipliers are as follows in Table 5:

TABLE 5

Tardiness of the log	Infraction Point Multiplier
1-2 weeks	0.50
2-4 weeks	1.00
1-3 months	1.50
3-6 months	2.00
6-9 months	2.50
9-12 months	3.00
Over 12 months	4.00

- 6.2 Level II Administrative Penalties: Level II administrative penalties shall be levied against Level II administrative infractions (see Table 2 of Section 5.1). The Level II administrative penalty structure is as follows:
- 6.2.1 At the first conviction of Level II infractions, the disciplinary action shall result in probation and a fine at a rate of \$2.50 per infraction point.
- 6.2.2 Second conviction shall result in probation and an elevated fine at a rate of \$5.00 per infraction point.
- 6.2.3 Third conviction shall result in possible suspension and an elevated fine at a rate of \$10.00 per infraction point.
- 6.2.4 Continued and repeated convictions beyond the fourth conviction may result in an elevated fine at a rate of \$10.00 per infraction point and possible suspension or revocation.

- 6.3 Level III Administrative Penalties: Level III administrative penalties shall be levied against Level III construction infractions (see Table 3 of Section 5.1). The Level III administrative penalty structure is as follows:
- 6.3.1 At the first conviction of Level III infractions, the disciplinary action shall result in probation and a fine at a rate of \$5.00 per infraction point.
- 6.3.2 Second conviction shall result in possible suspension and an elevated fine at a rate of \$10.00 per infraction point.
- 6.3.3 Third conviction may result in an elevated fine at a rate of \$10.00 per infraction point and possible suspension or revocation.
- 6.3.4 Level IV Administrative Penalties: The Level IV administrative penalty shall be levied against a Level IV application requirement infraction (see Table 4 of Section 5.1). The Level IV administrative penalty is revocation of the license at first conviction.
 - 6.4 Administrative Penalties General
- <u>6.4.1 Penalties shall only be imposed as a result of a well driller hearing.</u>
- 6.4.2 Failure to pay a fine within 30 days from the date it is assessed shall result in the suspension of the well driller license until the fine is paid.
- 6.4.3 Fines shall be deposited as a dedicated credit. The state engineer shall expend the money retained from fines for expenses related to well drilling activity inspection, well drilling enforcement, and well driller education.
- 6.5 Probation: As described above in Sections 6.1, 6.2, and 6.3, probation shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe first time infractions of the administrative rules that are limited in number and less serious in their impact on the well owner and on the health of the aquifer. The probation period shall generally last until the number of infraction points on the well driller's record is reduced below 70 through any of the options described in Subsection 4-5.5.
- 6.6 Suspension: Suspension shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe repeated convictions of the administrative rules, or infractions that a pose serious threat to the health of the aquifer, or a well driller's apparent disregard for the administrative rules or the state's efforts to regulate water well drilling. Depending upon the number and severity of the rule infractions as described above in Sections 6.1, 6.2, and 6.3, the state engineer may elect to suspend a well driller license for a certain period of time and/or until certain conditions have been met by the well driller. In establishing the length of the suspension, the state engineer shall generally follow the guideline that three infraction points is the equivalent of one day of suspension. A well driller whose license has been suspended shall be prohibited from engaging in regulated well drilling activity. License suspension may also result in the exaction of the Well Driller Bond as set forth in Subsection 4-3.9.4. A well driller whose license has been suspended is allowed to work as a registered operator under the direct, continuous supervision of a licensed well <u>driller</u>. If the suspension period extends beyond the expiration date of the water well driller license, the water well driller may not apply to renew the license until the suspension period has run and any conditions have been met. Once the suspension period has run and once all conditions have been met by the well driller, the suspension shall be lifted and the driller shall be notified that he/she may again

engage in the well drilling business. The well driller shall then be placed on probation until the number of infraction points on the well driller's record is reduced below 70 through any of the options described in Subsection 4-5.5.

6.7 Revocation: Revocation shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe repeated convictions of the administrative rules for which the well driller's Utah Water Well License has previously been suspended. Revocation shall also be the disciplinary action taken if after a hearing the facts establish that a driller knowingly provided false or misleading information on a driller license application. A well driller whose license has been revoked shall be prohibited from engaging in regulated well drilling activity. License revocation may also result in the exaction of the Well Driller Bond as set forth in Subsection 4-3.9.4. A well driller whose license has been revoked is allowed to work as a registered operator under the direct, continuous supervision of a licensed well driller. A well driller whose water well license has been revoked may not make application for a new water well license for a period of two years from the date of revocation. After the revocation period has run, a well driller may make application for a new license as provided in Section R655-4-3. However, the well drilling experience required must be based on new experience obtained since the license was revoked.

R655-4-7. Adjudicative Proceedings.

7.1 Designation of Presiding Officers.

The following persons may be designated Presiding Officers in well driller adjudicative proceedings: Assistant State Engineers; Deputy State Engineers; or other qualified persons designated by the State Engineer.

- 7.2 Disqualification of Presiding Officers.
- 7.2.1 A Presiding Officer shall disqualify himself from performing the functions of the Presiding Officer regarding any matter in which he, his spouse, or a person within the third degree of relationship to either of them or the spouse of such person:
- 7.2.1.1 Is a party to the proceeding, or an officer, director, or trustee of a party;
- 7.2.1.2 Has acted as an attorney in the proceeding or served as an attorney for, or otherwise represented, a party concerning the matter in controversy;
- 7.2.1.3 Knows that he has a financial interest, either individually or as a fiduciary, in the subject matter in controversy or in a party to the proceeding;
- 7.2.1.4 Knows that he has any other interest that could be substantially affected by the outcome of the proceeding; or
 - 7.2.1.5 Is likely to be a material witness in the proceeding.
- 7.2.2 A Presiding Officer is also subject to disqualification under principles of due process and administrative law.
- 7.2.3 These requirements are in addition to any requirements under the Utah Public Officers' and Employees' Ethics. Act, Section 67-16-1 et seq.
- 7.2.4 A motion for disqualification shall be made first to the Presiding Officer. If the Presiding Officer is appointed, any determination of the Presiding Officer upon a motion for disqualification may be appealed to the State Engineer.
 - 7.3 Informal Proceedings
- 7.3.1 All adjudicative proceedings initiated under this rule are classified as informal adjudicative proceedings.

- 7.3.1 The procedures for informal adjudicative proceedings initiated under this rule are set forth in this rule.
 - 7.4 Service of Notice and Orders.
- 7.4.1 Hearing Notices and Final Judgment and Orders shall be served upon the well driller at the well driller's address using certified mail or methods described in Rule 5 of the Utah Rules of Civil Procedure.
- 7.4.2 Infraction notices, notices of approval or denial of licensing or registration or license or registration renewal, and other routine correspondence related to the Division's Well Drilling Program shall be sent to the well driller at the well driller's address by regular U.S. Mail.
 - 7.5 Computation of Time.
- 7.5.1 Computation of any time period referred to in these rules shall begin with the first day following the act that initiates the running of the time period. The last day of the time period computed is included unless it is a Saturday, Sunday, or legal holiday or any other day on which the Division is closed, in which event the period shall run until the end of the business hours of the following business day.
- 7.5.2 The Presiding Officer, for good cause shown, may extend any time limit contained in these rules, unless precluded by statute. All requests for extensions of time shall be made by motion.
 - 7.6 Request for Hearing
- 7.6.1 A hearing before a Presiding Officer is permitted in a well drilling adjudicative proceeding if:
- 7.6.1.1 The proceeding was commenced by an Infraction Notice; or
- 7.6.1.2 The proceeding was commenced by a well driller request raising a genuine issue regarding
- 7.6.1.2.1 The denial of a license or registration renewal application; or
 - 7.6.1.2.2 The issuance of a cease and desist order (red tag)
- 7.6.2 Regardless of any other provision of the general laws to the contrary, all requests for a hearing shall be in writing and shall be filed with the Division to the attention of the Presiding Officer.
- 7.6.3 The request for a hearing shall state clearly and concisely the disputed facts, the supporting facts, the relief sought, and any additional information required by applicable statutes and rules.
- 7.6.4 The Presiding Officer shall, give all parties at least ten (10) days notice of the date, time and place for the hearing. The Presiding Officer may grant requests for continuances for good cause shown.
- 7.6.5 Any party may, by motion, request that a hearing be held at some place other than that designated by the Presiding Officer, due to disability or infirmity of any party or witness, or where justice and equity would be best served.
- 7.6.6 A well driller at any time may withdraw the well driller's request for a hearing. The withdrawal shall be filed with the Division to the attention of the Presiding Officer, in writing, signed by the well driller or an authorized representative, and is deemed final upon the date filed.
 - 7.7 Filings Generally.
- 7.7.1 Papers filed with the Division shall state the title of the proceeding and the name of the well driller on whose behalf the filing is made.
- 7.7.2 Papers filed with the Division shall be signed and dated by the well driller on whose behalf the filing is made or by the well driller's authorized representative. The signature constitutes certification that the well driller:

- 7.7.2.1 Read the document;
- 7.7.2.2 Knows the content thereof;
- 7.7.2.3 To the best of the well driller's knowledge, represents that the statements therein are true;
 - 7.7.2.4 Does not interpose the papers for delay; and
- 7.7.2.5 If the well driller's signature does not appear on the paper, authorized a representative with full power and authority to sign the paper.
- 7.7.3 All papers, except those submittals and documents that are kept in a larger format during the ordinary course of business, shall be submitted on an 8.5 x 11-inch paper. All papers shall be legibly hand printed or typewritten.
- 7.7.4 The Division may provide forms to be used by the parties.
- 7.7.5 The original of all papers shall be filed with the Division with such number of additional copies as the Division may reasonably require.
- 7.7.6 Simultaneously with the filing of any and all papers with the Division, the party filing such papers shall send a copy to all other parties, or their authorized representative to the proceedings, by hand delivery, or U.S. Mail, postage prepaid, properly addressed.
 - 7.8 Motions.
- 7.8.1 A party may submit a request to the Presiding Officer for any order or action not inconsistent with Utah law or these rules. Such a request shall be called a motion. The types of motions made shall be those that are allowed under these Rules and the Utah Rules of Civil Procedure.
- 7.8.2 Motions may be made in writing at any time before or after the commencement of a hearing, or they may be made orally during a hearing. Each motion shall set forth the grounds for the desired order or action and, if submitted in writing, state whether oral argument is requested. A written supporting memorandum, specifying the legal basis and support of the party's position shall accompany all motions.
- 7.8.3 The Presiding Officer may, upon the Presiding Officer's own initiative or upon the motion of any party, order any party to file a response or other pleading, and further permit either party to amend its pleadings in a manner just to all parties.
- 7.8.4 Preliminary Conference. Parties may request to appear for a preliminary conference prior to a hearing or prior to the scheduled commencement of a hearing or at any time before issuing a Final Judgment and Order. All parties shall prepare and exchange the following information at the initial preliminary conference:
- (a) Names and addresses of prospective witnesses including proposed areas of expertise for expert witnesses;
 - (b) A brief summary of proposed testimony;
 - (c) A time estimate of each witness' direct testimony;
- (d) Curricula vitae (resumes) of all prospective expertwitnesses.
- (e) The scheduling of a preliminary conference shall be solely within the discretion of the Presiding Officer.
- (f) The Presiding Officer shall give all parties at least three (3) days notice of the preliminary conference.
- (g) The notice shall include the date, time and place of the preliminary conference.
- The purpose of a preliminary conference is to consider any or all of the following:
 - (a) The simplification or clarification of the issues;

- (b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which shall avoid unnecessary proof;
- (c) The limitation of the number of witnesses or avoidance of similar cumulative evidence, if the case is to be heard;
- (d) The possibility of agreement disposing of all or any of the issues in dispute; or
- (e) Such other matters as may aid in the efficient and equitable disposition of the adjudicative enforcement proceeding.
- 7.8.5 Consent Order: If the respondent substantially agrees with or does not contest the statements of fact in the initial order, or if the parties agree to specific amendments to the statements of fact in the initial order, the parties may enter into a Consent Order after a preliminary conference by stipulating to the facts, fines, and penalties if any. A Consent Order based on that stipulation, shall be prepared by the state engineer for execution by the parties. The executed Consent Order shall be reviewed by the Presiding Officer and, if found to be acceptable, will be signed and issued by the Presiding Officer. A Consent Order issued by the Presiding Officer is not subject to reconsideration or judicial review.
- 7.9 Conduct of Hearings.
- 7.9.1 All parties, authorized representatives, witnesses and other persons present at the hearing shall conduct themselves in a manner consistent with the standards and decorum commonly observed in Utah courts. Where such decorum is not observed, the Presiding Officer may take appropriate action including adjournment, if necessary.
- 7.9.2 The Presiding Officer shall conduct the hearing, make all decisions regarding admission or exclusion of evidence or any other procedural matters, and have an oath or affirmation administered to all witnesses.
 - 7.10 Rules of Evidence in Hearings.
- 7.10.1 Discovery is prohibited, but the Division may issue subpoenas or other orders to compel production of necessary evidence.
- 7.10.2 A party may call witnesses and present oral, documentary, and other evidence.
- 7.10.3 A party may comment on the issues and conduct cross-examination of any witness as may be required for a full and true disclosure of all facts relevant to any issue designated for hearing, and as may affect the disposition of any interest which permits the person participating to be a party.
- 7.10.4 A witness' testimony shall be under oath or affirmation.
- 7.10.5 Any evidence may be presented by affidavit rather than by oral testimony, subject to the right of any party to call and examine or cross-examine the affiant.
 - 7.10.6 Relevant evidence shall be admitted.
- 7.10.7 The Presiding Officer's decision may not be based solely on hearsay.
- 7.10.8 Official notice may be taken of all facts of which judicial notice may be taken in Utah courts.
- 7.10.9 All parties shall have access to public information contained in the Division's files and to all materials and information gathered in the investigation, to the extent permitted by law.
- 7.10.10 No evidence shall be admitted after completion of a hearing or after a case is submitted on the record, unless otherwise ordered by the Presiding Officer.
 - 7.10.11 Intervention is prohibited.

- 7.10.12 A well driller appearing before the Presiding Officer for the purpose of a hearing may be represented by a licensed attorney. The Water Well Drilling Specialist shall present evidence before a Presiding Officer supporting the State Engineer's claim. At the State Engineer's discretion, other Division staff or a representative from the office of the Attorney General may also present supporting evidence.
 - 7.11 Transcript of Hearing.
- 7.11.1 Testimony and argument at the hearing shall be recorded electronically. The Division shall make copies of electronic recordings available to any party, upon written request. The fee charged for this service shall be equal to the actual costs of providing the copy. The Division is not responsible to supply any party with a transcript of a hearing.
- 7.11.2 If any party shall cause to be produced a transcript of a hearing, a copy of said transcript shall be filed with the Division and provided to all other parties. By order of the Presiding Officer and with the consent of all parties, such written transcript may be deemed an official transcript.
- 7.11.3 Corrections to an official transcript may be made only to conform it to the evidence presented at the hearing. Transcript corrections, agreed to by opposing parties, may be incorporated into the record, if and when approved by the Presiding Officer, at any time during the hearing, or after the close of the adjudicative proceeding. The Presiding Officer may call for the submission of proposed corrections and may determine the disposition thereof at appropriate times during the course of the proceeding.
 - 7.12 Procedures and Standards for Orders
- 7.12.1 If the well driller attends the hearing, the Presiding Officer shall issue a Final Judgment and Order.
- 7.12.2 The Presiding Officer may issue a Default Order if, after proper notice, the well driller fails to attend a hearing scheduled by the Presiding Officer.
- 7.12.3 Within a reasonable time after the close of a well driller adjudicative proceeding, the Presiding Officer shall issue a written and signed Final Judgment and Order, including but not limited to:
 - 7.12.3.1 A statement of law and jurisdiction;
 - 7.12.3.2 A statement of facts;
 - 7.12.3.3 An identification of the confirmed infraction(s);
- 7.12.3.4 An order setting forth actions required of the well driller:
- 7.12.3.5 A notice of the option to request reconsideration and the right to petition for judicial review;
- 7.12.3.6 The time limits for requesting reconsideration or filing a petition for judicial review; and
- 7.12.3.7 Other information the Presiding Officer deems necessary or appropriate.
- 7.12.4 The Presiding Officer's Final Judgment and Order shall be based on the record, as defined in this rule.
- 7.12.5 A copy of the Presiding Officer's Final Judgment and Order shall be promptly mailed to each of the parties.
- 7.12.6 A well driller who fails to attend a hearing waives any right to request reconsideration of the Final Judgment and Order per Section R655-4-7.13, but may petition for judicial review per Section R655-4-7.16.
 - 7.13 Reconsideration.
- 7.13.1 Within 14 days after the Presiding Officer issues a Final Judgment and Order, any party may file a written request for

reconsideration stating the specific grounds upon which relief is requested.

- 7.13.2 Unless otherwise provided by statute, the filing of a request for reconsideration is not a prerequisite for seeking judicial review of the order.
- 7.13.3 The request for reconsideration shall be filed with the Division to the attention of the Presiding Officer and one copy shall be mailed to each party by the party filing the request.
- 7.13.4 The Presiding Officer may issue a written order granting or denying the request for reconsideration. It is not required that the written order explain the grounds for the Presiding Officer's decision.
- 7.13.5 If the Presiding Officer does not issue an order granting a request for reconsideration within 14 days after the date it is filed with the Division, the request shall be considered denied.
 - 7.14 Amending Administrative Orders.
- 7.14.1 On the motion of any party or of the Presiding Officer, the Presiding Officer may amend a Final Judgment and Order for reasonable cause shown, including but not limited to a clerical mistake made in the preparation of the order.
- 7.14.2 A motion by any party to amend an order shall be made in a reasonable time and, if to amend a Final Judgment and Order, not more than three (3) months after the Final Judgment and Order was issued.
- 7.14.3 The Presiding Officer shall notify the parties of the receipt and consideration of a motion to amend an order by issuing a notice. The notice shall include a copy of the motion.
- 7.14.4 Any party opposing a motion to amend an order may submit information within the time period to be established by the Presiding Officer's notice of the motion.
- 7.14.5 After considering a motion to amend an order and any relevant information received from the parties, the Presiding Officer shall advise the parties of his determination. If the Presiding Officer determines that the order shall be amended, the Presiding Officer shall issue the amended order to all parties.
 - 7.15 Setting Aside a Final Judgment and Order.
- 7.15.1 On the motion of any party or on a motion by the Presiding Officer, the Presiding Officer may set aside a Final Judgment and Order on any reasonable grounds, including but not limited to the following:
- 7.15.1.1 The well driller was not properly served with an Infraction Notice;
- 7.15.1.2 A rule or policy was not followed when the Final Judgment and Order was issued;
 - 7.15.1.3 Mistake, inadvertence, excusable neglect;
- 7.15.1.4 Newly discovered evidence which by due diligence could not have been discovered before the Presiding officer issued the Final Judgment and Order; or
- 7.15.1.5 Fraud, misrepresentation or other misconduct of an adverse party;
- 7.15.2 A motion to set aside a final order shall be made in a reasonable time and not more than three (3) months after the Final Judgment and Order was issued.
- 7.15.3 The Presiding Officer shall notify the parties of the receipt and consideration of a motion to set aside a final order by issuing a notice to all parties, including therewith a copy of the motion.
- 7.15.4 Any party opposing a motion to set aside a final order may submit information within the time period to be established by the Presiding Officer's notice of the motion.

- 7.15.4 After consideration of the motion to set aside an order and any information received from the parties, the Presiding Officer shall issue an order granting or denying the motion, and provide a copy of the order to all parties.
 - 7.16 Judicial Review.
- 7.16.1 Pursuant to Section 73-3-14, a Final Judgment and Order may be reviewed by trial de novo by the district court:
 - 7.16.1.1 In Salt Lake County; or
 - 7.16.1.2 In the county where the violation occurred.
- 7.16.2 A well driller shall file a petition for judicial review of a Final Judgment and Order within 20 days from the day on which the order was issued, or if a request for reconsideration has been filed and denied, within 20 days of the date of denial of the request for reconsideration.
- 7.16.3 The Presiding Officer may grant a stay of an order or other temporary remedy during the pendency of the judicial review on the Presiding Officer's own motion, or upon the motion of a party. The procedures for notice, for consideration of motions, and for issuing a determination shall be as set forth herein for a motion to set aside a Final Judgment and Order.

R655-4-8. License and Operator Registration Renewal.

- 8.1 Well Driller and Pump Installer Licenses. The Division will mail to each licensed well driller and pump installer a notice (packet) to renew his/her license approximately 30 days before the expiration of the license. Failure to receive the notice does not relieve a licensee of his obligation to file application and pay the fee for renewal in a timely manner. A well driller shall notify the Division of any change in his mailing address within 30 days after the change.
- 8.1.1 Well driller licenses and Pump Installer licenses shall expire and be renewed according to the following provisions:
- a. The licenses of well drillers and pump installers whose last name begins with A thru L shall expire at 12 midnight on June 30 of odd numbered years.
- b. The licenses of well drillers and pump installers whose last name begins with M thru Z shall expire at 12 midnight on June 30 of even numbered years.
- c. Drillers and pump installers who meet the renewal requirements set forth in Subsection R655-4-8(8.1.2) on or before the expiration deadlines set forth in Subsection R655-4-8(8.1.1) shall be authorized to operate as a licensed well driller or pump installer until the new license is issued. If a licensee does not complete the renewal requirements by the license expiration date, the license will become inactive, and the licensee must cease and desist all regulated work until the license has been renewed.
- d. Licensees must renew their licenses within 24 months of the license expiration date. Licensees failing to renew within 24 months of the license expiration date must re-apply for a license, meet all the application requirements of Subsections R655-4-3(3.2) or R655-4-3(3.4), and provide documentation of 12 hours of continuing education according to the requirements of R655-4-8(8.2) obtained within the previous 24 months.
- 8.1.2 Applications to renew a license must include the following items:
- a. Payment of the license renewal fee determined and approved by the legislature;
 - b. Written application to the state engineer;
- c. Documentation of continuing well driller bond coverage in the amount of five thousand dollars (\$5,000) penal bond for the next

- licensing period. The form and conditions of the well driller bond shall be as set forth in Section R655-4.3.9. Allowable documentation can include bond continuation certificates and CD statements:
- d. As applicable to the type of license, proper submission of all start cards, official well driller reports (well logs), pump installer reports (pump logs), and well abandonment reports for the current licensing period;
- e. Documentation of compliance with the continuing education requirements described in Section 8.2. Acceptable documentation of attendance at approved courses must include the following information: the name of the course, the date it was conducted, the number of approved credits, the name and signature of the instructor and the licensees name; for example, certificates of completion, transcripts, attendance rosters, diplomas, etc. (Note: licensees are advised that the state engineer will not keep track of the continuing education courses each licensee attends during the year. Licensees are responsible to acquire and then submit documentation with the renewal application.)
- 8.1.3 License renewal applications that do not meet the requirements of Subsection R655-4-8(8.1.2) by June 30 of the expiration year or which are received after June 30 of the expiration year, will be assessed an additional administrative late fee determined and approved by the legislature.
- <u>8.1.4 Restricted, conditioned, limited, or denied renewal applications</u>
- 8.1.4.1 The state engineer may renew a license on a restricted, conditional, or limited basis if the licensee's performance and compliance with established rules and construction standards indicates the scope of the licensee's permitted activities should be reduced or that the licensee requires strict supervision during a probationary period.
- 8.1.4.2 The restricted, conditional, or limited license shall state the restrictions, conditions, or limitations placed on the licensee's regulated activity; whether the restrictions, conditions, or limitations are permanent or time-limited; and the requirements, if any, which must be met for the license to be re-issued without restrictions, conditions, or limitations.
- 8.1.4.3 The state engineer may deny an application to renew a license if there has been a violation of these rules or UTAH CODE. ANNOTATED Section 73-3-25 that casts doubt on the competency of the licensee or his willingness to comply with the well drilling administrative requirements or construction standards.
- 8.1.4.4 Within 30 days of a license renewal application being denied or a license being renewed on a restricted, conditioned, or limited basis, a licensee may appeal the action by requesting a hearing according to the provisions of R655-4-7.
- 8.1.4.5 The restrictions, conditions, or limitations on a license or the denial of a license shall remain effective during the pendency of the well driller/pump installer adjudicative proceeding.
 - 8.2 Continuing Education.
- 8.2.1 During each license period, licensed well drillers and pump installers are required to earn at least twelve (12) continuing education credits by attending training sessions approved, sponsored or sanctioned by the state engineer. Drillers and pump installers who do not renew their licenses, but who intend to renew within the following 24 month period allowed in Section 8.1.1, are also required to earn twelve (12) continuing education credits.

- 8.2.2 The state engineer will develop criteria for the training courses, approve the courses which can offer continuing education credits, and assign the number of credits to each course.
- 8.2.3 The state engineer shall assign the number of continuing education credits to each proposed training session based on the instructor's qualifications, a written outline of the subjects to be covered, and written objectives for the session. Licensees wishing continuing education credit for other training sessions shall provide the state engineer with all information it needs to assign continuing education requirements.
- 8.2.4 Licensed drillers must complete a State Engineer-sponsored "Administrative Rules for Well Drillers and Pump Installers" review course or other approved rules review once every four (4) years.
- 8.2.5 CE credits cannot be carried over from one licensing period to another.
 - 8.3 Operator's Registration.
- 8.3.1 Drill Rig and Pump Rig operator registrations shall expire at the same time as the license of the well driller or pump installer by whom they are employed. Operators who meet the renewal requirements set forth in Subsection R655-4-8(8.3.2) on or before 12 midnight June 30 of the expiration year shall be authorized to act as a registered operator until the new registration is issued. Operators must renew their registrations within 24 months of the registration expiration date. Operators failing to renew within 24 months of the registration expiration date must re-apply for an operator's registration and meet all the application requirements of Subsections R655-4-3(3.3) and R655-4-3(3.5).
- 8.3.2 Applications to renew an operator's registration must include the following items:
- a. Payment of the registration renewal fee determined and approved by the legislature;
 - b. Written application to the state engineer.
- 8.3.3 Registration renewal applications that do not meet the requirements of Subsection R655-4-8(8.3.2) by the June 30 expiration date or that are received after the June 30 expiration date will be assessed an additional administrative late fee determined and approved by the legislature.

R655-4-9. The Approval Process for Non-Production Wells.

9.1 General.

Regulated non-production wells such as cathodic protection wells, closed-loop heating/cooling exchange wells, monitor/piezometer/test wells, and other wells meeting the criteria in R655-4-1(1.2.4) drilled and constructed to a depth greater than 30 feet below natural ground surface require approval from the state engineer. The approval and permitting of regulated production wells is accomplished through the water right processes in accordance with Section 73 of the Utah Code.

9.2 Approval to Drill, Construct, Renovate, or Replace.

Approval to drill, construct, renovate, or replace non-production wells is issued by the state engineer's main office and regional offices following review of written requests from the owner/applicant or their appointed representative. The appointed representative shall not include the licensed driller designated on the application. The requests for approval shall be made on forms provided by the state engineer entitled "Request for Non-Production Well Construction". The following information must be included on the form:

- a. General location or common description of the project.
- b. Specific course and distance locations from established government surveyed outside section corners or quarter corners.
 - c. Total anticipated number of wells to be installed.
- d. Diameters, approximate depths and materials used in the wells.
 - e. Projected start and completion dates.
- f. Name and license number of the driller contracted to install the wells.
- g. A detailed explanation of the purpose and technical aspects of the drilling project. This can also include reviews and approvals (e.g., building permits) done by local jurisdictions of the project. This additional documentation may expedite the Division's processing of the non-production well application.
- h. Signature of the well owner or authorized representative attesting to the accuracy and truthfulness of the information on the application. The licensed driller cannot be the signatory on the non-production well application.
- 9.2.1 There is no fee required to request approval to drill, construct, renovate, or replace a non-production well. Using available information and sources, the Division will evaluate the potential for the non-production well to become a contamination source or otherwise negatively impact the groundwater resource prior to approval. This evaluation can take up to 14 days to conduct. The Division shall list application information on its website to allow the public and local jurisdictions to review the project prior to approval. The well permit application shall be returned without review to the applicant if the Division determines that the application is incomplete, contains inaccurate information, lacks sufficient information or is illegible. The Division shall deny the issuance of a well permit if the site where the well is to be drilled is designated by the Division as an area where wells may not be constructed, including but not limited to contaminated or protected aquifers, areas where drilling and construction of wells can impact other water rights, and other areas where environmental remediation may be adversely affected by the construction and/or operation of wells. Upon written approval by the state engineer, the project will be assigned an approved non-production well number which will be referenced on all start cards and official well driller's reports.

R655-4-10. General Requirements.

10.1 Standards.

10.1.1 In some locations, the compliance with the following minimum standards will not result in a well being free from pollution or from being a source of subsurface leakage, waste, or contamination of the groundwater resource. Since it is impractical to attempt to prepare standards for every conceivable situation, the well driller or pump installer shall judge when to construct or otherwise perform work on wells under more stringent standards when such precautions are necessary to protect the groundwater supply and those using the well in question. Other state and local regulations pertaining to well drilling and construction, groundwater protection, isolation distances (setbacks) from potential contamination sources and/or other structures/boundaries, and water quality/testing regulations may exist that are either more stringent than these rules or that specifically apply to a given situation. It is the licensee's responsibility to understand and apply other federal, state, and local regulations as applicable.

10.2 Well Site Locations.

- 10.2.1 Well site locations are described by course and distance from outside section corners or quarter corners (based on a Section/Township/Range Cadastral System) and by the Universal <u>Transverse Mercator (UTM) coordinate system (NAD83 Map Datum)</u> on all state engineer authorizations to drill (Start Cards). However, the licensee should also be familiar with local zoning ordinances, or county boards of health requirements which may limit or restrict the actual well location and construction in relationship to property/structure boundaries and existing or proposed concentrated sources of pollution or contamination such as septic tanks, drain fields, sewer lines, stock corrals, feed lots, etc. The licensee should also be familiar with the Utah Underground Facilities Act (Title 54, Chapter 8a of the Utah Code Annotated 1953 as amended) which requires subsurface excavators (including well drilling) to notify operators of underground utilities prior to any subsurface excavation. Information on this requirement can be found by calling Blue Stakes Utility Notification Center at (800)662-4111.
- 10.2.2 Regulated wells shall be drilled at the approved location as defined on the valid start card. The driller shall check the drilling location to see if it matches the state-approved location listed on the Driller's Start Card.

10.3 Unusual Conditions.

10.3.1 If unusual conditions occur at a well site and compliance with these rules and standards will not result in a satisfactory well or protection to the groundwater supply, a licensed water well driller or pump installer shall request that special standards be prescribed for a particular well (variance request). The request for special standards shall be in writing and shall set forth the location of the well, the name of the owner, the unusual conditions existing at the well site, the reasons and justification that compliance with the rules and minimum standards will not result in a satisfactory well, and the proposed standards that the licensee believes will be more adequate for this particular well. If the state engineer finds that the proposed changes are in the best interest of the public, the state engineer will approve the proposed changes by assigning special standards for the particular well under consideration. At the Division's discretion, the licensee applying for the variance may be required to provide additional technical information justifying the variance. The variance request will be evaluated, and a response will be given within fourteen days. In a public health emergency or other exceptional circumstance, verbal notification for a variance may be given. An emergency usually consists of a well failure resulting in a dry well or an unusable well. Driller convenience does not constitute an emergency.

R655-4-11. Well Drilling and Construction Requirements.

11.0 General.

11.0.1 Figures 1 through 5 are used to illustrate typical well construction standards, and can be viewed in the State of Utah Water Well Handbook available at the Division of Water Rights, 1594 West North Temple, Salt Lake City, Utah. Figure 1 illustrates the typical construction of a drilled well with driven casing such as a well drilled using the cable tool method or air rotary with a drill-through casing driver. Figure 2 illustrates the typical construction of a well drilled with an oversized borehole and/or gravel packed without the use of surface casing. Figure 3 illustrates the typical construction of a well drilled with an oversized borehole and/or gravel packed with the use of surface casing. Figure 4 illustrates the typical construction of a well drilled with an oversized borehole and/or gravel packed completed in

stratified formations in which poor formation material or poor quality water is encountered. Figure 5 illustrates the typical construction of a well completed with PVC or nonmetallic casing.

11.1 Approved Products, Materials, and Procedures.

11.1.1 Any product, material or procedure designed for use in the drilling, construction, cleaning, renovation, development pump installation/repair, or abandonment of water production or non-production wells, which has received certification and approval for its intended use by the National Sanitation Foundation (NSF) under ANSI/NSF Standard 60 or 61, the American Society for Testing Materials (ASTM), the American Water Works Association (AWWA) or the American National Standards Institute (ANSI) may be utilized. Other products, materials or procedures may also be utilized for their intended purpose upon manufacturers certification that they meet or exceed the standards or certifications referred to in this section and upon state engineer approval.

11.2 Well Casing - General

11.2.1 Drillers Responsibility. It shall be the sole responsibility of the well driller to determine the suitability of any type of well casing for the particular well being constructed, in accordance with these minimum requirements.

11.2.2 Casing Stick-up. The well casing shall extend a minimum of 18 inches above finished ground (land) level and the natural ground surface should slope away from the casing. A secure sanitary, weatherproof mechanically secured cap/seal or a completely welded cap shall be placed on the top of the well casing to prevent contamination of the well. If a vent is placed in the cap, it shall be properly screened to prevent access to the well by debris, insects, or other animals.

11.2.3 Steel Casing. All steel casing installed in Utah shall be in new or like-new condition, being free from pits or breaks, clean with all potentially dangerous chemicals or coatings removed, and shall meet the minimum specifications listed in Table 6 of these rules. In order to utilize steel well casing that does not fall within the categories specified in Table 6, the driller shall receive written approval from the state engineer. All steel casing installed in Utah shall meet or exceed the minimum ASTM, ANSI, or AWWA standards for steel pipe as described in Subsection 11.1 unless otherwise approved by the state engineer. Applicable standards (most recent revisions) may include:

ANSI/AWWA A100-AWWA Standard for Water Wells.

ANSI/ASTM A53-Standard Specifications for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless.

ANSI/ASTM A139-Standard Specification for Electric-Fusion (Arc)-Welded Steel Pipe (NPS 4 and over).

ANSI/AWWA C200-Standard for Steel Water Pipe-6 in. and Larger.

ASTM A589-89-Standard Specification for Seamless and Welded Carbon Steel Water-Well Pipe.

API Spec.5L and 5LS-Specification for Liner Pipe.

ASTM A106-Standard Specification for Seamless Carbon Steel Pipe for High Temperature Service

ASTM A778-Standard Specifications for Welded, Unannealed Austenitic Stainless Steel Tubular Products.

ASTM A252-Standard Specification for Welded and Seamless Steel Pipe Piles.

ASTM A312-Standard Specification for Seamless, Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes

ASTM A409- Standard Specification for Welded Large Diameter Austenitic Steel Pipe for Corrosive or High-Temperature Service

TABLE 6
MINIMUM WALL THICKNESS FOR STEEL WELL CASING

<u>Deptn</u>								
	0	200	300	400	600	800	1000	1500
Nominal	to	to	to	to	to	to	to	to
Casing	200	300	400	600	800	1000	1500	2000
Diameter	r (ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)
5	.250	.250	.250	.250	.250	.250	.250	.250
_6	.250	.250	.250	.250	.250	.250	.250	.250
88	.250	.250	.250	.250	.250	.250	.250	.250
10	.250	.250	.250	.250	.250	.250	.312	.312
12	.250	.250	.250	.250	.250	.250	.312	.312
14	.250	.250	.250	.250	.312	.312	.312	.312
16	.250	.250	.312	.312	.312	.312	.375	.375
18	.250	.312	.312	.312	.375	.375	.375	.438
20	.250	.312	.312	.312	.375	.375	.375	.438
22	.312	.312	.312	.375	.375	.375	.375	.438
24	.312	.312	.375	.375	.375	.438		
30	.312	.375	.375	.438	.438	.500		
Noto. I	Minimum	wall +	ام ماده م		in inch			

Note: Minimum wall thickness is in inches.

For nominal casing diameters less than five (5) inches, the minim um wall thickness must be equivalent to ASTM Schedule 40.

For any other casing diameter not addressed herein, prior approva 1 by the state engineer is require.

0.250 = 1/4, 0.312 = 5/16, 0.375 = 3/8, 0.438 = 7/16.

11.2.4 Plastic and Other Non-metallic Casing.

11.2.4.1 Materials. PVC well casing and screen may be installed in Utah upon obtaining permission of the well owner. Other types of non-metallic casing or screen must be approved by the state engineer prior to installation. Plastic well casing and screen shall be manufactured and installed to conform with The American National Standards Institute (ANSI) or the American Society for Testing and Materials (ASTM) Standard F 480 (most recent version), which are incorporated by reference to these rules. Casing and screen meeting this standard is normally marked "WELL CASING" and with the ANSI/ASTM designation "F 480-[version year], SDR-17 (or 13.5, 21, etc.)". All plastic casing and screen for use in potable water supplies shall be manufactured to be acceptable to the American National Standards Institute/National Sanitation Foundation (NSF) standard 61. Other types of plastic casings and screens may be installed upon manufacturers certification that such casing meets or exceeds the above described ASTM/SDR specification or ANSI/NSF approval and upon state engineer approval.

Requirements. PVC well casing and screen with a nominal diameter equal to or less than four (4) inches and for non-production well purposes shall meet the minimum wall thickness required under ASTM Standard F480-95 SDR 21 or a Schedule 40 designation. PVC well casing and screen use for water production well purposes with a nominal diameter equal to or less than four (4) inches shall meet the minimum wall thickness required under ASTM Standard F480-95 SDR 17 or a Schedule 80 designation. PVC well casing and screen with a nominal diameter greater than four (4) inches shall meet the minimum wall thickness required under ASTM Standard F480-95 SDR 17 or a Schedule 80 designation. PVC well casing and screen with a nominal diameter greater than four (4) inches shall meet the minimum wall thickness required under ASTM Standard F480 (most recent version) SDR 17 or a Schedule 80 designation. Additionally, caution should be used whenever other than factory slots or perforations are added to PVC well casing. The installation of hand cut slots or perforations significantly reduces the collapse strength

tolerances of unaltered casings. The depth at which plastic casing and screen is placed in a well shall conform to the minimum requirements and restrictions as outlined in ASTM Standard F-480 (most recent version) and to PVC casing manufacturer recommendations. Liner pipe does not need to meet these wall thickness requirements if it is placed inside of a casing that does meet these wall thickness requirements.

- 11.2.4.3 Fiberglass Casing. Fiberglass reinforced plastic well casings and screens may be installed in wells upon obtaining permission of the well owner. All fiberglass casing or screens installed in wells for use in potable water supplies shall be manufactured to be acceptable by ANSI/NSF Standard 61 and upon state engineer approval.
- 11.2.4.4 Driving Non-metallic Casing. Non-metallic casing shall not be driven, jacked, or dropped and may only be installed in an oversized borehole.
- 11.2.4.5 Protective Casing. If plastic or other non-metallic casing is utilized, the driller shall install a protective steel casing which complies with the provisions of Subsection 11.2.3 or an equivalent protective covering approved by the state engineer over and around the well casing at ground surface to a depth of at least two and one half (2.5) feet. If a pitless adapter is installed on the well, the bottom of the protective cover shall be placed above the pitless adapter/well connection. If the pitless adapter is placed in the protective casing, the protective casing shall extend below the pitless entrance in the well casing and be sealed both on the outside of the protective casing and between the protective casing and well casing. The protective cover shall be sealed in the borehole in accordance with the requirements of Subsection 11.4. The annular space between the protective cover and non-metallic casing shall also be sealed with acceptable materials in accordance with Subsection 11.4. A sanitary, weather-tight seal or a completely welded cap shall be placed on top of the protective cover, thus enclosing the well itself. If the sanitary seal is vented, screens shall be placed in the vent to prevent debris insects, and other animals from entering the well. This protective casing requirement does not apply to monitor wells. Figure 5 depicts this requirement.

11.3 Casing Joints.

- 11.3.1 General. All well casing joints shall be made water tight. In instances in which a reduction in casing diameter is made, there shall be enough overlap of the casings to prevent misalignment and to insure the making of an adequate seal in the annular space between casings to prevent the movement of unstable sediment or formation material into the well, in addition to preventing the degradation of the water supply by the migration of inferior quality water through the annular space between the two casings.
- 11.3.2 Steel Casing. All steel casing shall be screw-coupled or welded. If the joints are welded, the weld shall meet American Welding Society standards and be at least as thick as the wall thickness of the casing and shall consist of at least two beads for the full circumference of the joint and be fully penetrating. Spot welding of joints is prohibited.
- 11.3.3 Plastic Casing. All plastic well casing shall be mechanically screw coupled, chemically welded, cam-locked or lug coupled to provide water tight joints as per ANSI/ASTM F480-95. Metal screws driven into casing joints shall not be long enough to penetrate the inside surface of the casing. Metal screws should be used only when surrounding air temperatures are below 50 degrees Fahrenheit (F) which retards the normal setting of the cement.

Solvent-welded joints shall not impart taste, odors, toxic substances, or bacterial contamination to the water in the well.

11.4 Surface Seals and Interval Seals.

11.4.1 General. Before the drill rig is removed from the drill site of a well, a surface seal shall be installed. Well casings shall be sealed to prevent the possible downward movement of contaminated surface waters in the annular space around the well casing. The seal shall also prevent the upward movement of artesian waters within the annular space around the well casing. Depending upon hydrogeologic conditions around the well, interval seals may need to be installed to prevent the movement of groundwater either upward or downward around the well from zones that have been cased out of the well due to poor water quality or other reasons. The following surface and interval seal requirements apply equally to rotary drilled, cable tool drilled, bored, jetted, augered, and driven wells unless otherwise specified.

11.4.2 Seal Material.

11.4.2.1 General. The seal material shall consist of neat cement grout, sand cement grout, unhydrated bentonite, or bentonite grout as defined in Section R655-4-2. Use of sealing materials other than those listed above must be approved by the state engineer. Bentonite drilling fluid (drilling mud), dry drilling bentonite, or drill cuttings are not an acceptable sealing material. In no case shall drilling fluid (mud), drill cuttings, drill chips, or puddling clay be used, or allowed to fill, partially fill, or fall into the required sealing interval of a well during construction of the well. The annular space to be grouted must be protected from collapse and the introduction of materials other than grout. All hydrated sealing materials (neat cement grout, sand cement grout, bentonite grout) shall be placed by tremie pipe, pumping, or pressure from the bottom of the seal interval upwards in one continuous operation when placed below a depth of 30 feet or when placed below static groundwater level. Neat cement and sand cement grouts must be allowed to cure a minimum of 24 hours before well drilling, construction, or testing may be resumed. Allowable setting times may be reduced or lengthened by use of accelerators or retardants specifically designed to modify setting time, at the approval of the state engineer. The volume of annular space in the seal interval shall be calculated by the driller to determine the estimated volume of seal material required to seal the annular space. The driller shall place at least the volume of material equal to the volume of annular space, thus ensuring that a continuous seal is placed. The driller shall maintain the well casing centered in the borehole during seal placement using centralizers or other means to ensure that the seal is placed radially and vertically continuous. Neat cement and sand cement grout shall not be used for surface or interval seals with PVC and other approved non-metallic casing unless specific state engineer approval is obtained.

11.4.2.2 Bentonite Grout. Bentonite used to prepare grout for sealing shall have the ability to gel; not separate into water and solid materials after it gels; have a hydraulic conductivity or permeability value of 10E-7 centimeters per second or less; contain at least 20 percent solids by weight of bentonite, and have a fluid weight of 9.5 pounds per gallon or greater and be specifically designed for the purpose of sealing. In addition, if a bentonite grout is to be placed in the vadose zone (unsaturated interval), then clean rounded fine sand shall be added to the bentonite grout in order to increase the overall solids content and stabilize the grout from dehydrating and cracking in that interval. For 20% solids bentonite grout, at least 100 pounds of clean rounded fine sand shall be added. For 30% solids bentonite

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grout, at least 50 pounds of clean fine sand shall be added. Bentonite grout shall not be used for sealing intervals of fractured rock or sealing intervals of highly unstable material that could collapse or displace the sealing material, unless otherwise approved by the state engineer. Bentonite grout shall not be used as a sealing material where rapidly flowing groundwater might erode it. Bentonite or polymer drilling fluid (mud) does not meet the definition of a grout with respect to density, gel strength, and solids content and shall not be used for sealing purposes. At no time shall bentonite grout contain materials that are toxic, polluting, develop odor or color changes, or serve as a micro-bacterial nutrient. All bentonite grout shall be prepared and installed according to the manufacturer's instructions and these rules. All additives must be certified by a recognized certification authority such as NSF and approved by the state engineer. All bentonite used in any well shall be certified by NSF/ANSI approved standards for use in potable water supply wells, or equivalent standards as approved by the state engineer.

11.4.2.3 Unhydrated Bentonite. Unhydrated bentonite (e.g., granular, tabular, pelletized, or chip bentonite) may be used in the construction of well seals above a depth of 50 feet. Unhydrated bentonite can be placed below a depth of 50 feet when placed inside the annulus of two casings, when placed using a tremie pipe, or by using a placement method approved by the state engineer. The bentonite material shall be specifically designed for well sealing and be within industry tolerances. All unhydrated bentonite used for sealing must be free of organic polymers and other contamination. Placement of bentonite shall conform to the manufacturer's specifications and instructions and result in a seal free of voids or bridges. Granular or powdered bentonite shall not be placed under water by gravity feeding from the surface. When placing unhydrated bentonite, a sounding or tamping tool shall be run in the sealing interval during pouring to measure fill-up rate, verify a continuous seal placement, and to break up possible bridges or cake formation.

11.4.3 Seal and Unperforated Casing Placement.

11.4.3.1 General Seal Requirements. Figure 1 illustrates the construction of a surface seal for a typical well. The surface seal must be placed in an annular space that has a minimum diameter of four (4) inches larger than the nominal size of the permanent well casing (This amounts to a 2-inch annulus). The surface seal must extend from land surface to a minimum depth of 30 feet. The completed surface seal must fully surround the permanent well casing, must be evenly distributed, free of voids, and extend to undisturbed or recompacted soil. In unconsolidated formations such as gravels, sands, or other unstable conditions when the use of drilling fluid or other means of keeping the borehole open are not employed, either a temporary surface casing with a minimum depth of 30 feet and a minimum nominal diameter of four (4) inches greater than the outermost permanent casing shall be utilized to ensure proper seal placement or the well driller shall notify the state engineer's office that the seal will be placed in a potentially unstable open borehole without a temporary surface casing by telephone or FAX in conjunction with the start card submittal in order to provide an opportunity for the state engineer's office to inspect the placement of the seal. If a temporary surface casing is utilized, the surface casing shall be removed in conjunction with the placement of the seal. Alternatively, conductor casing may be sealed permanently in place to a depth of 30 feet with a minimum 2inch annular seal between the surface casing and borehole wall. If the temporary surface casing is to be removed, the surface casing shall be withdrawn as sealing material is placed between the outer-most

permanent well casing and borehole wall. The sealing material shall be kept at a sufficient height above the bottom of the temporary surface casing as it is withdrawn to prevent caving of the borehole wall. If the temporary conductor casing is driven in place without a 2-inch annular seal between the surface casing and borehole wall, the surface casing shall be removed. Specific state engineer approval must be obtained on a case-by-case basis for any variation of these requirements. Surface seals and unperforated casing shall be installed in wells located in unconsolidated formation such as sand and gravel with minor clay or confining units; unconsolidated formation consisting of stratified layers of materials such as sand, gravel, and clay or other confining units; and consolidated formations according to the following procedures.

11.4.3.2 Unconsolidated Formation without Significant Confining Units. This includes wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without significant clay beds (at least six feet thick) or other confining formations. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet. Permanent unperforated casing shall extend at least to a depth of 30 feet and also extend below the lowest anticipated pumping level. Additional casing placed in the open borehole below the required depths noted above shall meet the casing requirements of Subsection 9.2 unless the casing is installed as a liner inside a larger diameter approved casing.

11.4.3.3 Unconsolidated Formation with Significant Confining Units. This includes wells that penetrate an aquifer overlain by clay or other confining formations that are at least six (6) feet thick. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet and at least five (5) feet into the confining unit above the water bearing formation. Unperforated casing shall extend from ground surface to at least 30 feet and to the bottom of the confining unit overlying the water bearing formation. If necessary to complete the well, a smaller diameter casing, liner, or well screen may be installed below the unperforated casing. The annular space between the two casings shall be sealed with grout, bentonite, or a mechanical packer. Additional casing placed in the open borehole below the required depths noted above shall meet the casing requirements of Subsection 11.2 unless the casing is installed as a liner inside a larger diameter approved casing.

wells that penetrate an aquifer, either within or overlain by a consolidated formation. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet and at least five (5) feet into competent consolidated formation. Unperforated permanent casing shall be installed to extend to a depth of at least 30 feet and the lower part of the casing shall be driven and sealed at least five (5) feet into the consolidated formation. If necessary to complete the well, a smaller diameter casing, liner, or well screen may be installed below the unperforated casing. The annular space between the two casings shall be sealed with grout, bentonite, or a mechanical packer. Additional casing placed in the open borehole below the required depths noted above shall meet the casing requirements of Subsection 11.2 unless the casing is installed as a liner inside a larger diameter approved casing.

11.4.3.5 Sealing Artesian Wells. Unperforated well casing shall extend into the confining stratum overlying the artesian zone, and shall be adequately sealed into the confining stratum to prevent both surface and subsurface leakage from the artesian zone. If leaks occur around the well casing or adjacent to the well, the well shall be

completed with the seals, packers, or casing necessary to eliminate the leakage. The driller shall not move the drilling rig from the well site until leakage is completely stopped, unless authority for temporary removal of the drilling rig is granted by the state engineer, or when loss of life or property is imminent. If the well flows naturally at land surface due to artesian pressure, the well shall be equipped with a control valve so that the flow can be completely stopped. The control valve must be available for inspection by the state engineer at all times. All flowing artesian water supply wells shall be tested for artesian shut-in pressure in pounds per square inch and rate of flow in cubic feet per second, or gallons per minute, under free discharge conditions. This data shall be reported on the well log.

- 11.4.3.6 Exceptions: With state engineer approval, exceptions to minimum seal depths can be made for shallow wells where the water to be produced is at a depth less than 30 feet. In no case shall a surface seal extend to a total depth less than 10 feet below land surface.
- 11.4.4 Interval Seals. Formations containing undesirable materials (e.g., fine sand and silt that can damage pumping equipment and result in turbid water), contaminated groundwater, or poor quality groundwater must be sealed off so that the unfavorable formation cannot contribute to the performance and quality of the well. These zones, as well as zones with significantly differing pressures, must also be sealed to eliminate the potential of cross contamination or commingling between two aquifers of differing quality and pressure. Figure 4 illustrates this situation. Unless approved by the state engineer, construction of wells that cause the commingling or cross connection of otherwise separate aquifers is not allowed.
- 11.4.5 Other Sealing Methods. In wells where the above-described methods of well sealing do not apply, special sealing procedures can be approved by the state engineer upon written request by the licensed well driller.
- 11.5 Special Requirements for Oversized and Gravel Packed Wells. This section applies to wells in which casing is installed in an open borehole without driving or drilling in the casing and an annular space is left between the borehole wall and well casing (e.g., mud rotary wells, flooded reverse circulation wells, air rotary wells in open bedrock).
- 11.5.1 Oversized Borehole. The diameter of the borehole shall be at least four (4) inches larger than the outside diameter of the well casing to be installed to allow for proper placement of the gravel pack and/or formation stabilizer and adequate clearance for grouting and surface seal installations. In order to accept a smaller diameter casing in any oversized borehole penetrating unconsolidated or stratified formations, the annular space must be sealed in accordance with Subsection 11.4. In order to minimize the risk of: 1) borehole caving or collapse; 2) casing failure or collapse; or 3) axial distortion of the casing, it is required that the entire annular space in an oversized borehole between the casing and borehole wall be filled with formation stabilizer such as approved seal material, gravel pack, filter material or other state engineer-approved materials. Well casing placed in an oversized borehole should be suspended at the ground surface until all formation stabilizer material is placed in order to reduce axial distortion of the casing if it is allowed to rest on the bottom of an open oversized borehole. In order to accept a smaller diameter casing, the annular space in an oversized borehole penetrating unconsolidated formations (with no confining layer) must be sealed in accordance with Subsection 11.4 to a depth of at least 30 feet or from static water level to ground surface, whichever is deeper. The annular space in an

- oversized borehole penetrating stratified or consolidated formations must be sealed in accordance with Subsection 11.4 to a depth of at least 30 feet or five (5) feet into an impervious strata (e.g., clay) or competent consolidated formation overlying the water producing zones back to ground surface, whichever is deeper. Especially in the case of an oversized borehole, the requirements of Subsection 11.4.4 regarding interval sealing must be followed.
- 11.5.2 Gravel Pack or Filter Material. The gravel pack or filter material shall consist of clean, well-rounded, chemically stable grains that are smooth and uniform. The filter material should not contain more than 2% by weight of thin, flat, or elongated pieces and should not contain organic impurities or contaminants of any kind. In order to assure that no contamination is introduced into the well via the gravel pack, the gravel pack must be washed with a minimum 100 ppm solution of chlorinated water or dry hypochlorite mixed with the gravel pack at the surface before it is introduced into the well (see Table 7 of these rules for required amount of chlorine material).
- 11.5.3 Placement of Filter Material. All filter material shall be placed using a method that through common usage has been shown to minimize a) bridging of the material between the borehole and the casing, and b) excessive segregation of the material after it has been introduced into the annulus and before it settles into place. It is not acceptable to place filter material by pouring from the ground surface unless proper sounding devices are utilized to measure dynamic filter depth, evaluate pour rate, and minimize bridging and formation of voids.
- 11.5.4 No Surface Casing Used. If no permanent conductor casing is installed, neat cement grout, sand cement grout, bentonite grout, or unhydrated bentonite seal shall be installed in accordance with Subsection 11.4. Figure 2 of these rules illustrates the construction of a typical well of this type.
- 11.5.5 Permanent Conductor Casing Used. If permanent conductor casing is installed, it shall be unperforated and installed and sealed in accordance with Subsection 11.4 as depicted in Figure 3 of these rules. After the gravel pack has been installed between the conductor casing and the well casing, the annular space between the two casings shall be sealed by either welding a water-tight steel cap between the two casings at land surface or filling the annular space between the two casings with neat cement grout, sand cement grout, bentonite grout, or unhydrated bentonite from at least 50 feet to the surface and in accordance with Subsection 11.4. If a hole will be created in the permanent conductor casing in order to install a pitless adapter into the well casing, the annual space between the conductor casing and well casing shall be sealed to at least a depth of thirty (30) feet with neat cement grout, sand cement grout, bentonite grout, or unhydrated bentonite. A waterproof cap or weld ring sealing the two casings at the surface by itself without the annular seal between the two casings is unacceptable when a pitless adapter is installed in this fashion. Moreover in this case, the annular space between the surface casing and well casing must be at least 2 inches in order to facilitate seal placement.
- 11.5.6 Gravel Feed Pipe. If a gravel feed pipe, used to add gravel to the gravel pack after well completion, is installed, the diameter of the borehole in the sealing interval must be at least four (4) inches in diameter greater than the permanent casing plus the diameter of the gravel feed pipe. The gravel feed pipe must have at least 2-inches of seal between it and the borehole wall. The gravel feed pipe must extend at least 18 inches above ground and must be sealed at the top with a watertight cap or plug (see Figure 2).

11.5.7 Other Gravel Feed Options. If a permanent surface casing or conductor casing is installed in the construction of a filter pack well, a watertight, completely welded, steel plate (weld ring) at least 3/16 of an inch in thickness shall be installed between the inner production casing and the outer surface/conductor casing at the wellhead. A watertight fill port with threaded cap may be installed for the purpose of placing additional filter pack material in the well.

11.6 Protection of the Aquifer.

11.6.1 Drilling Fluids and LCMs. The well driller shall take due care to protect the producing aquifer from clogging or contamination. Organic substances or phosphate-based substances shall not be introduced into the well or borehole during drilling or construction. Every effort shall be made to remove all substances and materials introduced into the aquifer or aquifers during well construction. "Substances and materials" shall mean all bentonite- and polymer-based drilling fluids, filter cake, and any other inorganic substances added to the drilling fluid that may seal or clog the aquifer. All polymers and additives used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the state engineer. The introduction of lost circulation materials (LCM's) during the drilling process shall be limited to those products which will not present a potential medium for bacterial growth or contamination. Only LCM's which are non-organic, which can be safely broken down and removed from the borehole, may be utilized. This includes, but is not limited to, paper/wood products, brans, hulls, grains, starches, hays/straws, and proteins. This is especially important in the construction of wells designed to be used as a public water system supply. All polymers and additives used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the Division. The product shall be clearly labeled as meeting these standards. Polymers and additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will promote growth of microorganisms.

11.6.2 Containment of Drilling Fluid. Drilling or circulating fluid introduced into the drilling process shall be contained in a manner to prevent surface or subsurface contamination and to prevent degradation of natural or man-made water courses or impoundments. Rules regarding the discharges to waters of the state are promulgated under R317-8-2 of the Utah Administrative Code and regulated by the Utah Division of Water Quality (Tel. 801-536-6146). Pollution of waters of the state is a violation of the Utah Water Quality Act, Utah Code Annotated Title 19, Chapter 5.

11.6.3 Mineralized, Contaminated or Polluted Water. Whenever a water bearing stratum that contains nonpotable mineralized, contaminated or polluted water is encountered, the stratum shall be adequately sealed off so that contamination or comingling of the overlying or underlying groundwater zones will not occur (see Figure 4) Water bearing zones with differing pressures must also be isolated and sealed off in the well to avoid aquifer depletion, wasting of water, and reduction of aquifer pressures.

11.6.4 Down-hole Equipment. All tools, drilling equipment, and materials used to drill, repair, renovate, clean, or install a pump in a well shall be free of contaminants prior to beginning well construction or other in-well activity. Contaminants include lubricants, fuel, bacteria, etc. that will reduce the well efficiency, and any other item(s) that will be harmful to public health and/or the resource or reduce the life of the water well. It is recommended that excess

<u>lubricants</u> placed on drilling equipment be wiped clean prior to insertion into the borehole.

11.6.5 Well Disinfection and Chlorination of Water. No. contaminated or untreated water shall be placed in a well during construction. Water should be obtained from a chlorinated municipal system. Where this is not possible, the water must be treated to give at least 100 parts per million free chlorine residual. Upon completion of a well or work on a well, the driller or pump installer shall disinfect the well using accepted disinfection procedures to give at least 100 parts per million free chlorine residual equally distributed in the well water from static level to the bottom of the well. A chlorine solution designated for potable water use prepared with either calcium hypochlorite (powdered, granular, or tablet form) or sodium hypochlorite in liquid form shall be used for water well disinfection. Off-the-shelf chlorine compounds intended for home laundry use, pool or fountain use should not be used if they contain additives such as antifungal agents, silica ("Ultra" brands), scents, etc. Table 7 provides the amount of chlorine compound required per 100 gallons of water or 100 feet linear casing volume of water to mix a 100 parts per million solution. Disinfection situations not depicted in Table 7 must be approved by the state engineer. Additional recommendations and guidelines for water well system disinfection are available from the state engineer upon request.

AMOUNT OF CHLORINE COMPOUND FOR EACH 100 FEET OF WATER

STANDING IN WELL (100 ppm solution)

Well_	Ca-HyCLT*	Ca-HyCLT	Na-HyCLT**	Liquid CL***
Diameter	(25% HOCL)	(65% HOCL)	(12-trade %)	(100% C12)
(inches)	(ounces)	(ounces)	(fluid ounces)	(1bs)
2	1.00	0.50	3.5	0.03
4	3.50	1.50	7.0	0.06
6	8.00	3.00	16.0	0.12
8	14.50	5.50	28.0	0.22
10	22.50	8.50	45.0	0.34
12	32.50	12.00	64.0	0.50
14	44.50	16.50	88.0	0.70
16	58.00	26.00	112	0.88
20	90.50	33.00	179	1.36
For every 100				
gal. of water				
add:	5.50	2.00	11.5	0.09

NOTES: *Calcium Hypochlorite (solid)

11.7 Special Requirements.

11.7.1 Explosives. Explosives used in well construction shall not be detonated within the section of casing designed or expected to serve as the surface seal of the completed well, whether or not the surface seal has been placed. If explosives are used in the construction of a well, their use shall be reported on the official well log. In no case shall explosives, other than explosive shot perforators specifically designed to perforate steel casing, be detonated inside the well casing or liner pipe.

11.7.2 Access Port. Every well shall be equipped with a usable access port so that the position of the water level, or pressure head, in the well can be measured at all times.

11.7.3 Completion or Abandonment. A licensed driller shall not remove his drill rig from a well site unless the well is completed or

^{**}Sodium Hypochlorite (liquid)

^{***}Liquid Chlorine

abandoned. Completion of a well shall include all surface seals, gravel packs or curbs required. Dry boreholes, or otherwise unsuccessful attempts at completing a well, shall be properly abandoned in accordance with Section R655-4-14. Upon completion, all wells shall be equipped with a watertight, tamper-resistant casing cap or sanitary seal.

11.7.4 Surface Security. If it becomes necessary for the driller to temporarily discontinue the drilling operation before completion of the well or otherwise leave the well or borehole unattended, the well and/or borehole must be covered securely to prevent contaminants from entering the casing or borehole and rendered secure against entry by children, vandals, domestic animals, and wildlife.

11.7.5 Pitless Adapters/Units. Pitless adapters or units are acceptable to use with steel well casing as long as they are installed in accordance with manufacturers recommendations and specifications as well as meet the Water Systems Council Pitless Adapter Standard (PAS-97) which are incorporated herein by reference and are available from Water Systems Council, 13 Bentley Dr., Sterling, VA 20165, phone 703-430-6045, fax 703-430-6185 (watersystemscouncil.org). The pitless adaptor, including the cap or cover, casing extension, and other attachments, must be so designed and constructed to be secure, water tight, and to prevent contamination of the potable water supply from external sources. Pitless wellhead configurations shall have suitable access to the interior of the well in order to measure water level and for well disinfection purposes. Pitless configurations shall be of watertight construction throughout and be constructed of materials at least equivalent to and having wall thickness and strength compatible to the casing. Pitless adapters or units are not recommended to be mounted on PVC well casing. If a pitless adapter is to be used with PVC casing, it should be designed for use with PVC casing, and the driller should ensure that the weight of the pump and column do not exceed the strength of the PVC well casing. If it is known that a pitless adapter/unit will be installed on a well, a cement grout seal shall not be allowed within the pitless unit or pitless adaptor sealing interval as the well is being constructed. The pitless adapter or unit sealing interval shall be sealed with unhydrated bentonite as the well is constructed and before pitless installation. Upon pitless adapter/unit installation, the surface seal below the pitless connection shall be protected and maintained. After the pitless adapter/unit has been installed, the associated excavation around the well from the pitless connection to ground surface shall be backfilled and compacted with low permeability fill that includes clay. The pitless adapter or unit, including the cap or cover, pitless case and other attachments, shall be designed and constructed to be watertight to prevent the entrance of contaminants into the well from surface or near-surface sources.

11.7.6 Hydraulic Fracturing. The hydraulic fracturing pressure shall be transmitted through a drill string and shall not be transmitted to the well casing. Hydraulic fracturing intervals shall be at least 20 feet below the bottom of the permanent casing of a well. All hydraulic fracturing equipment shall be thoroughly disinfected with a 100 part per million chlorine solution prior to insertion into the well. The driller shall include the appropriate hydraulic fracturing information on the well log including methods, materials, maximum pressures, location of packers, and initial/final yields. In no case shall hydrofacturing allow commingling of waters within the well bore. Clean sand or other material (propping agents) approved by the

Division may be injected into the well to hold the fractures open when pressure is removed.

11.7.7 Static Water Level, Well Development, and Well Yield. To fulfill the requirements of Subsection R655-4-4.5.2, new wells designed to produce water shall be developed to remove drill cuttings, drilling mud, or other materials introduced into the well during construction and to restore the natural groundwater flow to the well to the extent possible. After a water production well is developed, a test should be performed to determine the rate at which groundwater can be reliably produced from the well. Following development and testing, the static water level in the well should also be measured. Static water level, well development information, and well yield information shall be noted on the official submittal of the Well Log by the well driller.

11.7.8 Packers. Packers shall be of a material that will not impart taste, odor, toxic substances or bacterial contamination to the water in the well.

11.7.9 Screens. Screens must be constructed of corrosion-resistant material and sufficiently strong to withstand stresses encountered during and after installation. Screen slot openings, screen length, and screen diameter should be sized and designed to provide sufficient open area consistent with strength requirements to transmit sand-free water from the well. Screens should be installed so that exposure above pumping level will not occur.

11.7.10 Openings in the Casing. There shall be no opening in the casing wall between the top of the casing and the bottom of the required casing seal except for pitless adapters, measurement access ports, and other approved openings installed in conformance with these standards. In no case shall holes be cut in the casing wall for the purpose of lifting or lowering casing into the well bore unless such holes are properly welded closed and watertight prior to placement into the well bore.

11.7.11 Casing vents. If a well requires venting, it must terminate in a down-turned position at least 18-inches above ground (land) level, at or above the top of the casing or pitless unit and be covered with a 24 mesh corrosion-resistant screen.

R655-4-12. Special Wells.

12.1 Construction Standards for Special Wells.

12.1.1 General. The construction standards outlined in Section R655-4-11 are meant to serve as minimum acceptable construction standards. Certain types of wells such as cathodic protection wells, closed-loop heating or cooling exchange wells, recharge and recovery wells, and public supply wells require special construction standards that are addressed in this section or in rules promulgated by other regulating agencies. At a minimum, when constructing special wells as listed above, the well shall be constructed by a licensed well driller, and the minimum construction standards of Section R655-4-11 shall be followed in addition to the following special standards.

12.1.2 Public Water Supply Wells. Public water supply wells are subject to the minimum construction standards outlined in Section R655-4-11 in addition to the requirements established by the Department of Environmental Quality, Division of Drinking Water under Rules R309-515 and R309-600. Rules and requirements in R309-515 and R309-600 are regulated by the Division of Drinking Water and not by the Division of Water Rights and may include a preliminary evaluation report related to drinking water source

protection, well plan and specification review and approval, and mandatory grout seal inspection (The Division of Drinking Water should be contacted to determine specific and current rules and requirements).

- Cathodic Protection Well Construction. Cathodic 12.1.3 protection wells shall be constructed in accordance with the casing, joint, surface seal, and other applicable requirements outlined in Section R655-4-11. Any annular space existing between the base of the annular surface seal and the top of the anode and conductive fill interval shall be filled with appropriate fill or sealing material. Fill material shall consist of washed granular material such as sand, pea gravel, or sealing material. Fill material shall not be subject to decomposition or consolidation and shall be free of pollutants and contaminants. Fill material shall not be toxic or contain drill cuttings or drilling mud. Additional sealing material shall be placed below the minimum depth of the annular surface seal, as needed, to prevent the cross-connection and commingling of separate aquifers and water bearing zones. Vent pipes, anode access tubing, and any other tubular materials (i.e., the outermost casing) that pass through the interval to be filled and sealed are considered casing for the purposes of these standards and shall meet the requirements of Subsections R655-4-11.2 and 11.3. Cathodic protection well casing shall be at least 2 inches in internal diameter to facilitate eventual well abandonment. Figure 6 illustrates the construction of a typical cathodic protection well.
- 12.1.4 Closed-loop Heating/Cooling Exchange Wells. Wells or boreholes utilized for heat exchange or thermal heating in a closed-loop fashion, which are greater than 30 feet in depth and encounter formations containing groundwater, must be drilled by a licensed driller and the owner or applicant must have an approved application for that specific purpose as outlined in Section R655-4-9. Wells or boreholes installed for heat or thermal exchange process must comply with the minimum construction standards of Section R655-4-11. Direct exchange (DX) systems are not allowed unless case by case permission is provided by the state engineer.
- 12.1.4.1 For open-loop systems where groundwater is removed, processed, and re-injected, a non-consumptive use water right approval must be obtained from the state engineer. Approval to re-inject water underground is also required from the Utah Division of Water Quality. Open-loop system wells shall be constructed in accordance with the requirements found in Section 11. If a separate well or borehole is required for re-injection purposes, it must also comply with these standards and the groundwater must be injected into the same water bearing zones as from which it is initially withdrawn. The quality and quantity of groundwater shall not be diminished or degraded upon re-injection.
- 12.1.4.2 Closed-loop heat exchange wells must also comply with the guidelines set forth in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump Systems (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614.898-7786, website www.ngwa.org, email customerservice@ngwa.org) or standards set forth in the Design and Installation Standards for Closed-Loop/Geothermal Heat Pump Systems (standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). These guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT

- 84116). For closed-loop systems where groundwater is not removed in the process, non-production well approval must be obtained from the state engineer. Specific requirements for closed-loop wells include:
- a. The location of closed loop heat pump wells must comply with applicable ordinances, regulations, or other enforceable instruments of local governments to ensure adequate protection of public water systems from encroachments or any impairment of the groundwater resource. During drilling and construction, provisions shall be made to reduce entry of foreign matter or surface runoff into the well or borehole.
- b. Closed-loop system wells must be sealed from the bottom of the well/boring to ground surface using acceptable materials and placement methods described in Section 11.4. Sand may be added to the seal mix to enhance thermal conductivity as long as the seal mix meets permeability and gel strength standards outlined in Section 11.4.
- c. Borehole Diameter: The borehole diameter of a closed loop heat pump well must be of sufficient size to allow placement of the pipe and placement of a tremie to emplace the grout. In general, for loop piping with a nominal diameter of 3/4 to 1 inch, the borehole diameter shall be at least 4.75 inches. For loop piping with a nominal diameter of 1.25 inches, the borehole diameter shall be at least 5.25 inches. For loop piping with a nominal diameter of 1.5 to 2.0 inches, the borehole diameter shall be at least 6.0 inches.
- d. Grouting of Vertical Ground Water Heat Pump Wells: Grouting the annulus of a heat pump well shall be completed within 24 hours from the time the borehole is drilled and loaded with the U-bend assembly and within at least 6 hours from the time the drill rig moves off the borehole. Full-length grout placement is required on all vertical closed loop heat pump boreholes.
- e. Placement of Grout Material: Full-length grout material must be placed by tremie from the bottom of the borehole to the top. The tremie pipe shall be continuously submerged in grout during placement. The tremie pipe must not be left in the borehole. The grout must fill the entire borehole. Grout must not be allowed to free-fall. Once the grout has settled for at least 48 hours, borehole shall be topped off with additional grout as necessary to maintain seal material to ground surface.
- f. Pipe: Pipe material, joining methods, and installation must meet the guidelines and standards referenced in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump Systems, (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614.898-7786, email customerservice@ngwa.org) and in the Design and Installation Standards for Closed-Loop/Geothermal Heat Pump Systems (standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116). U-bend connections shall be factory jointed and piping shall not have any fusion joints below a depth of 30 feet.
- g. Pressure Testing: Loop piping shall be filled with water and pressure tested prior to installation into the borehole. Loop piping failing this initial pressure testing shall not be installed. The installed system must be pressure tested at a minimum of 2 times the system operating pressure to ensure the integrity of the system. If a pressure loss is detected, the cause must be properly repaired or material

replaced or properly plugged. The system shall be pressure tested again following any repairs. Pressure testing procedures shall follow the guidelines and standards in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump Systems, (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614.898-7786, email customerservice@ngwa.org) and in the Design and Installation Standards for Closed-Loop/Geothermal Heat Pump Systems (standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116).

h. Heat transfer fluid, additives, and inhibitors. The heat transfer fluids, additives, and inhibitors used inside the closed-loop assembly must be nontoxic, safe to install, provide corrosion protection, not promote bacterial growth, and not produce an unacceptable risk to the environment in the event of a system leak. Potassium acetate or ethylene glycol shall not be used as a heat transfer fluid. Water used in the heat transfer fluid mix must be from a treated potable source or be disinfected in accordance with these rules. Use and placement of fluids, additives, and inhibitors shall be in accordance with the guidelines and standards in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump Systems, (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614.898-7786, email customerservice@ngwa.org) and in the Design and Installation Standards for Closed-Loop/Geothermal Heat Pump Systems (standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116).

- i. Abandonment: When closed-loop heat exchange wells are required to be permanently abandoned (decommissioned and sealed), the most recent version of the standards referenced in the previous section shall be followed. The state engineer shall be notified prior to loop field abonnement. All heat transfer fluids shall be flushed and removed from loop piping prior to abandonment. Below ground loop piping to be abandoned shall be filled completely with acceptable grout and the loop piping ends properly capped or sealed.
- 12.1.4.3 The rules herein pertain only to the heating and cooling exchange well constructed to a depth greater than 30 feet and are not intended to regulate the incidental work that may occur up to the well such as plumbing, electrical, piping, trenching, and backfilling activities.
- 12.1.5 Recharge and Recovery Wells. Any well drilled under the provisions of Title 73, Chapter 3b (Groundwater Recharge and Recovery Act) shall be constructed in a manner consistent with these rules and shall be drilled by a currently licensed driller. Special rules regarding the injection of water into the ground are also promulgated under the jurisdiction of the Utah Department of Environmental Quality, Division of Water Quality (Rule R317-7 "Underground Injection Control Program" of the Utah Administrative

Code) and must be followed in conjunction with the Water Well Drilling rules.

R655-4-13. Deepening, Rehabilitation, and Renovation of Wells.

- 13.1 Sealing of Casing.
- 13.1.1 If in the repair of a drilled well, the old casing is withdrawn, the well shall be recased and resealed in accordance with the rules provided in Subsection R655-4-11(11.4).
 - 13.2 Inner Casing.
- 13.2.1 If an inner casing is installed to prevent leakage of undesirable water into a well, the space between the two well casings shall be completely sealed using packers, casing swedging, pressure grouting, etc., to prevent the movement of water between the casings.
 - 13.3 Outer Casing.
- 13.3.1 If the "over-drive" method is used to eliminate leakage around an existing well, the casing driven over the well shall meet the minimum specifications listed in Subsection R655-4-11(11.4).
 - 13.4 Artesian Wells.
- 13.4.1 If upon deepening an existing well, an artesian zone is encountered, the well shall be cased and completed as provided in Subsection R655-4-11(11.4).
 - 13.5 Drilling in a Dug Well.
- 13.5.1 A drilled well may be constructed through an existing dug well provided that:
- 13.5.1.1 Unperforated Casing Requirements. An unperforated section of well casing extends from a depth of at least ten (10) feet below the bottom of the dug well and at least 20 feet below land surface to above the maximum static water level in the dug well.
- 13.5.1.2 Seal Required. A two foot thick seal of neat cement grout, sand cement grout, or bentonite grout is placed in the bottom of the dug well so as to prevent the direct movement of water from the dug well into the drilled well.
- 13.5.1.3 Test of Seal. The drilled well shall be pumped or bailed to determine whether the seal described in Subsection R655-4-13(13.5.1.2) is adequate to prevent movement of water from the dug well into the drilled well. If the seal leaks, additional sealing and testing shall be performed until a water tight seal is obtained.
 - 13.6 Well Rehabilitation and Cleaning.
- 13.6.1 Tools used to rehabilitate or clean a well shall be cleaned, disinfected, and free of contamination prior to placement in a well.
- 13.6.2 The driller shall use rehabilitation and cleaning tools properly so as not to permanently damage the well or aquifer. If the surface seal is damaged or destroyed in the process of rehabilitation or cleaning, the driller shall repair the surface seal to the standards set forth in Subsection R655-4-11(11.4).
- 13.6.3 Debris, sediment, and other materials displaced inside the well and surrounding aquifer as a result of rehabilitation or cleaning shall be completely removed by pumping, bailing, well development, or other approved methods.
- 13.6.4 Detergents, chlorine, acids, or other chemicals placed in wells for the purpose of increasing or restoring yield, shall be specifically designed for that purpose and used according to the manufacturer's recommendations.
- 13.6.5 Any renovation, rehabilitation, cleaning, or other work on a well that requires alteration of the well itself shall be conducted by a licensed well driller.

13.6.6 Following completion of deepening, renovation, rehabilitation, cleaning, or other work on a well, the well shall be properly disinfected in accordance with Subsection R655-4-11(11.6.5).

R655-4-14. Abandonment of Wells.

14.1 Temporary Abandonment.

14.1.1 When any well is temporarily removed from service, the top of the well shall be sealed with a tamper resistant, water-tight cap or seal. If a well is in the process of being drilled and is temporarily abandoned, the well shall be sealed with a tamper resistant, water-tight cap or seal and a surface seal installed in accordance with Subsection R655-4-11(11.4). The well may be temporarily abandoned during construction for a maximum of 90 days. After the 90 day period, the temporarily abandoned well shall be completed as a well that meets the standards of Section 11 or permanently abandoned in accordance with the following requirements, and an official well abandonment report (abandonment log) must be submitted in compliance with Section R655-4-4.

14.2 Permanent Abandonment.

14.2.1 The rules of this section apply to the abandonment of the type of wells listed in Subsection R655-4-1(1.2) including private water wells, public supply wells, monitor wells, cathodic protection wells, and heating or cooling exchange wells. A licensed driller shall notify the state engineer prior to commencing abandonment work of an existing well and submit a complete and accurate abandonment log following abandonment work in accordance with Section R655-4-4 of these rules. Prior to commencing abandonment work, the driller shall obtain a copy of the well log of the well proposed to be abandoned from the well owner or the state engineer, if available, in order to determine the proper abandonment procedure. Any well that is to be permanently abandoned shall be completely filled from bottom to top in a manner to prevent vertical movement of water within the borehole as well as preventing the annular space surrounding the well casing from becoming a conduit for possible contamination of the groundwater supply. A well driller who wishes to abandon a well in a manner that does not comply with the provisions set forth in this section must request approval from the state engineer.

14.3 License Required.

14.3.1 Well abandonment shall be accomplished under the direct supervision of a currently licensed water well driller who shall be responsible for verification of the procedures and materials used.

14.4 Acceptable Materials.

14.4.1 Neat cement grout, sand cement grout, unhydrated bentonite, or bentonite grout in accordance with Section R655-4-11.4 shall be used to abandon wells and boreholes. Other sealing materials or additives, such as fly ash, may be used in the preparation of grout upon approval of the state engineer. Drilling mud or drill cuttings shall not be used as any part of a sealing materials for well abandonment. The liquid phase of the abandonment fluid shall be water from a potable municipal system or disinfected in accordance with Subsection R655-4-11(11.6.5).

14.5 Placement of Materials.

14.5.1 Neat cement and sand cement grout shall be introduced at the bottom of the well or required sealing interval and placed progressively upward to the top of the well. The sealing material shall be placed by the use of a grout pipe, tremie line, dump bailer or equivalent in order to avoid freefall, bridging, or dilution of the sealing materials or separation of aggregates from sealants. Sealing material shall not be installed by freefall (gravity) unless the

interval to be sealed is dry and no deeper than 30 feet below ground surface. If the well to be abandoned is a flowing artesian well, the well may be pressure grouted from the surface. The well should be capped immediately after placement of seal materials to allow the seal material to set up and not flow out of the well.

14.5.2 Bentonite-based abandonment products shall be mixed and placed according to manufacturer's recommended procedures and result in a seal free of voids or bridges. Granular or powered bentonite shall not be placed under water. When placing unhydrated bentonite, a sounding or tamping tool shall be run in the sealing interval during pouring to measure fill-up rate, verify a continuous seal placement, and to break up possible bridges or cake formation.

14.5.3 If seal material settlement occurs during placement and set up, the top of the abandoned well casing or borehole shall be topped off with approved sealing material until the seal top remains at the natural ground surface.

14.5.4 Abandonment materials placed opposite any nonwater bearing intervals or zones shall be at least as impervious as the formation or strata prior to penetration during the drilling process.

14.5.5 Prior to well or borehole abandonment, all pump equipment, piping, and other debris shall be removed to the extent possible. The well shall also be sounded immediately before it is plugged to make sure that no obstructions exist that will interfere with the filling and sealing. If the well contains lubricating oil that has leaked from a turbine shaft pump, it shall be removed from the well prior to abandonment and disposed of in accordance with applicable state and federal regulations.

14.5.6 Verification shall be made that the volume of sealing and fill material placed in a well during abandonment operations equals or exceeds the volume of the well or borehole to be filled and sealed.

14.6 Termination of Casing.

14.6.1 The casings of wells to be abandoned shall be severed to the natural ground surface or deeper if necessitated by development of the area. If the casing is severed below ground surface, compacted native material shall be placed above the abandoned well upon completion.

14.7 Abandonment of Artesian Wells.

14.7.1 A neat cement grout, sand-cement grout, or concrete plug shall be placed in the confining stratum overlying the artesian zone so as to prevent subsurface leakage from the artesian zone. The remainder of the well shall be filled with sand-cement grout, neat cement grout, bentonite abandonment products, or bentonite grout. The uppermost ten (10) feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.8 Abandonment of Drilled and Jetted Wells.

14.8.1 A neat cement grout or sand cement grout plug shall be placed opposite all perforations, screens or openings in the well casing. The remainder of the well shall be filled with cement grout, neat cement, bentonite abandonment products, concrete, or bentonite slurry. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.9 Abandonment of Gravel Packed Wells.

14.9.1 All gravel packed wells shall be pressure grouted throughout the perforated or screened section of the well. The remainder of the well shall be filled with sand cement grout, neat cement grout, bentonite abandonment products, or bentonite grout. If gravel pack extends above or below the perforated/screened interval in

the annular space between the casing and borehole wall, additional perforations in that blank interval of casing shall be required. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.10 Removal of Casing.

14.10.1 Where possible, it is recommended that the well casing be removed during well abandonment, and when doing so, the abandonment materials shall be placed from the bottom of the well or borehole progressively upward as the casing is removed. The well shall be sealed with sand cement grout, neat cement grout, bentonite abandonment products, or bentonite grout. In the case of gravel packed wells, the entire gravel section shall be pressure grouted. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.11 Replacement Wells.

14.11.1 Wells which are to be removed from operation and replaced by the drilling of a new well under an approved replacement application, shall be abandoned in a manner consistent with the provisions of Section R655-4-14 before the rig is removed from the site of the newly constructed replacement well, unless written authorization to remove the rig without abandonment is provided by the state engineer. Also refer to the requirements provided in Subsection R655-4-4(4.4).

14.12 Abandonment of Cathodic Protection Wells.

14.12.1 The general requirements for permanent well abandonment in accordance with Section R655-4-14 shall be followed for the abandonment of cathodic protection wells.

14.12.2 A cathodic protection well shall be investigated before it is destroyed to determine its condition, details of its construction and whether conditions exist that will interfere with filling and sealing.

14.12.3 Casing, cables, anodes, granular backfill, conductive backfill, and sealing material shall be removed as needed, by re-drilling, if necessary, to the point needed to allow proper placement of abandonment material. Casing that cannot be removed shall be adequately perforated or punctured at specific intervals to allow pressure injection of sealing materials into granular backfill and all other voids that require sealing.

R655-4-15. Monitor Well Construction Standards.

15.1 Scope.

15.1.1 Certain construction standards that apply to water wells also apply to monitor wells. Therefore, these monitoring well standards refer frequently to the water well standard sections of the rules. Standards that apply only to monitor wells, or that require emphasis, are discussed in this section. Figure 7 illustrates a schematic of an acceptable monitor well with an above-ground surface completion. Figure 8 illustrates a schematic of an acceptable monitor well with a flush-mount surface completion. Figures 7 and 8 can be viewed in the publication, State of Utah Administrative Rules for Water Wells, most recent edition, available at the Division of Water Rights, 1594 West North Temple, Salt Lake City, Utah.

15.1.2 These standards are not intended as a complete manual for monitoring well construction, alteration, maintenance, and abandonment. These standards serve only as minimum statewide guidelines towards ensuring that monitor wells do not constitute a significant pathway for the movement of poor quality water, pollutants, or contaminants. These standards provide no assurance that a monitor well will perform a desired function. Ultimate responsibility for the

design and performance of a monitoring well rests with the well owner and/or the owner's contractor, and/or technical representative(s). Most monitor well projects are the result of compliance with the Environmental Protection Agency (EPA), Federal Regulations such as the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or "Superfund"), or specific State Solid and Hazardous Waste requirements. The contracts governing their installation are tightly written containing specific requirements as to site location, materials used, sampling procedures and overall objectives. Therefore specific construction requirements for monitor well installation shall be governed by applicable contracts and regulations providing they meet or exceed state requirements and specifications. Guidelines and recommended practices dealing with the installation of monitor wells may be obtained from the state engineer upon request. Additional recommended information may be obtained from the Environmental Protection Agency (EPA), Resource Conservation and Recovery Act (RCRA), Groundwater Monitoring Enforcement and Compliance Document available from EPA's regional office in Denver, Colorado and from the Handbook of Suggested Practices for the Design and Installation of Groundwater Monitoring Wells, available from the National Groundwater Association in Dublin, Ohio.

15.2 Installation and Construction.

15.2.1 Materials and Equipment Contaminant-Free. All material used in the installation of monitor wells shall be contaminant-free when placed in the ground. Drilling equipment shall be clean and contaminant free in accordance with Subsection R655-4-11(11.6.4). During construction contaminated water should not be allowed to enter contaminant-free geologic formations or water bearing zones.

15.2.2 Borehole Integrity. Some minor cross-contamination may occur during the drilling process, but the integrity of the borehole and individual formations must then be safeguarded from permanent cross connection.

15.2.3 Casing and Screen. The well casing should be perforated or screened and filter packed with sand or gravel where necessary to provide adequate sample collection at depths where appropriate aquifer flow zones exist. The casing and screen selected shall not affect or interfere with the chemical, physical, radiological, or biological constituents of interest. Screens in the same well shall not be placed across separate water bearing zones in order to minimize interconnection, aquifer commingling, and cross contamination. Screens in a nested well can be placed in separate water bearing zones as long as the intervals between the water bearing zones are appropriately sealed and aquifer cross connection and commingling does not occur. Monitor well casing and screen shall conform to ASTM standards, or consist of at least 304 or 316 stainless steel, PTFE (Teflon), or Schedule 40 PVC casing.

15.2.4 Gravel/Filter Pack. If installed, the gravel or filter pack should generally extend two (2) feet to ten (10) feet above screened or perforated areas to prevent the migration of the sealing material from entering the zones being sampled. Gravel or filter pack material shall meet the requirements of Subsection R655-4-11(11.5.2). Gravel/filter pack for monitoring wells does not require disinfection. Drill cutting should not be placed into the open borehole annulus. The well driller shall ensure that a bridge or voids do not occur in the annular space during the placement of the gravel pack by means of a sounding device or other mechanism.

15.2.5 Annular Seal. All monitor wells constructed shall have a continuous surface seal, which seals the annular space between

the borehole and the permanent casing, in accordance with the provisions in Section R655-4-11. The surface seal depth requirements of Section R655-4-11 do not apply to monitor wells. The surface seal may be more or less than 50 feet depending on the screen/perforation and/or gravel pack interval. Seals shall also be constructed to prevent interconnection and commingling of separate aquifers penetrated by the well, prevent migration of surface water and contaminations into the well and aquifers, and shall provide casing stability. The seal shall have a minimum diameter of four inches larger than the nominal size of the permanent casing, and shall extend from land surface to the top of the filter pack. After the permanent casing and filter pack (optional) has been set in final position, a layer of bentonite or fine sand (e.g., mortar sand) shall be placed on top of the filter pack to maintain separation between the seal material and the screened interval in order to insure that the seal placement will not interfere with the filter pack. The remaining annular space shall be filled to land surface in a continuous operation with unhydrated bentonite, neat cement grout, sand-cement grout, or bentonite grout. Only potable water should be used to hydrate any grout or slurry mixture. The completed annular space shall fully surround the permanent casing, be evenly distributed, free of voids, and extend from the permanent casing to undisturbed or recompacted soil. All sealing materials and placement methods shall conform to the standards in Section R655-4-2 and Subsection R655-4-11(11.4). The well driller shall ensure that a bridge or voids do not occur in the annular space during the placement of the seal.

15.2.6 Cuttings, Decon Water, Development Water, and Other IDW. Drill cuttings, decontamination (Decon) water, monitor well development water, and other investigation derived waste (IDW) shall be managed and disposed of in accordance with applicable state and federal environmental regulations. It is the responsibility of the driller to know and understand such requirements.

15.3 Minimum Surface Protection Requirements.

15.3.1 If a well is cased with metal and completed above ground surface, a locking water resistant cap shall be installed on the top of the well.

15.3.2 If the well is not cased with metal and completed above ground surface, a protective metal casing shall be installed over and around the well. The protective casing shall be cemented at least two feet into the ground around the nonmetallic casing. A water tight cap shall be installed in the top of the well casing. A locking cap shall be installed on the top of the protective casing.

15.3.3 Monitor wells completed above ground and potentially accessible to vehicular damage shall be protected in the following manner. At least three metal posts, at least three inches in diameter, shall be cemented in place around the casing. Each post shall extend at least three feet above and two feet below ground surface. A concrete pad may be installed to add protection to the surface completion. If installed, the concrete pad shall be at least four (4) inches thick and shall slope to drain away from the well casing. The base shall extend at least two (2) feet laterally in all directions from the outside of the well boring. When a concrete pad is used, the well seal may be part of the concrete pad.

15.3.4 If the well is completed below land surface, a water tight cap with a lock shall be attached to the top of the well casing. A metal monument or equivalent shall be installed over and around the well. The monument shall serve as a protective cover and be installed level with the land surface and be equipped with a waterproof seal to prevent inflow of any water or contaminants. Drains will be provided, when feasible, to keep water out of the well and below the well cap.

The monument and cover must be designed to withstand the maximum expected load.

15.4 Abandonment.

15.4.1 Abandonment of monitor wells shall be completed in compliance with the provisions of Section R655-4-14. The provisions of Section R655-4-14 are not required for the permanent abandonment of monitor wells completed at a depth of 30 feet below natural ground surface.

R655-4-16. Pump Installation and Repair.

16.1 Pump installation practices. All pump installations shall be completed in such a manner as to prevent waste and contamination of groundwater by pollution material entering the well from pumping equipment, casing connectors, fittings, piping, sanitary seals or caps.

16.2 Surface Seal. If in the process of pump installation or repair, the well's surface seal is disturbed or damaged, it shall be repaired and resealed in accordance with the standards provided in Subsection R655-4-11(11.4).

and equipment used in performance of pump installation and repair shall be cleaned, disinfected, and free of contamination prior to placement in a well. All tools, drilling equipment, and materials used to drill a well shall be free of contaminants prior to beginning pump-related work. Contaminants include lubricants, fuel, bacteria, etc. that will reduce the well efficiency, and any other item(s) that will be harmful to public health and/or the resource or reduce the life of the water well. It is recommended that excess lubricants placed on equipment be wiped clean prior to insertion into the well. Thread Compounds, Sealants, and Lubricants must not exceed the maximum contaminant levels for chemicals, taste, and odor. The licensee shall use pump-related tools and equipment properly so as not to permanently damage the well or aquifer.

16.4 Disinfection. Following completion of pump installation and repair work on a well, the well, pump, and in-well discharge piping shall be properly disinfected in accordance with Subsection R655-4-11(11.6.5).

16.5. Product, material, and Process Standards. Any product, material or procedure designed for use related to pump installation and repair of water production or non-production wells, which has received certification and approval for its intended use by the National Sanitation Foundation (NSF) under ANSI/NSF Standard 60 or 61, the American Society for Testing Materials (ASTM), the American Water Works Association (AWWA) or the American National Standards Institute (ANSI) may be utilized. Other products, materials or procedures may also be utilized for their intended purpose upon manufacturers certification that they meet or exceed the standards or certifications referred to in this section and upon state engineer approval. Organic substances shall not be introduced into the well or borehole during pump installation and repair work.

16.6 Surface Completions. Pump installers shall leave the well surface completion upon completion of pump installation/repair work in accordance with the standards in Subsection R655-4-11 as it pertains to casing stick up, steel/PVC casing extensions, sanitary capping and venting, and protective casings. Upon completion, all wells shall be equipped with a watertight, tamper-resistant casing cap or sanitary seal.

<u>16.7 Flowing Artesian Wells. In accordance with</u> Subsection R655-4-11(11.4.3.5, artesian wells that flow naturally at the

surface, the well shall be equipped with a control valve so that the flow can be completely stopped. The control valve must be available for inspection by the state engineer at all times.

- 16.8 Seals Between Casings. If the well is constructed of multiple casing strings at or near the ground surface and if a pitless adapter/unit is installed, the standards of Subsection R655-4-11(11.5.5) shall be employed to ensure proper sealing between casings is maintained.
- 16.9 Water Level and Flow Measurement. Following pump installation and repair work, the well shall be left in such a manner to allow for access to water level measurements in accordance with R655-4-11(11.7.2). After pump installation and repair work is completed on a well, the static water level should be measured after which a test should be performed to determine the rate at which groundwater can be reliably produced from the well. Pumping water level should be measured and recorded during this test. Static water level and well testing information shall be noted on the official submittal of the Pump Log by the pump installer or well driller.
- 16.10 Surface Security. If it becomes necessary for the pump installer to temporarily discontinue operation on a well before completion or otherwise leave the well unattended, the well must be covered securely to prevent contaminants from entering the casing and rendered secure against entry by children, vandals, domestic animals, and wildlife.
- 16.11 Above-grade connections. An above-grade connection into the top or side of a well casing shall be at least eighteen inches (18") above the land surface and shall be constructed so as to exclude dirt or other foreign matter by at least one of the following methods, as may be applicable:
 - (A) Threaded connection;
 - (B) Welded connection;
 - (C) Expansion sealer;
 - (D) Bolted flanges with rubber gaskets;
 - (E) Overlapping well cap; or
- (F) If a water well pump is mounted or sealed on a concrete pedestal, the casing shall extend at least to the top of the pedestal and at least eighteen inches (18") above the land surface.
- 16.12 Pitless Connections. Pitless adapters and units shall be installed in accordance with the standards set forth in Subsection R655-4-11(11.7.5). Pitless adapters shall be installed below the frost

line. A below-ground connection shall not be submerged in water at the time of installation. Holes cut in the casing through which the pitless adapters are installed must be sized and constructed so as to guarantee a watertight seal with the pitless adapter in place.

16.13 Backflow Protection. When a check valve or foot valve is not a part of the pump, a check valve or back-siphon prevention device shall be installed on the pump discharge line within the well or beyond the well to eliminate the opportunity for contaminated water to backflush into the well. Such device must be designed to direct or isolate the water flow to prevent water in the distribution line from running back down the well during removal or repair to the pump and pumping equipment. When a flow meter is installed on a well the meter must be located downstream from the backflow preventer and be placed in accordance with manufacturer spacing specifications.

16.14 Hand Pumps. Hand pumps shall be of the force type equipped with a packing gland around the pump rod, a delivery spout which is closed and downward directed, and a one-piece bell-type base which is part of the pump stand or is attached to the pump column in a watertight manner. The bell base of the pump shall be bolted with a gasket to a flange which is securely attached to the casing or pipe sleeve.

16.15 Pumping Water Level. In a screened or perforated well, the well pump setting and suction inlet shall be located so that the pumping level of the water cannot be drawn below the top of the screen.

16.16 Pump and Column/Drop Pipe Removal. During any repair or installation of a water well pump, the licensed installer shall make a reasonable effort to maintain the integrity of ground water and to prevent contamination by elevating the pump column and fittings, or by other means suitable under the circumstances.

KEY: water wells, pump installers, well drillers license Date of Enactment or Last Substantive Amendment: [April 11, 2011]2018

Notice of Continuation: August 1, 2014

Authorizing, and Implemented or Interpreted Law: 73-3

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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 <u>April 2, 2018</u>.

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 <u>June 29, 2018</u>, 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.

The Changes in Proposed Rules Begin on the Following Page

Environmental Quality, Waste Management and Radiation Control, Radiation

R313-25

License Requirements for Land Disposal of Radioactive Waste – General Provisions

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 42204 FILED: 02/09/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In response to a comment received during the public comment period, the proposed change deletes a requirement for an applicant or licensee of a radioactive waste disposal facility to reimburse the costs of the agency to review the licensee's competitive site-specific estimate utilizing the expertise of an outside consultant. It was determined that costs for reviewing a competitive site-specific estimate can be recovered using the Division of Environmental Quality's (Division) current budgeting process.

SUMMARY OF THE RULE OR CHANGE: Subsection R313-25-31.5(3), as published in the 11/1/2017 issue of the Bulletin. is being deleted in response to a comment submitted by the licensee of the radioactive waste disposal facility during the public comment period. Deleting this subsection removes the requirement for an applicant or licensee of a radioactive waste disposal facility to reimburse the costs of the Director to utilize the expertise of an outside contractor or cost estimator to review the applicant's or licensee's competitive It was determined that costs for site-specific estimate. reviewing a competitive site-specific estimate can be recovered using the Division's current budgeting process. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the November 1, 2017, issue of the Utah State Bulletin, on page 83. 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: Section 19-3-104 and Section 19-6-107

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: In the originally proposed rule change, published in the Utah State Bulletin on November 1, 2017, the applicant or licensee of a radioactive disposal facility had two options in providing a financial assurance cost

estimate to the Director for his review. If the applicant or licensee elects to submit a competitive site-specific cost estimate, and the Director chooses to engage the services of an outside contractor or cost estimator to assist the Director in his review, then the Director will utilize the current budget process to ensure adequate funding will exist to cover the cost of these services. The cost associated with the Director's review of, and action on, a cost estimate that does not involve contractor services will be covered by existing budget and staff resources. The impact to the state budget due to the revision with the change in proposed rule will be dependent on the discretion of the applicant or licensee as to which cost estimate option will be used.

- ♦ LOCAL GOVERNMENTS: No local governments own, operate, or are licensed to operate a radioactive waste disposal facility; therefore, there is no cost or savings impact to local governments.
- ♦ SMALL BUSINESSES: The existing radioactive waste disposal facility is not considered a small business and no small businesses in Utah own, operate, or are licensed to operate a radioactive waste disposal facility; therefore, there is no cost or savings impact to small businesses.
- PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is only one facility in Utah that is currently affected by the proposed rule changes. S.B. 79 (2017 General Session) creates an optional way that a licensee may establish the estimated closure and post-closure costs. If the licensee chooses RS Means as the basis of the cost estimate, then, based on comments received from the radioactive disposal facility, the cost to prepare and submit this cost estimate is approximately \$15,000. If the licensee chooses to submit a competitive site-specific estimate, the cost to a licensee to prepare such cost estimate will include hiring an outside contractor. Based on comments from the radioactive disposal facility, past costs to prepare and submit a combined cost estimate (from two separate third party estimates) were \$250,000 in contractor fees and \$35,000 for internal labor costs. In the originally proposed rule changes, published on November 1, 2017, the licensee was required to provide funding if the Director sought outside assistance from a consultant or cost estimator who is familiar with local market costs to help evaluate the licensee's submission. change in proposed rule deletes the proposed requirement for a licensee to directly reimburse the costs of the agency using a consultant or cost estimator to review a licensee's competitive site-specific estimate. However, deleting the proposed requirement from the rule does not eliminate the licensee's obligation to cover the review costs. The Director will utilize the current budget process to ensure adequate funding for any contracted services will be part of the agency's budget request. The costs to the licensee for the Director's review can vary depending on the quality of the information submitted, the consulting expertise needed, and the time necessary to complete the review. These costs will be based on an approved state contract for third party consulting services and will likely be less than the cost information provided by the radioactive waste disposal facility

above since it included the combined costs of two separate contractor fees. It is anticipated that a single cost estimate will be submitted for future competitive site-specific estimates.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Existing law places the burden on the licensee to demonstrate that its financial surety is sufficient at all times to cover the costs of a third party contractor to complete the required closure and post-closure activities in the event the licensee is unable or unwilling to perform closure and post-closure activities. This serves to protect Utah taxpayers from paying for these activities. S.B. 173 (2015 General Session), S.B, 79 (2017 General Session), and the change in proposed rule do not alter the underlying compliance requirement; however, these changes do provide an alternate way in lieu of RS Means for the licensee to demonstrate compliance. The licensee's 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 rule revision being made by this change in proposed rule is in response to comments made by the existing radioactive disposal facility during the public comment period. Removing the paragraph that requires an applicant or licensee of a radioactive waste disposal facility to reimburse the agency's cost to utilize an outside contractor or cost estimator to review a competitive site-specific cost estimate allows the agency to address this as part of the existing budget process. Any agency costs for an outside contractor or cost estimator to review a competitive cost estimate will be incorporated into the agency's budget request in order to ensure adequate funding will be available for any external contractor or cost estimator costs.

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

ENVIRONMENTAL QUALITY
WASTE MANAGEMENT AND RADIATION
CONTROL, RADIATION
SECOND FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-4880
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
- ♦ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at tball@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 04/16/2018

AUTHORIZED BY: Scott Anderson, Director

Appendix 1: Regulatory Impact Summary Table*

Appendix 1: Regulatory			
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
Fiscal Benefits			
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
Total Fiscal Benefits:	\$0	\$0	\$0
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 is one radioactive waste disposal facility licensee in Utah. Based on Utah law, an applicant or licensee of a radioactive waste disposal facility is required to submit an annual cost estimate for the closure and post-closure care of the facility that is based on RS Means data or, for the initial cost estimate and every five years thereafter, a competitive site-specific estimate. During the public comment period for the proposed rule changes, the licensee indicated that the cost to prepare and submit the 2016 annual cost estimate, as an update to the 2015 cost estimate, was approximately \$15,000. The cost to the

licensee to prepare and submit the 2015 annual cost estimate, which was an aggregate of two separate competitive site-specific cost estimates was \$250,000 in external contractor fees and \$35,000 in internal labor costs. It is anticipated that until 2020, the cost to the licensee to prepare and submit the annual cost estimates will be similar to the 2016 cost of \$15,000. Although inestimable due to the variable nature of future external contractor costs, it is anticipated that the annual cost estimate for 2020, when the next competitive site-specific cost estimate will be prepared, will be less than the cost of the 2015 competitive site-specific cost estimate since the 2020 will likely involve a single external contractor to prepare the competitive cost estimate.

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

R313. Environmental Quality, Waste Management and Radiation Control. Radiation.

R313-25. License Requirements for Land Disposal of Radioactive Waste - General Provisions.

R313-25-1. Purpose and Authority.

- (1) The purpose of this rule is to prescribe the requirements for the issuance of licenses for the land disposal of wastes received from other persons.
- (2) The rules set forth herein are adopted pursuant to the provisions of Subsections 19-3-104(4), 19-3-104(7), 19-3-104(10), and 19-3-104(11).
- (3) The requirements of Rule R313-25 are in addition to, and not in substitution for, other applicable requirements of these rules.

R313-25-2. Definitions.

As used in Rule R313-25, the following definitions apply:

"Active maintenance" means significant activity needed during the period of institutional control to maintain a reasonable assurance that the performance objectives in Sections R313-25-20 and R313-25-21 are met. Active maintenance may include the pumping and treatment of water from a disposal unit, the replacement of a disposal unit cover, or other episodic or continuous measures. Active maintenance does not include custodial activities like repair of fencing, repair or replacement of monitoring equipment, revegetation, minor additions to soil cover, minor repair of disposal unit covers, and general disposal site upkeep.

"Approval application" means an application by a radioactive waste facility regulated under Title 19, Chapter 3 or Title 19, Chapter 5, for a permit, permit modification, license, license amendment, or other authorization.

"Buffer zone" means a portion of the disposal site that is controlled by the licensee and that lies under the disposal units and between the disposal units and the boundary of the site.

"Competitive site-specific estimate" means a market-based cost estimate identifying and calculating the reasonable closure costs of a land disposal facility, including the cost of each activity in the closure, post-closure and institutional care of such facility, and market-based overhead(s) provided in sufficient detail to allow the Director to review and approve the same.

"Custodial agency" means an agency of the government designated to act on behalf of the government owner of the disposal site.

"Day" for purposes of this Rule means calendar days.

"Disposal" means the isolation of wastes from the biosphere by placing them in a land disposal facility.

"Disposal site" means that portion of a land disposal facility which is used for disposal of waste. It consists of disposal units and a buffer zone.

"Disposal unit" means a discrete portion of the disposal site into which waste is placed for disposal. For near-surface disposal, the disposal unit may be a trench.

"Engineered barrier" means a man-made structure or device intended to improve the land disposal facility's performance under Rule R313-25.

"Groundwater permit" means a groundwater quality discharge permit issued under the authority of Title 19, Chapter 5 and Rule R317-6.

"Hydrogeologic unit" means a soil or rock unit or zone that has a distinct influence on the storage or movement of ground water.

"Inadvertent intruder" means a person who may enter the disposal site after closure and engage in activities unrelated to post closure management, such as agriculture, dwelling construction, or other pursuits which could, by disturbing the site, expose individuals to radiation.

"Intruder barrier" means a sufficient depth of cover over the waste that inhibits contact with waste and helps to ensure that radiation exposures to an inadvertent intruder will meet the performance objectives set forth in Rule R313-25, or engineered structures that provide equivalent protection to the inadvertent intruder.

"Land disposal facility" means the land, buildings and structures, and equipment which are intended to be used for the disposal of radioactive waste. Land disposal facility also includes any land, buildings and structures, and equipment adjacent to such land disposal facility used for the receipt, storage, treatment, or processing of radioactive waste.

"Monitoring" means observing and making measurements to provide data to evaluate the performance and characteristics of the disposal site.

"Near-surface disposal facility" means a land disposal facility in which waste is disposed of within approximately the upper 30 meters of the earth's surface.

"Site closure and stabilization" means those actions that are taken upon completion of operations that prepare the disposal site for custodial care, and that assure that the disposal site will remain stable and will not need ongoing active maintenance.

"Stability" means structural stability.

"Surveillance" means monitoring and observation of the disposal site to detect needs for maintenance or custodial care, to observe evidence of intrusion, and to ascertain compliance with other license and regulatory requirements.

"Tolling period," for purposes of this Rule, means a period during which days are not counted toward the deadlines specified in Subsections R313-25-6(3)(c), (4)(c)(i), (5)(b)(i), and (6)(b)(i).

"Treatment" means the stabilization or the reduction in volume of waste by a chemical or a physical process.

"Unlicensed facility" means a structure, road, or property adjacent to, but outside of, a licensed or permitted area and that is not used for waste disposal or management.

"Waste" means those low-level radioactive wastes containing radioactive material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level

radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in (b), (c), and (d) of the definition for byproduct material found in Section R313-12-3.

R313-25-3. Pre-licensing Plan Approval Criteria for Siting of Commercial Radioactive Waste Disposal Facilities.

- (1) Persons proposing to construct or operate commercial radioactive waste disposal facilities, including waste incinerators, shall obtain a plan approval from the Director before applying for a license. Plans shall meet the siting criteria and plan approval requirements of Section R313-25-3.
- (2) The siting criteria and plan approval requirements in Section R313-25-3 apply to prelicensing plan approval applications.
- (3) Treatment and disposal facilities, including commercial radioactive waste incinerators, shall not be located:
 - (a) within or underlain by:
- (i) national, state, and county parks, monuments, and recreation areas; designated wilderness and wilderness study areas; wild and scenic river areas:
- (ii) ecologically and scientifically significant natural areas, including wildlife management areas and habitats for listed or proposed endangered species as designated by federal law;
 - (iii) 100 year floodplains;
 - (iv) areas 200 feet distant from Holocene faults;
 - (v) underground mines, salt domes and salt beds;
 - (vi) dam failure flood areas;
- (vii) areas subject to landslide, mud flow, or other earth movement, unless adverse impacts can be mitigated;
- (viii) farmlands classified or evaluated as "prime", "unique", or of "statewide importance" by the U.S. Department of Agricultural Soil Conservation Service under the Prime Farmland Protection Act;
- (ix) areas five miles distant from existing permanent dwellings, residential areas, and other habitable structures, including schools, churches, and historic structures:
- (x) areas five miles distant from surface waters including intermittent streams, perennial streams, rivers, lakes, reservoirs, and wetlands:
- (xi) areas 1000 feet distant from archeological sites to which adverse impacts cannot reasonably be mitigated;
- (xii) recharge zones of aquifers containing ground water which has a total dissolved solids content of less than 10,000 mg/l; or
- (\mbox{xiii}) drinking water source protection areas designated by the Utah Drinking Water Board;
 - (b) in areas:
- (i) above or underlain by aquifers containing ground water which has a total dissolved solids content of less than 500 mg/l and which aquifers do not exceed state ground water standards for pollutants;
- (ii) above or underlain by aquifers containing ground water which has a total dissolved solids content between 3000 and 10,000 mg/l when the distance from the surface to the ground water is less than 100 ft.;
- (iii) areas of extensive withdrawal of water, mineral or energy resources.
- (iv) above or underlain by weak and unstable soils, including soils that lose their ability to support foundations as a result of hydrocompaction, expansion, or shrinkage;
 - (v) above or underlain by karst terrains.

- (4) Commercial radioactive waste disposal facilities may not be located within a distance to existing drinking water wells and watersheds for public water supplies of five years ground water travel time plus 1000 feet.
- (5) The plan approval siting application shall include hydraulic conductivity and other information necessary to estimate adequately the ground water travel distance.
- (6) The plan approval siting application shall include the results of studies adequate to identify the presence of ground water aquifers in the area of the proposed site and to assess the quality of the ground water of all aquifers identified in the area of the proposed site.
 - (7) Emergency response and safety.
- (a) The plan approval siting application shall demonstrate the availability and adequacy of services for on-site emergencies, including medical and fire response. The application shall provide written evidence that the applicant has coordinated on-site emergency response plans with the local emergency planning committee (LEPC).
- (b) The plan approval siting application shall include a comprehensive plan for responding to emergencies at the site.
- (c) The plan approval siting application shall show proposed routes for transportation of radioactive wastes within the state. The plan approval siting application shall address the transportation means and routes available to evacuate the population at risk in the event of on-site accidents, including spills and fires.
- (8) The plan approval siting application shall provide evidence that if the proposed disposal site is on land not owned by state or federal government, that arrangements have been made for assumption of ownership in fee by a state or federal agency.
- (9) Siting Authority. The Director recognizes that Titles 10 and 17 of the Utah Code give cities and counties authority for local use planning and zoning. Nothing in Section R313-25-3 precludes cities and counties from establishing additional requirements as provided by applicable state and federal law.

R313-25-4. License Required.

- (1) Persons shall not receive, possess, store, treat, or dispose of waste at a land disposal facility unless authorized by a license issued by the Director pursuant to the Utah Radiation Control Act and Rules R313-25 and R313-22.
- (2) Persons shall file an application with the Director pursuant to Section R313-22-32 and obtain a license as provided in Rule R313-25 before commencement of construction of a land disposal facility. Failure to comply with this requirement may be grounds for denial of a license and other penalties established by law and rules.

R313-25-5. Content of Application.

In addition to the requirements set forth in Section R313-22-33, an application to receive from others, possess, and dispose of wastes shall consist of general information, specific technical information, institutional information, and financial information as set forth in Sections R313-25-7 through R313-25-11.

R313-25-6. Director Review of Application.

(1) The Director shall review each approval application to determine whether it complies with applicable statutory and regulatory requirements. Approval applications will be categorized as Category 1, 2, 3 and 4 applications, as provided in Subsections R313-25-6(2) through (5).

- (2) Category 1 applications.
- (a) A Category 1 application is an application that:
- (i) is administrative in nature;
- (ii) requires limited scrutiny by the Director; and
- (iii) does not require public comment.
- (b) Examples of a Category 1 application include an application to:
 - (i) correct typographical errors;
- (ii) Change the name, address, or phone number of persons or agencies identified in the license or permit;
- (iii) change the procedures or location for maintaining records; or
- (iv) extend the date for compliance with a permit or license requirement by no more than 120 days.
- (c) The Director shall review and approve or deny a Category 1 application within 30 days after the day on which the Director Receives the application.
 - (3) Category 2 applications:
- (a) A Category 2 application is one that is not a Category 1, 3 or 4 application.
 - (b) Examples of a Category 2 application include:
 - (i) Increase in process, storage, or disposal capacity
- (ii) Change engineering design, construction, or process controls;
 - (iii) Approve a proposed corrective action plan; or
- (iv) Transfer direct control of a license or groundwater permit.
- (c)(i) The Director shall review and approve or deny a Category 2 application within 180 days after the day on which the Director receives the application.
- (ii) The period described in Subsection R313-25-6(3)(c)(i) shall be tolled as provided in Subsection R313-25-6(7).
 - (4) Category 3 applications.
 - (a) Category 3 application is an application for:
 - (i) a radioactive waste license renewal;
 - (ii) a groundwater permit renewal;
- (iii) an amendment to an existing radioactive waste license or groundwater permit to allow a new disposal cell;
- (iv) an amendment to an existing radioactive waste license or groundwater permit that would allow the facility to eliminate groundwater monitoring; or
- (v) approval of a radioactive waste disposal facility closure plan.
- (b)(i) The Director shall review and approve or deny a Category 3 application within 365 days after the day on which the Director receives the application.
- (ii) The period described in Subsection R313-25-6(4)(b)(i) shall be tolled as provided in Subsection R313-25-6(7).
 - (5) Category 4 applications.
 - (a) A Category 4 application is an application for:
 - (i) a new radioactive waste license; or
 - (ii) a new groundwater permit.
- (b)(i) The Director shall review and approve or deny a Category 4 application within 540 days after the day on which the Director receives the application.
- (ii) The period described in Subsection R313-25-6(5)(b)(i) shall be tolled as provided in Subsection R313-25-6(7).

- (6)(a) Within 60 days after the day on which the Director receives a Category 2, 3 or 4 approval application, the Director shall determine whether the application is complete and contains all the information necessary to process it for approval and make a finding by issuance of a written:
 - (i) notice of completeness to the applicant; or
- (ii) notice of deficiency to the applicant, including a list of the additional information necessary to complete the application.
- (b) The Director shall review written information submitted in response to a notice of deficiency within 30 days after the day on which the Director receives the supplemental information and shall again follow the procedures specified in Subsection R313-25-6(1)(a).
- (c) If a document that is submitted as an application is substantially deficient, the Director may determine that it does not qualify as an application. Any such determination shall be made within 45 days of the document's submission and will include the Director's written findings.
- (7) Tolling Periods. The periods specified for the Director's review and approval or denial under Subsections R313-25-6(3)(c)(i), (4)(b)(i), and (5)(b)(i) shall be tolled:
- (a) while an owner or operator of a facility responds to the Director's request for information;
 - (b) during a public comment period; and
 - (c) while the federal government reviews the application.
- (8) The Director shall prepare a detailed written explanation of the technical and regulatory basis for the Director's approval or denial of an approval application.

R313-25-7. General Information.

The general information shall include the following:

- (1) identity of the applicant including:
- (a) the full name, address, telephone number, and description of the business or occupation of the applicant;
- (b) if the applicant is a partnership, the names and addresses of the partners and the principal location where the partnership does business;
- (c) if the applicant is a corporation or an unincorporated association;
- (i) the state where it is incorporated or organized and the principal location where it does business; and
- (ii) the names and addresses of its directors and principal officers; and
- (d) if the applicant is acting as an agent or representative of another person in filing the application, the applicant shall provide, with respect to the other person, information required under Subsection R313-25-7(1).
- (2) Qualifications of the applicant shall include the following;
- (a) the organizational structure of the applicant, both offsite and onsite, including a description of lines of authority and assignments of responsibilities, whether in the form of administrative directives, contract provisions, or otherwise;
- (b) the technical qualifications, including training and experience of the applicant and members of the applicant's staff, to engage in the proposed activities. Minimum training and experience requirements for personnel filling key positions described in Subsection R313-25-7(2)(a) shall be provided;

- (c) a description of the applicant's personnel training program; and
- (d) the plan to maintain an adequate complement of trained personnel to carry out waste receipt, handling, and disposal operations in a safe manner.
 - (3) A description of:
 - (a) the location of the proposed disposal site;
 - (b) the general character of the proposed activities;
- (c) the types and quantities of waste to be received, possessed, and disposed of;
- (d) plans for use of the land disposal facility for purposes other than disposal of wastes; and
 - (e) the proposed facilities and equipment; and
- (4) proposed schedules for construction, receipt of waste, and first emplacement of waste at the proposed land disposal facility.

R313-25-8. Specific Technical Information.

The application shall include certain technical information. The following information is needed to determine whether or not the applicant or licensee can meet the performance objectives and the applicable technical requirements of Rule R313-25:

- (1) A description of the natural and demographic disposal site characteristics shall be based on and determined by disposal site selection and characterization activities. The description shall include geologic, geochemical, geotechnical, hydrologic, ecologic, archaeologic, meteorologic, climatologic, and biotic features of the disposal site and vicinity.
- (2) Descriptions of the design features of the land disposal facility and of the disposal units for near-surface disposal shall include those design features related to infiltration of water; integrity of covers for disposal units; structural stability of backfill, wastes, and covers; contact of wastes with standing water; disposal site drainage; disposal site closure and stabilization; elimination to the extent practicable of long-term disposal site maintenance; inadvertent intrusion; occupational exposures; disposal site monitoring; and adequacy of the size of the buffer zone for monitoring and potential mitigative measures.
- (3) Descriptions of the principal design criteria and their relationship to the performance objectives.
- (4) Descriptions of the natural events or phenomena on which the design is based and their relationship to the principal design criteria.
- (5) Descriptions of codes and standards which the applicant has applied to the design, and will apply to construction of the land disposal facilities.
- (6) Descriptions of the construction and operation of the land disposal facility. The description shall include as a minimum the methods of construction of disposal units; waste emplacement; the procedures for and areas of waste segregation; types of intruder barriers; onsite traffic and drainage systems; survey control program; methods and areas of waste storage; and methods to control surface water and ground water access to the wastes. The description shall also include a description of the methods to be employed in the handling and disposal of wastes containing chelating agents or other non-radiological substances which might affect meeting the performance objectives of Rule R313-25
- (7) A description of the disposal site closure plan, including those design features which are intended to facilitate disposal site closures and to eliminate the need for active maintenance after closure.

- (8) Identification of the known natural resources at the disposal site whose exploitation could result in inadvertent intrusion into the wastes after removal of active institutional control.
- (9) Descriptions of the kind, amount, classification and specifications of the radioactive material proposed to be received, possessed, and disposed of at the land disposal facility.
- (10) Descriptions of quality assurance programs, tailored to low-level waste disposal, including audit and managerial controls, for the determination of natural disposal site characteristics and for quality control during the design, construction, operation, and closure of the land disposal facility and the receipt, handling, and emplacement of waste
- (11) A description of the radiation safety program for control and monitoring of radioactive effluents to ensure compliance with the performance objective in Section R313-25-20 and monitoring of occupational radiation exposure to ensure compliance with the requirements of Rule R313-15 and to control contamination of personnel, vehicles, equipment, buildings, and the disposal site. The applicant shall describe procedures, instrumentation, facilities, and equipment appropriate to both routine and emergency operations.
- (12) A description of the environmental monitoring program to provide data and to evaluate potential health and environmental impacts and the plan for taking corrective measures if migration is indicated.
- (13) Descriptions of the administrative procedures that the applicant will apply to control activities at the land disposal facility.
- (14) A description of the facility electronic recordkeeping system as required in Section R313-25-33.

R313-25-9. Technical Analyses.

- (1) The licensee or applicant shall conduct a site-specific performance assessment and receive Director approval prior to accepting any radioactive waste if:
- (a) the waste was not considered in the development of the limits on Class A waste and not included in the analyses of the Draft Environmental Impact Statement on 10 CFR Part 61 "Licensing Requirements for Land Disposal of Radioactive Waste," NUREG-0782, U.S. Nuclear Regulatory Commission. September 1981, or
- (b) the waste is likely to result in greater than 10 percent of the dose limits in Section R313-25-19 during the time period at which peak dose would occur, or
- (c) the waste will result in greater than 10 percent of the total site source term over the operational life of the facility, or
- (d) the disposal of the waste would result in an unanalyzed condition not considered in Rule R313-25.
- (2) A licensee that has a previously-approved site-specific performance assessment that addressed a radioactive waste for which a site-specific performance assessment would otherwise be required under Subsection R313-25-9(1) shall notify the Director of the applicability of the previously-approved site-specific performance assessment at least 60 days prior to the anticipated acceptance of the radioactive waste.
- (3) The licensee shall not accept radioactive waste until the Director has approved the information submitted pursuant to Subsections R313-25-9(1) or (2).
- (4) The licensee or applicant shall also include in the specific technical information the following analyses needed to demonstrate that the performance objectives of Rule R313-25 will be met.

- (a) Analyses demonstrating that the general population will be protected from releases of radioactivity shall consider the pathways of air, soil, ground water, surface water, plant uptake, and exhumation by burrowing animals. The analyses shall clearly identify and differentiate between the roles performed by the natural disposal site characteristics and design features in isolating and segregating the wastes. The analyses shall clearly demonstrate a reasonable assurance that the exposures to humans from the release of radioactivity will not exceed the limits set forth in Section R313-25-20.
- (b) Analyses of the protection of inadvertent intruders shall demonstrate a reasonable assurance that the waste classification and segregation requirements will be met and that adequate barriers to inadvertent intrusion will be provided.
- (c) Analysis of the protection of individuals during operations shall include assessments of expected exposures due to routine operations and likely accidents during handling, storage, and disposal of waste. The analysis shall provide reasonable assurance that exposures will be controlled to meet the requirements of Rule R313-15.
- (d) Analyses of the long-term stability of the disposal site shall be based upon analyses of active natural processes including erosion, mass wasting, slope failure, settlement of wastes and backfill, infiltration through covers over disposal areas and adjacent soils, surface drainage of the disposal site, and the effects of changing lake levels. The analyses shall provide reasonable assurance that there will not be a need for ongoing active maintenance of the disposal site following closure.
- Notwithstanding Subsection R313-25-9(1), any (5)(a)facility that proposes to land dispose of significant quantities of concentrated depleted uranium (more than one metric ton in total accumulation) after June 1, 2010, shall submit for the Director's review and approval a performance assessment that demonstrates that the performance standards specified in 10 CFR Part 61 and corresponding provisions of Utah rules will be met for the total quantities of concentrated depleted uranium and other wastes, including wastes already disposed of and the quantities of concentrated depleted uranium the facility now proposes to dispose. Any such performance assessment shall be revised as needed to reflect ongoing guidance and rulemaking from NRC. For purposes of this performance assessment, the compliance period shall be a minimum of 10,000 years. Additional simulations shall be performed for the period where peak dose occurs and the results shall be analyzed qualitatively.
- (b) No facility may dispose of significant quantities of concentrated depleted uranium prior to the approval by the Director of the performance assessment required in Subsection R313-25-9(5)(a).
- (c) For purposes of this Subsection R313-25-9(5) only, "concentrated depleted uranium" means waste with depleted uranium concentrations greater than 5 percent by weight.

R313-25-10. Institutional Information.

The institutional information submitted by the applicant shall include:

(1) A certification by the federal or state agency which owns the disposal site that the agency is prepared to accept transfer of the license when the provisions of Section R313-25-17 are met and will assume responsibility for institutional control after site closure and for post-closure observation and maintenance.

(2) Evidence, if the proposed disposal site is on land not owned by the federal or a state government, that arrangements have been made for assumption of ownership in fee by the federal or a state agency.

R313-25-11. Financial Information.

This information shall demonstrate that the applicant is financially qualified to carry out the activities for which the license is sought. The information shall meet other financial assurance requirements of Rule R313-25.

R313-25-12. Requirements for Issuance of a License.

A license for the receipt, possession, and disposal of waste containing radioactive material will be issued by the Director upon finding that:

- (1) the issuance of the license will not constitute an unreasonable risk to the health and safety of the public;
- (2) the applicant is qualified by reason of training and experience to carry out the described disposal operations in a manner that protects health and minimizes danger to life or property;
- (3) the applicant's proposed disposal site, land disposal facility design, land disposal facility operations, including equipment, facilities, and procedures, disposal site closure, and post-closure institutional control, are adequate to protect the public health and safety as specified in the performance objectives of Section R313-25-20.
- (4) the applicant's proposed disposal site, land disposal facility design, land disposal facility operations, including equipment, facilities, and procedures, disposal site closure, and post-closure institutional control are adequate to protect the public health and safety in accordance with the performance objectives of Section R313-25-21;
- (5) the applicant's proposed land disposal facility operations, including equipment, facilities, and procedures, are adequate to protect the public health and safety in accordance with Rule R313-15;
- (6) the applicant's proposed disposal site, land disposal facility design, land disposal facility operations, disposal site closure, and post-closure institutional control plans are adequate to protect the public health and safety in that they will provide reasonable assurance of the long-term stability of the disposed waste and the disposal site and will eliminate to the extent practicable the need for continued maintenance of the disposal site following closure;
- (7) the applicant's demonstration provides reasonable assurance that the requirements of Rule R313-25 will be met;
- (8) the applicant's proposal for institutional control provides reasonable assurance that control will be provided for the length of time found necessary to ensure the findings in Subsections R313-25-12(3) through (6) and that the institutional control meets the requirements of Section R313-25-29.
- (9) the financial or surety arrangements meet the requirements of Rule R313-25.

R313-25-13. Conditions of Licenses.

(1) A license issued under Rule R313-25, or a right thereunder, may not be transferred, assigned, or disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to a person, unless the Director finds, after securing full information, that the transfer is in accordance with the provisions of the Radiation Control Act and Rules and gives his consent in writing in the form of a license amendment.

- (2) The Director may require the licensee to submit written statements under oath.
- (3) The license will be terminated only on the full implementation of the final closure plan, including post-closure observation and maintenance, as approved by the Director.
- (4) The licensee shall submit to the provisions of the Act now or hereafter in effect, and to all findings and orders of the Director. The terms and conditions of the license are subject to amendment, revision, or modification, by reason of amendments to, or by reason of rules, and orders issued in accordance with the terms of the Act and these rules.
- (5) Persons licensed by the Director pursuant to Rule R313-25 shall confine possession and use of the materials to the locations and purposes authorized in the license.
- (6) The licensee shall not dispose of waste until the Director has inspected the land disposal facility and has found it to conform with the description, design, and construction described in the application for a license.
- (7) The Director may incorporate, by rule or order, into licenses at the time of issuance or thereafter, additional requirements and conditions with respect to the licensee's receipt, possession, and disposal of waste as the Director deems appropriate or necessary in order to:
 - (a) protect health or to minimize danger to life or property;
- (b) require reports and the keeping of records, and to provide for inspections of licensed activities as the Director deems necessary or appropriate to effectuate the purposes of the Radiation Control Act and Rules.
- (8) The authority to dispose of wastes expires on the expiration date stated in the license. An expiration date on a license applies only to the above ground activities and to the authority to dispose of waste. Failure to renew the license shall not relieve the licensee of responsibility for implementing site closure, post-closure observation, and transfer of the license to the site owner.

R313-25-14. Application for Renewal or Closure.

- (1) An application for renewal or an application for closure under Section R313-25-15 shall be filed at least 90 days prior to license expiration.
- (2) Applications for renewal of a license shall be filed in accordance with Sections R313-25-5 and R313-25-7 through 25-11. Applications for closure shall be filed in accordance with Section R313-25-15. Information contained in previous applications, statements, or reports filed with the Director under the license may be incorporated by reference if the references are clear and specific.
- (3) If a licensee has filed an application in proper form for renewal of a license, the license shall not expire unless and until the Director has taken final action to deny application for renewal.
- (4) In evaluating an application for license renewal, the Director will apply the criteria set forth in Section R313-25-12.

R313-25-15. Contents of Application for Site Closure and Stabilization.

(1) Prior to final closure of the disposal site, or as otherwise directed by the Director, the licensee shall submit an application to amend the license for closure. This closure application shall include a

final revision and specific details of the land disposal facility closure plan included in the original license application submitted and approved under Section R313-25-8(7). The plan shall include the following:

- (a) additional geologic, hydrologic, or other data pertinent to the long-term containment of emplaced wastes obtained during the operational period;
- (b) the results of tests, experiments, or other analyses relating to backfill of excavated areas, closure and sealing, waste migration and interaction with emplacement media, or other tests, experiments, or analyses pertinent to the long-term containment of emplaced waste within the disposal site;
 - (c) proposed revision of plans for:
 - (i) decontamination or dismantlement of surface facilities;
 - (ii) backfilling of excavated areas; or
 - (iii) stabilization of the disposal site for post-closure care.
- (d) Significant new information regarding the environmental impact of closure activities and long-term performance of the disposal site.
- (2) Upon review and consideration of an application to amend the license for closure submitted in accordance with Subsection R313-25-15(1), the Director shall issue an amendment authorizing closure if there is reasonable assurance that the long-term performance objectives of Rule R313-25 will be met.

R313-25-16. Post-Closure Observation and Maintenance.

The licensee shall observe, monitor, and carry out necessary maintenance and repairs at the disposal site until the site closure is complete and the license is transferred by the Director in accordance with Section R313-25-17. The licensee shall remain responsible for the disposal site for an additional five years. The Director may approve closure plans that provide for shorter or longer time periods of post-closure observation and maintenance, if sufficient rationale is developed for the variance.

R313-25-17. Transfer of License.

Following closure and the period of post-closure observation and maintenance, the licensee may apply for an amendment to transfer the license to the disposal site owner. The license shall be transferred when the Director finds:

- (1) that the disposal site was closed according to the licensee's approved disposal site closure plan;
- (2) that the licensee has provided reasonable assurance that the performance objectives of Rule R313-25 have been met;
- (3) that funds for care and records required by Subsections R313-25-33(4) and (5) have been transferred to the disposal site owner;
- (4) that the post-closure monitoring program is operational and can be implemented by the disposal site owner; and
- (5) that the Federal or State agency which will assume responsibility for institutional control of the disposal site is prepared to assume responsibility and ensure that the institutional requirements found necessary under Subsection R313-25-12(8) will be met.

R313-25-18. Termination of License.

(1) Following the period of institutional control needed to meet the requirements of Section R313-25-12, the licensee may apply for an amendment to terminate the license.

- (2) This application will be reviewed in accordance with the provisions of Section R313-22-32.
- (3) A license shall be terminated only when the Director finds:
- (a) that the institutional control requirements of Subsection R313-25-12(8) have been met;
- (b) that additional requirements resulting from new information developed during the institutional control period have been met:
- (c) that permanent monuments or markers warning against intrusion have been installed; and
- (d) that records required by Subsections R313-25-33(4) and (5) have been sent to the party responsible for institutional control of the disposal site and a copy has been sent to the Director immediately prior to license termination.

R313-25-19. General Requirement.

Land disposal facilities shall be sited, designed, operated, closed, and controlled after closure so that reasonable assurance exists that exposures to individuals do not exceed the limits stated in Sections R313-25-20 and 25-23.

R313-25-20. Protection of the General Population from Releases of Radioactivity.

Concentrations of radioactive material which may be released to the general environment in ground water, surface water, air, soil, plants or animals shall not result in an annual dose exceeding an equivalent of 0.25 mSv (0.025 rem) to the whole body, 0.75 mSv (0.075 rem) to the thyroid, and 0.25 mSv (0.025 rem) to any other organ of any member of the public. No greater than 0.04 mSv (0.004 rem)committed effective dose equivalent or total effective dose equivalent to any member of the public shall come from groundwater. Reasonable efforts should be made to maintain releases of radioactivity in effluents to the general environment as low as is reasonably achievable.

R313-25-21. Protection of Individuals from Inadvertent Intrusion.

Design, operation, and closure of the land disposal facility shall ensure protection of any individuals inadvertently intruding into the disposal site and occupying the site or contacting the waste after active institutional controls over the disposal site are removed.

R313-25-22. Protection of Individuals During Operations.

Operations at the land disposal facility shall be conducted in compliance with the standards for radiation protection set out in Rule R313-15 of these rules, except for release of radioactivity in effluents from the land disposal facility, which shall be governed by Section R313-25-20. Every reasonable effort should be made to maintain radiation exposures as low as is reasonably achievable, ALARA.

R313-25-23. Stability of the Disposal Site After Closure.

The disposal facility shall be sited, designed, used, operated, and closed to achieve long-term stability of the disposal site and to eliminate, to the extent practicable, the need for ongoing active maintenance of the disposal site following closure so that only surveillance, monitoring, or minor custodial care are required.

R313-25-24. Disposal Site Suitability Requirements for Land Disposal - Near-Surface Disposal.

- (1) The primary emphasis in disposal site suitability is given to isolation of wastes and to disposal site features that ensure that the long-term performance objectives are met.
- (2) The disposal site shall be capable of being characterized, modeled, analyzed and monitored.
- (3) Within the region where the facility is to be located, a disposal site should be selected so that projected population growth and future developments are not likely to affect the ability of the disposal facility to meet the performance objectives of Rule R313-25.
- (4) Areas shall be avoided having known natural resources which, if exploited, would result in failure to meet the performance objectives of Rule R313-25.
- (5) The disposal site shall be generally well drained and free of areas of flooding or frequent ponding. Waste disposal shall not take place in a 100-year flood plain, coastal high-hazard area or wetland, as defined in Executive Order 11988, "Floodplain Management Guidelines."
- (6) Upstream drainage areas shall be minimized to decrease the amount of runoff which could erode or inundate waste disposal units.
- (7) The disposal site shall provide sufficient depth to the water table that ground water intrusion, perennial or otherwise, into the waste will not occur. The Director will consider an exception to this requirement to allow disposal below the water table if it can be conclusively shown that disposal site characteristics will result in molecular diffusion being the predominant means of radionuclide movement and the rate of movement will result in the performance objectives being met. In no case will waste disposal be permitted in the zone of fluctuation of the water table.
- (8) The hydrogeologic unit used for disposal shall not discharge ground water to the surface within the disposal site.
- (9) Areas shall be avoided where tectonic processes such as faulting, folding, seismic activity, vulcanism, or similar phenomena may occur with such frequency and extent to significantly affect the ability of the disposal site to meet the performance objectives of Rule R313-25 or may preclude defensible modeling and prediction of long-term impacts.
- (10) Areas shall be avoided where surface geologic processes such as mass wasting, erosion, slumping, landsliding, or weathering occur with sufficient such frequency and extent to significantly affect the ability of the disposal site to meet the performance objectives of Rule R313-25, or may preclude defensible modeling and prediction of long-term impacts.
- (11) The disposal site shall not be located where nearby facilities or activities could adversely impact the ability of the site to meet the performance objectives of Rule R313-25 or significantly mask the environmental monitoring program.

R313-25-25. Disposal Site Design for Near-Surface Land Disposal.

- (1) Site design features shall be directed toward long-term isolation and avoidance of the need for continuing active maintenance after site closure.
- (2) The disposal site design and operation shall be compatible with the disposal site closure and stabilization plan and lead to disposal site closure that provides reasonable assurance that the performance objectives will be met.

- (3) The disposal site shall be designed to complement and improve, where appropriate, the ability of the disposal site's natural characteristics to assure that the performance objectives will be met.
- (4) Covers shall be designed to minimize, to the extent practicable, water infiltration, to direct percolating or surface water away from the disposed waste, and to resist degradation by surface geologic processes and biotic activity.
- (5) Surface features shall direct surface water drainage away from disposal units at velocities and gradients which will not result in erosion that will require ongoing active maintenance in the future.
- (6) The disposal site shall be designed to minimize to the extent practicable the contact of water with waste during storage, the contact of standing water with waste during disposal, and the contact of percolating or standing water with wastes after disposal.

R313-25-26. Near Surface Land Disposal Facility Operation and Disposal Site Closure.

- (1) Wastes designated as Class A pursuant to Section R313-15-1009 of these rules shall be segregated from other wastes by placing them in disposal units which are sufficiently separated from disposal units for the other waste classes so that any interaction between Class A wastes and other wastes will not result in the failure to meet the performance objectives of Rule R313-25. This segregation is not necessary for Class A wastes if they meet the stability requirements of Subsection R313-15-1009(2)(b).
- (2) Wastes designated as Class C pursuant to Section R313-15-1009 shall be disposed of so that the top of the waste is a minimum of five meters below the top surface of the cover or shall be disposed of with intruder barriers that are designed to protect against an inadvertent intrusion for at least 500 years.
- (3) Except as provided in Subsection R313-25-1(1), only waste classified as Class A, B, or C shall be acceptable for near-surface disposal. Wastes shall be disposed of in accordance with the requirements of Subsections R313-25-26(4) through 11.
- (4) Wastes shall be emplaced in a manner that maintains the package integrity during emplacement, minimizes the void spaces between packages, and permits the void spaces to be filled.
- (5) Void spaces between waste packages shall be filled with earth or other material to reduce future subsidence within the fill.
- (6) Waste shall be placed and covered in a manner that limits the radiation dose rate at the surface of the cover to levels that at a minimum will permit the licensee to comply with all provisions of Sections R313-15-301 and 302 at the time the license is transferred pursuant to Section R313-25-17.
- (7) The boundaries and locations of disposal units shall be accurately located and mapped by means of a land survey. Near-surface disposal units shall be marked in such a way that the boundaries of the units can be easily defined. Three permanent survey marker control points, referenced to United States Geological Survey or National Geodetic Survey control stations, shall be established on the site to facilitate surveys. The United States Geological Survey or National Geodetic Survey control stations shall provide horizontal and vertical controls as checked against United States Geological Survey or National Geodetic Survey record files.
- (8) A buffer zone of land shall be maintained between any buried waste and the disposal site boundary and beneath the disposed waste. The buffer zone shall be of adequate dimensions to carry out environmental monitoring activities specified in Subsection R313-25-27(4) and take mitigative measures if needed.

- (9) Closure and stabilization measures as set forth in the approved site closure plan shall be carried out as the disposal units are filled and covered.
- (10) Active waste disposal operations shall not have an adverse effect on completed closure and stabilization measures.
- (11) Only wastes containing or contaminated with radioactive material shall be disposed of at the disposal site.
- (12) Proposals for disposal of waste that are not generally acceptable for near-surface disposal because the wastes form and disposal methods shall be different and, in general, more stringent than those specified for Class C waste, may be submitted to the Director for approval.

R313-25-27. Environmental Monitoring.

- (1) At the time a license application is submitted, the applicant shall have conducted a preoperational monitoring program to provide basic environmental data on the disposal site characteristics. The applicant shall obtain information about the ecology, meteorology, climate, hydrology, geology, geochemistry, and seismology of the disposal site. For those characteristics that are subject to seasonal variation, data shall cover at least a 12-month period.
- (2) During the land disposal facility site construction and operation, the licensee shall maintain an environmental monitoring program. Measurements and observations shall be made and recorded to provide data to evaluate the potential health and environmental impacts during both the construction and the operation of the facility and to enable the evaluation of long-term effects and need for mitigative measures. The monitoring system shall be capable of providing early warning of releases of waste from the disposal site before they leave the site boundary.
- (3) After the disposal site is closed, the licensee responsible for post-operational surveillance of the disposal site shall maintain a monitoring system based on the operating history and the closure and stabilization of the disposal site. The monitoring system shall be capable of providing early warning of releases of waste from the disposal site before they leave the site boundary.
- (4) The licensee shall have plans for taking corrective measures if the environmental monitoring program detects migration of waste which would indicate that the performance objectives may not be met.

R313-25-28. Alternative Requirements for Design and Operations.

The Director may, upon request or on the Director's own initiative, authorize provisions other than those set forth in Sections R313-25-25 and 25-27 for the segregation and disposal of waste and for the design and operation of a land disposal facility on a specific basis, if it finds reasonable assurance of compliance with the performance objectives of Rule R313-25.

R313-25-29. Institutional Requirements.

- (1) Land Ownership. Disposal of waste received from other persons may be permitted only on land owned in fee by the Federal or a State government.
- (2) Institutional Control. The land owner or custodial agency shall conduct an institutional control program to physically control access to the disposal site following transfer of control of the disposal site from the disposal site operator. The institutional control program shall also include, but not be limited to, conducting an environmental monitoring program at the disposal site, periodic

surveillance, minor custodial care, and other equivalents as determined by the Director, and administration of funds to cover the costs for these activities. The period of institutional controls will be determined by the Director, but institutional controls may not be relied upon for more than 100 years following transfer of control of the disposal site to the owner.

R313-25-30. Applicant Qualifications and Assurances.

The applicant shall show that it either possesses the necessary funds, or has reasonable assurance of obtaining the necessary funds, or by a combination of the two, to cover the estimated costs of conducting all licensed activities over the planned operating life of the project, including costs of construction and disposal.

R313-25-31. Funding for Disposal Site Closure and Stabilization.

- (1) The applicant shall provide assurances prior to the commencement of operations, and a licensee shall provide assurances annually, that sufficient funds are or will be available to carry out land disposal facility closure and stabilization, including:
- (a) decontamination or dismantlement of land disposal facility structures, and
- (b) closure and stabilization of the disposal site so that following transfer of the disposal site to the site owner, the need for ongoing active maintenance is eliminated to the extent practicable and only minor custodial care, surveillance, and monitoring are required. These assurances shall be based on Director approved cost estimates reflecting the Director approved plan for disposal site closure and stabilization. The applicant's or the licensee's cost estimates shall take into account total costs that would be incurred if an independent contractor were hired to perform the closure and stabilization work, in accordance with R313-25-31.5.
- (2) In order to avoid unnecessary duplication and expense, the Director will accept financial sureties that have been consolidated with earmarked financial or surety arrangements established to meet requirements of Federal or other State agencies or local governmental bodies for decontamination, closure, and stabilization as to any unlicensed facility. The Director will accept these arrangements only if they are considered adequate to satisfy the requirements of Section R313-25-31 and if they clearly identify the portion of the surety which covers the closure of such unlicensed facility and is committed for use in accomplishing these activities.
- (3) The licensee's financial or surety arrangement shall be submitted annually for review by the Director to assure that sufficient funds will be available for completion of the closure plan.
- (4) The amount of the licensee's financial or surety arrangement shall change in accordance with changes in the predicted costs of closure and stabilization. Factors affecting closure and stabilization cost estimates include inflation, increases in the amount of disturbed land, changes in engineering plans, closure and stabilization that have already been accomplished, and other conditions affecting costs. The financial or surety arrangement shall be sufficient at all times to cover the costs of closure and stabilization of the disposal units that are expected to be used before the next license renewal.
- (5) The financial or surety arrangement shall be written for a specified period of time and shall be automatically renewed unless the person who issues the surety notifies the Director; the beneficiary, the site owner; and the principal, the licensee, not less than 90 days prior to the renewal date of its intention not to renew. In such a situation, the licensee shall submit a replacement surety within 30 days

- after notification of cancellation. If the licensee fails to provide a replacement surety acceptable to the Director, the beneficiary may collect on the original surety.
- (6) Proof of forfeiture shall not be necessary to collect the surety so that, in the event that the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration. The conditions described above shall be clearly stated on surety instruments.
- (7) Financial or surety arrangements generally acceptable to the Director include surety bonds, cash deposits, certificates of deposit, deposits of government securities, escrow accounts, irrevocable letters or lines of credit, trust funds, and combinations of the above or other types of arrangements as may be approved by the Director. Self-insurance, or an arrangement which essentially constitutes self-insurance, will not satisfy the surety requirement for private sector applicants.
- (8) The licensee's financial or surety arrangement shall remain in effect until the closure and stabilization program has been completed and approved by the Director, and the license has been transferred to the site owner.
- (9) The financial assurance shall be based on an annual estimate and shall include closure and post-closure costs in all areas subject to the licensed or permitted portions of the facility;
- (10) Financial assurance for an unlicensed facility that supports the operation of a licensed or permitted facility shall include the estimated cost of:
 - (a) the removal of structures;
- (b) the testing of structures, roads, and property to ensure no radiological contamination has occurred outside of the licensed area; and
 - (c) stabilization and water infiltration control;
- (11) Financial assurance cost estimates for a single approved waste disposal unit for which the volume of waste already placed and proposed to be placed in the unit within the surety period is less than the full waste capacity of the unit shall reflect the closure and post-closure costs for a waste disposal unit smaller than the approved waste disposal unit, if the unit could be reduced in size, meet closure requirements, and reduce closure costs;
- (12) Financial assurance cost estimates for two approved adjacent waste disposal units that have been approved to be combined into a single unit and for which the combined volume of waste already placed and proposed to be placed in the units within the surety period is less than the combined waste capacity for the two separate units shall reflect either two separate waste disposal units or a single combined unit, whichever has the lowest closure and post-closure costs:
- (13) The licensee or permittee shall annually propose closure and post-closure costs upon which financial assurance amounts are based, including costs of potential remediation at the licensed or permitted facility and, notwithstanding the obligations described in Subsection R313-25-31(10), any unlicensed facility;
- (14) To provide the information in Subsection R313-25-31(13), the licensee or permittee shall provide:
- (a) a proposed annual cost estimate using the current edition of RS Means Facilities Construction Cost Data or using a process, including an indirect cost multiplier, previously agreed to between the licensee or permittee and the Director; or
- $(\dot{b})(i)$ for an initial financial assurance determination and for each financial assurance determination every five years thereafter, a

proposed competitive site-specific estimate for closure and postclosure care of the facility at least once every five years; and

- (ii) for each year between a financial assurance determination described in Subsection R313-25-31(14)(b)(i), a proposed financial assurance estimate that accounts for current site conditions and that includes an annual inflation adjustment to the financial assurance determination using the Gross Domestic Product Implicit Price Deflator of the Bureau of Economic Analysis, United States Department of Commerce, calculated by dividing the latest annual deflator by the deflator for the previous year; and
 - (15) The Director shall:
- (a) annually review the licensee's or permittee's proposed closure and postclosure estimate; and
- (b) approve the estimate if the Director determines that the estimate would be sufficient to provide for closure and post-closure costs.

R313-25-31.5. Calculation of Closure Costs.

- (1) In order to demonstrate the adequacy of closure, stabilization, post-closure, and institutional control funding in compliance with Section 19-3-104 and Subsection R313-25-31(1)(b), the applicant or licensee shall establish the level of costs that an independent contractor would incur by reliance on one of two methods, as follows:
- (a) using the current edition of RS Means Facility Construction Cost Data; or
 - (b) using a competitive site-specific estimate.
- (2) Any proposed competitive site-specific estimate submitted pursuant to Subsection R313-25-31(14)(b)(i) shall:
- (a) be certified by a professional engineer or geologist licensed in Utah; and
- (b) include sufficient detail so that the Director can determine that the cost estimate would be sufficient to provide for closure, post closure costs, and institutional control costs in compliance with Chapter 19-3 and Section R313-25-31.
- [(3) In the event that an applicant or licensee submits a-competitive site-specific estimate, the Director may engage theservices of a contractor or cost estimator who is familiar with-competitive, site-specific construction costs in order to assist the Director in his review. In that event, the applicant or licensee shall-reimburse the costs of the contractor or cost estimator's review.]
- [(4)](3) In the intervening four years following Director approval of a competitive site-specific estimate, a proposed cost estimate that accounts for current site conditions or changes to site conditions under Subsection R313-25-31(14)(b)(ii) shall be submitted by using either:
- (a) the current edition of RS Means Facility Construction Cost Data; or
- (b) the cost estimating rationale developed in the approved competitive site-specific estimate.

R313-25-32. Financial Assurances for Institutional Controls.

(1) Prior to the issuance of the license, the applicant shall provide for Director approval, a binding arrangement, between the applicant and the disposal site owner that ensures that sufficient funds will be available to cover the costs of monitoring and required maintenance during the institutional control period. The binding arrangement shall be reviewed annually by the Director to ensure that

changes in inflation, technology, and disposal facility operations are reflected in the arrangements.

(2) Subsequent changes to the binding arrangement specified in Subsection R313-25-32(1) relevant to institutional control shall be submitted to the Director for prior approval.

R313-25-33. Maintenance of Records, Reports, and Transfers.

- (1) Licensees shall maintain records and make reports in connection with the licensed activities as may be required by the conditions of the license or by the rules and orders of the Director.
- (2) Records which are required by these rules or by license conditions shall be maintained for a period specified by the appropriate rules or by license condition. If a retention period is not otherwise specified, these records shall be maintained and transferred to the officials specified in Subsection R313-25-33(4) as a condition of license termination unless the Director otherwise authorizes their disposition.
- (3) Records which shall be maintained pursuant to Rule R313-25 may be the original or a reproduced copy or microfilm if this reproduced copy or microfilm is capable of producing copy that is clear and legible at the end of the required retention period.
- (4) Notwithstanding Subsections R313-25-33(1) through (3), copies of records of the location and the quantity of wastes contained in the disposal site shall be transferred upon license termination to the chief executive of the nearest municipality, the chief executive of the county in which the facility is located, the county zoning board or land development and planning agency, the State Governor, and other state, local, and federal governmental agencies as designated by the Director at the time of license termination.
- (5) Following receipt and acceptance of a shipment of waste, the licensee shall record the date that the shipment is received at the disposal facility, the date of disposal of the waste, a traceable shipment manifest number, a description of any engineered barrier or structural overpack provided for disposal of the waste, the location of disposal at the disposal site, the condition of the waste packages as received, discrepancies between the materials listed on the manifest and those received, the volume of any pallets, bracing, or other shipping or onsite generated materials that are contaminated, and are disposed of as contaminated or suspect materials, and evidence of leakage or damaged packages or radiation or contamination levels in excess of limits specified in U.S. Department of Transportation and Director regulations or rules. The licensee shall briefly describe repackaging operations of the waste packages included in the shipment, plus other information required by the Director as a license condition.
- (6) Licensees authorized to dispose of waste received from other persons shall file a copy of their financial report or a certified financial statement annually with the Director in order to update the information base for determining financial qualifications.
- (7)(a) Licensees authorized to dispose of waste received from other persons, pursuant to Rule R313-25, shall submit annual reports to the Director. Reports shall be submitted by the end of the first calendar quarter of each year for the preceding year.
 - (b) The reports shall include:
- (i) specification of the quantity of each of the principal contaminants released to unrestricted areas in liquid and in airborne effluents during the preceding year;
 - (ii) the results of the environmental monitoring program;

- (iii) a summary of licensee disposal unit survey and maintenance activities;
- (iv) a summary, by waste class, of activities and quantities of radionuclides disposed of;
- (v) instances in which observed site characteristics were significantly different from those described in the application for a license; and
 - (vi) other information the Director may require.
- (c) If the quantities of waste released during the reporting period, monitoring results, or maintenance performed are significantly different from those predicted, the report shall cover this specifically.
- (8) In addition to the other requirements in Section R313-25-33, the licensee shall store, or have stored, manifest and other information pertaining to receipt and disposal of radioactive waste in an electronic recordkeeping system.
- (a) The manifest information that must be electronically stored is:
- (i) that required in Appendix G of 10 CFR 20.1001 to 20.2402, (2006), which is incorporated into these rules by reference, with the exception of shipper and carrier telephone numbers and shipper and consignee certifications; and
 - (ii) that information required in Subsection R313-25-33(5).
- (b) As specified in facility license conditions, the licensee shall report the stored information, or subsets of this information, on a computer-readable medium.

R313-25-34. Tests on Land Disposal Facilities.

Licensees shall perform, or permit the Director to perform, any tests the Director deems appropriate or necessary for the

administration of the rules in Rule R313-25, including, but not limited to, tests of:

- (1) wastes;
- (2) facilities used for the receipt, storage, treatment, handling or disposal of wastes;
 - (3) radiation detection and monitoring instruments; or
- (4) other equipment and devices used in connection with the receipt, possession, handling, treatment, storage, or disposal of waste.

R313-25-35. Director Inspections of Land Disposal Facilities.

- (1) Licensees shall afford to the Director, at reasonable times, opportunity to inspect waste not yet disposed of, and the premises, equipment, operations, and facilities in which wastes are received, possessed, handled, treated, stored, or disposed of.
- (2) Licensees shall make available to the Director for inspection, upon reasonable notice, records kept by it pursuant to these rules. Authorized representatives of the Director may copy and take away copies of, for the Director's use, any records required to be kept pursuant to Rule R313-25.

KEY: radiation, radioactive waste disposal, depleted uranium Date of Enactment or Last Substantive Amendment: [October 21, 2014|April 16, 2018

Notice of Continuation: July 1, 2016

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-107

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a Proposed Rule; continue the rule as it is by filing a Five-Year Notice of Review and Statement of Continuation (Review); or amend the rule by filing a Proposed Rule and by filing a Review. By filing a Review, the agency indicates that the rule is still necessary.

A **R**eview 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. **R**eviews are effective upon filing.

Reviews are governed by Section 63G-3-305.

Administrative Services, Finance **R25-5**

Payment of Meeting Compensation (Per Diem) to Boards

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42570 FILED: 02/08/2018

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 63A-3-106 authorizes the Division of Finance to establish per diem rates for all state officers and employees of the executive branch, except officers and employees of higher education, to defray subsistence costs for attendance at official meetings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received from any interested persons concerning 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: It is necessary to continue this rule because it is required by statute. It sets the rates for meeting compensation (per diem) paid to board members and establishes the conditions under which the meeting compensation (per diem) will be paid.

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

ADMINISTRATIVE SERVICES
FINANCE
ROOM 2110 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Cory Weeks by phone at 801-538-3100, or by Internet E-mail at cweeks@utah.gov

AUTHORIZED BY: John Reidhead, Director

EFFECTIVE: 02/08/2018

Administrative Services, Finance **R25-6**

Relocation Reimbursement

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42571 FILED: 02/08/2018

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: This rule is enacted under the authority of Subsection 63A-3-103(1) which authorizes the Director of Finance to define fiscal procedures relating to approval and allocation of funds. This rule details under what

conditions funds may be allocated for relocation reimbursement.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received from any interested persons concerning 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: A Division of Finance review determined that this rule should be continued because it sets the requirements for reimbursing relocation expenses to state employees.

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

ADMINISTRATIVE SERVICES FINANCE ROOM 2110 STATE OFFICE BLDG 450 N STATE ST SALT LAKE CITY, UT 84114-1201 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Cory Weeks by phone at 801-538-3100, or by Internet E-mail at cweeks@utah.gov

AUTHORIZED BY: John Reidhead, Director

EFFECTIVE: 02/08/2018

Administrative Services, Finance **R25-7**

Travel-Related Reimbursements for State Employees

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42572 FILED: 02/08/2018

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: This rule is enacted under the authority of Section 63A-3-107, which authorizes the Division of Finance to adopt rules governing in-state and out-of-state travel.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received from any interested persons concerning 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: A Division of Finance review determined that this rule should be continued because it is required by statute. It sets the travel-related reimbursement rates for state employees. No opposing comments have been received within the last five years.

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

ADMINISTRATIVE SERVICES
FINANCE
ROOM 2110 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Cory Weeks by phone at 801-538-3100, or by Internet E-mail at cweeks@utah.gov

AUTHORIZED BY: John Reidhead, Director

EFFECTIVE: 02/08/2018

Administrative Services, Finance **R25-8**

Overtime Meal Allowance

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42573 FILED: 02/08/2018

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: This rule is enacted under the authority of Subsection 63A-3-103(1), which authorizes the Division of Finance to define fiscal procedures relating to the approval and allocation of funds. This rule details under what conditions funds may be allocated for overtime meal allowance.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Finance has not received any written 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: A Division of Finance review determined that this rule should be continued because it sets the requirements for paying an overtime meal allowance to a state employee.

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

ADMINISTRATIVE SERVICES FINANCE **ROOM 2110 STATE OFFICE BLDG** 450 N STATE ST SALT LAKE CITY, UT 84114-1201 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Cory Weeks by phone at 801-538-3100, or by Internet Email at cweeks@utah.gov

AUTHORIZED BY: John Reidhead, Director

EFFECTIVE: 02/08/2018

Human Services, Child and Family Services

R512-100

In-Home Services

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42596 FILED: 02/15/2018

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 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including services which preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy, advocacy, and education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to provide In-Home Services to support children and families in Utah.

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

HUMAN SERVICES CHILD AND FAMILY SERVICES 195 N 1950 W SALT LAKE CITY, UT 84116 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ♦ Jonah Shaw by phone at 801-538-4225, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 02/15/2018

Human Services, Child and Family Services

R512-200

Child Protective Services, Intake Services

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

DAR FILE NO.: 42597 FILED: 02/15/2018

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 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including services which preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy, advocacy and education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to provide Intake services to support children and families in Utah.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ♦ Jonah Shaw by phone at 801-538-4225, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 02/15/2018

Human Services, Child and Family Services

R512-201

Child Protective Services, Investigation Services

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42598 FILED: 02/15/2018

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 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including services which preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy, advocacy, and education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to provide Child Protective Services investigative services to support children and families in Utah.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ♦ Jonah Shaw by phone at 801-538-4225, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 02/15/2018

Human Services, Child and Family Services

R512-202

Child Protective Services, General Allegation Categories

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42599 FILED: 02/15/2018

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 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including services which preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy, advocacy, and education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to utilize appropriate definitions in providing programs and services to support children and families in Utah.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ♦ Jonah Shaw by phone at 801-538-4225, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 02/15/2018

Human Services, Child and Family Services **R512-300**

Out-of-Home Services

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42600 FILED: 02/15/2018

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 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including services which preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy, advocacy, and education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to provide out-of-home services to support children and families in Utah.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ♦ Jonah Shaw by phone at 801-538-4225, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 02/15/2018

Human Services, Child and Family Services

R512-301

Out-of-Home Services, Responsibilities Pertaining to a Parent or Guardian

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42601 FILED: 02/15/2018

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 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including services which preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy, advocacy, and education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services (DCFS) to continue to provide programs and services to support children and families in Utah, especially regarding the roles and responsibilities of DCFS to a parent or guardian of a child who is receiving out-of-home services.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ♦ Jonah Shaw by phone at 801-538-4225, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 02/15/2018

Human Services, Child and Family Services

R512-302

Out-of-Home Services, Responsibilities Pertaining to an Out-of-Home Caregiver

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42602 FILED: 02/15/2018

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 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including services which

preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy, advocacy, and education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to provide programs and services to support children and families in Utah, especially regarding the responsibilities pertaining to an out-of-home caregiver.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ♦ Jonah Shaw by phone at 801-538-4225, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 02/15/2018

Human Services, Child and Family Services

R512-305

Out-of-Home Services, Transition to Adult Living Services

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42603 FILED: 02/15/2018

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 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in

order to provide programs and services that support the strengthening of family values, including services which preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy, advocacy, and education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to provide transition to adult living services to support children and families in Utah.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ♦ Jonah Shaw by phone at 801-538-4225, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 02/15/2018

Human Services, Child and Family Services

R512-309

Out-of-Home Services, Foster Parent Reimbursement of Motor Vehicle Insurance Coverage for Youth in Foster Care

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42604 FILED: 02/15/2018

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 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including services which preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy, advocacy, and education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to provide programs and services to support children and families in Utah, specifically to reimburse foster parents who pay for motor vehicle insurance for youth in their care.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ♦ Jonah Shaw by phone at 801-538-4225, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 02/15/2018

Human Services, Child and Family Services

R512-500

Kinship Services, Placement and Background Screening

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42605 FILED: 02/15/2018

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 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including services which preserve and enhance family life and relationships; protect children, youth, and families; and advocate and defend family values established by public policy, advocacy, and education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to provide programs and services to support children and families in Utah, specifically for kinship placements.

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

HUMAN SERVICES CHILD AND FAMILY SERVICES 195 N 1950 W SALT LAKE CITY, UT 84116 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ♦ Jonah Shaw by phone at 801-538-4225, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 02/15/2018

Labor Commission, Industrial Accidents **R612-100**

Workers' Compensation Rules -General Provisions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42561 FILED: 02/08/2018

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 34A-1-104 is the Utah Labor Commission's general rulemaking authority provision. Section 34A-2-103 defines who an employer is for workers' compensation purposes, allows for rulemaking, and is referenced as part of our definitions in rule. Section 34A-2-104 defines who an employee is for workers' compensation purposes, allows for rulemaking, and is referenced as part of our definitions in rule. Subsection 63G-4-202(1) outlines the process for agencies to have certain adjudicatory proceeding designated as informal and allows for rulemaking.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during or since the last five-year review of this rule from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule defines terms, lists all forms used by the Labor Commission, and designates certain proceedings as informal adjudicatory proceedings. As such, this rule is critical to the continued operations of the commission and the administration of the Workers' Compensation Act. Therefore, this rule should be continued.

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

LABOR COMMISSION INDUSTRIAL ACCIDENTS 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:

- ♦ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov
- ♦ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

AUTHORIZED BY: Jaceson Maughan, Commissioner

EFFECTIVE: 02/08/2018

Labor Commission, Industrial Accidents **R612-200**

Workers' Compensation Rules - Filing and Paying Claims

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42562 FILED: 02/08/2018

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 34A-1-104 is the Utah Labor Commission's general rulemaking authority provision. Section 34A-2-201.3 prohibits employers from directly paying workers' compensation benefits, and requires rulemaking. Section 34A-2-407 governs the process for reporting workplace injuries and requires rulemaking.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during or since the last five-year review of this rule from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule outlines the reporting requirements of workplace injuries, prohibits the direct payment of benefits by employers, denotes insurance carrier/employer liability, provides for burial benefits, and provides for the permanent and total disability process. As such, this rule is critical to the continued operations of the Labor Commission and the administration of the Workers' Compensation Act. Therefore, this rule should be continued.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
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:

- ♦ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov
- Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

AUTHORIZED BY: Jaceson Maughan, Commissioner

EFFECTIVE: 02/08/2018

Labor Commission, Industrial Accidents **R612-300**

Workers' Compensation Rules - Medical Care

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42563 FILED: 02/08/2018

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 34A-1-104 is the Utah Labor Commission's general rulemaking authority provision. Subsection 34A-2-407(9) outlines the requirements of medical providers to report workplace injuries to the Division of Industrial Accidents and provides for rulemaking. Section 34A-2-111 defines medical providers and health care facilities for the purposes of workers' compensation and allows for Section 34A-2-407.5 provides for certain rulemaking. treatment protocols medical providers use to treat injured workers and allows for rulemaking. Section 34A-2-412 defines the reimbursement rates for various injury types that are deemed to be permanent, but not totally disabling. Section 78B-8-404 allows the Utah Labor Commission, in consultation with the Utah Department of Health, to establish rules defining contagious diseases in consideration of reporting and awarding benefits.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during or since the last five-year review of this rule from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule outlines the procedures and fees for the treatment of injured workers by medical providers, billing processes including disputes, ratings of injury types, processing of medical records, and the reporting of emergency medical service providers. As such, this rule is critical to the continued operations of the Labor Commission and the administration of the Workers' Compensation Act. Therefore, this rule should be continued.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
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:

- ♦ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov
- ♦ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

AUTHORIZED BY: Jaceson Maughan, Commissioner

EFFECTIVE: 02/08/2018

Labor Commission, Industrial Accidents **R612-400**

Workers' Compensation Insurance, Self-Insurance and Waivers

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42564 FILED: 02/08/2018

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 34A-1-104 is the Utah Labor Commission's general rulemaking authority provision. Section 34A-2-201.5 allows for certain employers to selfinsure for workers' compensation purposes and allows for rulemaking. Section 34A-2-205 outlines the specific steps for insurance carriers to report workplace injuries to the Division of Industrial Accidents and allows for rulemaking. Section 34A-2-1001 defines the terms and establishes the procedures for issuing workers' compensation coverage waivers and allows for rulemaking. Section 59-9-101 requires the Utah Labor Commission to yearly establish certain premium taxes on workers' compensation policies.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during or since the last five-year review of this rule from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule outlines the policy reporting by workers compensation insurance carriers, coverage requirements for professional employer organizations, self-insurance obligations and requirements, process to obtain a workers' compensation coverage waiver, and lists the yearly premiums for workers' compensation policies. As such, this rule is critical to the continued operations of the Labor Commission and the administration of the Workers' Compensation Act. Therefore, this rule should be continued.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
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:

- ♦ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov
- ♦ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

AUTHORIZED BY: Jaceson Maughan, Commissioner

EFFECTIVE: 02/08/2018

Pardons (Board of), Administration **R671-312**

Commutation Hearings for Death Penalty Cases

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42575 FILED: 02/13/2018

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 77-27-12 defines parole discharge and sentence termination; Section 77-27-5 defines the Board of Pardon's (Board) parole authority; Section 77-27-5.5 defines review procedures of commutation; Section 77-27-8 defines the record of the hearing; Section 77-27-9 defines parole proceedings; and Section 77-27-9.5 defines how a victim may be involved in a hearing. Rule R671-312 defines the provisions and procedures for all petitions filed

with the Board seeking the commutations of a death sentence.

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 were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness in commutation petitions.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov
- ♦ Greg Johnson by phone at 801-261-6454, by FAX at 801-261-6481, or by Internet E-mail at gregjohnson@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-509**

Parole Progress/Violation Reports

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42576 FILED: 02/13/2018

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 77-27-11 defines revocation of parole. Rule R671-509 defines the reports required from the Department of Corrections when an incident occurs that may constitute cause to modify the conditions of, or revoke, parole.

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 were received related 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: The Board of Pardons (Board) supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness in parole modifications.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov
- ♦ Greg Johnson by phone at 801-261-6454, by FAX at 801-261-6481, or by Internet E-mail at gregjohnson@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-510**

Evidence for Issuance of Warrants

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42577 FILED: 02/13/2018

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 77-27-11 defines the revocation of parole. Rule R671-510 defines how the Board of Pardons (Board) shall issue warrants if there's probable cause to believe that a parole violation has occurred.

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 were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for maintaining public safety, balance, and fairness in issuing warrants.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-512**

Execution of the Warrant

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42578 FILED: 02/13/2018

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 77-27-11 defines revocation of parole; Section 77-27-27 defines retaking or reincarcerating for parole or probation violations; Section 77-27-28 defines the duties of the hearing officer; Section 77-27-29 defines the rights of the parolee and record of proceedings; and Section 77-27-30 defines violation by parolee supervised in another state. Rule R671-512 defines the warrant execution requirements a parole agent must provide to the Board of Pardons (Board).

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 were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for public safety, balance, and fairness in warrant execution requirements.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-513**

Expedited Determination of Parolee Challenge to Probable Cause

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42579 FILED: 02/13/2018

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 77-27-9(4) defines parole proceedings; Section 77-27-11 defines revocation of parole; Section 77-27-27 defines retaking or incarceration for parole; Section 77-27-28 defines the authorized person to hear cases; Section 77-27-29 defines the rights of the parolee or probationer; and Section 77-27-30 defines violation by a parolee in another state. Rule R671-513 defines the procedures if a parolee wishes to challenge the probable cause on which the warrant request was based.

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 were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for public safety, balance, and fairness in warrant procedures.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-514**

Waiver and Pleas of Guilt

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42580 FILED: 02/13/2018

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 77-27-9(4) defines parole proceedings; Section 77-27-11 defines revocation of parole; and Section 77-13-6 defines withdrawal of pleas. Rule R671-514 defines the process an employee of the Department of Corrections will use to communicate the opportunity for an offender to voluntarily waive a future hearing with a guilty plea.

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 were received related 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: The Board of Pardons (Board) supports the

continuation of this rule because it is a guide for the Board to use to strive for a transparent, balanced, and fair offender's waiver and pleas of guilt process.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-515**

Timeliness of Parole Revocation Hearings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42581 FILED: 02/13/2018

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 77-27-9(4) defines parole proceedings; and Section 77-27-11 defines revocation of parole. Rule R671-515 defines when a revocation hearing needs to be completed by the Board of Pardons (Board).

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 were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness in revocation hearings.

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

PARDONS (BOARD OF) ADMINISTRATION ROOM 300 448 E 6400 S

SALT LAKE CITY, UT 84107-8530 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-516**

Parole Revocation Hearings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42583 FILED: 02/13/2018

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 77-27-5 defines the Board of Pardon's (Board) authority; Section 77-27-9 defines parole proceedings; and Section 77-27-11 defines parole revocations. Rule R671-516 defines procedures for parole revocation hearings with allegations, proceedings, pleas, and insufficient evidence.

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 were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness in parole revocation proceedings.

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

PARDONS (BOARD OF ADMINISTRATION

ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-517**

Evidentiary Hearings and Proceedings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42584 FILED: 02/13/2018

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 77-27-5 defines the Board of Pardon's (Board) authority; Section 77-27-9 defines parole proceedings; and Section 77-27-11 defines revocation of parole. Rule R671-517 defines the confidentiality, notice, hearing official, documentation and/or proof, and continuance requirements of evidentiary hearings and proceedings.

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 were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness in evidentiary hearings and proceedings.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-518**

Conduct of Proceedings When a Criminal Charge Results in Conviction

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42585 FILED: 02/13/2018

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 77-27-5 defines the Board of Pardon's (Board) authority; Section 77-27-9 defines parole proceedings; and Section 77-27-11 defines revocation of parole. Rule R671-518 defines when a parolee has been convicted of a new crime.

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 were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness in parole terminations.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-519**

Proceedings When Criminal Charges
Result in Acquittal

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42586 FILED: 02/13/2018

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 77-27-5 defines Board of Pardon's (Board) authority; Section 77-27-9 defines parole proceedings; and Section 77-27-11 defines revocations of parole. Rule R671-519 defines personal appearance, evidence explanation, and proceedings when criminal charges result in acquittal.

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 were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness in hearing proceedings.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-520**

Treatment of Confidential Testimony

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42587 FILED: 02/13/2018

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 77-27-5 defines the Board of Pardon's (Board) authority; Section 77-27-9 defines parole proceedings; and Section 77-27-11 defines revocation of parole. Rule R671-520 defines the requirements for the proceedings and treatment of confidential testimony.

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 were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness in parole terminations.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Pardons (Board of), Administration **R671-522**

Continuances Due to Pending Criminal Charges

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42588 FILED: 02/13/2018

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 77-27-5 defines the Board of Pardon's (Board) authority; Section 77-27-9 defines parole hearings; and Section 77-27-11 defines revocations of parole. Rule R671-522 defines how the Board may, in its discretion, continue hearings, and the notice and verification requirements.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received related 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: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness in continuing hearings.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 02/13/2018

Public Service Commission, Administration

R746-330

Rules for Water and Sewer Utilities
Operating in Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42590 FILED: 02/14/2018

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 54-4-1 authorizes the Public Service Commission (Commission) to supervise and regulate all public utilities in Utah. Subsection 54-2-1(18) and (29) define sewer corporations as some of the utilities to be regulated by the Commission. Section 54-4-7 requires the Commission to, after a hearing, prescribe rules for utility corporations. Section 54-4-18 authorizes the Commission to ascertain and fix just and reasonable standards and practices for the utility corporations under its jurisdiction. Section 54-4-23 gives the Commission the power to establish a system of accounts for utility corporations. Rule R746-330 is the rule used for those purposes.

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 were submitted the last 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 continues to be necessary to regulate the methods and conditions of service for water and sewer corporations. Therefore, this rule should be continued.

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

PUBLIC SERVICE COMMISSION ADMINISTRATION HEBER M WELLS BLDG 160 E 300 S SALT LAKE CITY, UT 84111-2316 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Michael Hammer by phone at 801-530-6729, or by Internet E-mail at michaelhammer@utah.gov
- ♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Michael Hammer, Administrative Law Judge

EFFECTIVE: 02/14/2018

Public Service Commission, Administration **R746-332**

Depreciation Rates for Water Utilities

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42593 FILED: 02/14/2018

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 54-4-24 gives the Public Service Commission (Commission) the authority to require a utility to conform its depreciation accounts to the rates ascertained, determined, and fixed by the Commission.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last 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 needs to remain in effect to provide plant service life guidelines for those water utilities that cannot afford to perform depreciation studies on their own plant. Therefore, this rule should be continued.

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

PUBLIC SERVICE COMMISSION ADMINISTRATION HEBER M WELLS BLDG 160 E 300 S SALT LAKE CITY, UT 84111-2316 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Michael Hammer by phone at 801-530-6729, or by Internet E-mail at michaelhammer@utah.gov
- ♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Michael Hammer, Administrative Law

Judge

EFFECTIVE: 02/14/2018

Public Service Commission, Administration **R746-347**

Extended Area Service (EAS)

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42589 FILED: 02/14/2018

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 54-3-3 requires, unless the Public Service Commission (Commission) orders otherwise, that no change shall be made by any public utility in any rate, fare, toll, rental, charge, or classification, or in any rule, regulation, or contract relating to or affecting any rate, toll, fare, rental, charge, classification, or service, or in any privilege or facility, except after 30 days' notice to the Commission and to the public as herein provided. Section 54-8b-11 requires the Commissions to make high-quality, universal telecommunications services at just and reasonable rates for all classes of customers throughout the state of

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 in the last 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 continues to be necessary to establish or restructure EAS just and reasonable rates for all classes of customers offered by Utah telephone corporations. Therefore, this rule should be continued.

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

PUBLIC SERVICE COMMISSION ADMINISTRATION HEBER M WELLS BLDG 160 E 300 S SALT LAKE CITY, UT 84111-2316 or at the Office of Administrative Rules. DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Michael Hammer by phone at 801-530-6729, or by Internet E-mail at michaelhammer@utah.gov
- ♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Michael Hammer, Administrative Law

Judge

EFFECTIVE: 02/14/2018

Public Service Commission, Administration

R746-402

Rules Governing Reports of Accidents by Electric, Gas, Telephone, and Water Utilities

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42592 FILED: 02/14/2018

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 54-4-1 authorizes the Public Service Commission (PSC) to supervise and regulate every public utility in this state. Section 54-4-14 authorizes the PSC to require utilities to perform specific acts intended to promote and safeguard the health and safety of employees, customers, and the public. Section 54-4-16 requires the PSC to investigate accidents associated with a utility property.

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 were received in the last 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: It is necessary that this rule be continued because accidents of public utilities may have an impact on rates. Also, the PSC has a duty to investigate accidents involving utility property that results in loss of life or injury to persons, or property.

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

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Melanie Reif by phone at 801-530-6709, by FAX at 801-530-6796, or by Internet E-mail at mreif@utah.gov
- ♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Melanie Reif, Legal Counsel

EFFECTIVE: 02/14/2018

Public Service Commission, Administration

R746-405

Filing of Tariffs for Gas, Electric, Telephone, and Water Utilities

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42591 FILED: 02/14/2018

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 54-3-2 requires the establishment of rules for the process, format, construction, and content of utility tariffs. Section 54-3-3 requires 30 days' notice to the Public Service Commission (Commission) of changes affecting rate, fare, toll, rental charge, classification, or service. Section 54-3-4 requires the names of public utilities which are parties to any joint tariff, rate, fare, toll, contract, classification or charge be specified in the schedule. Section 54-4-1 authorizes the Commission to supervise and regulate utilities. Section 54-4-4 authorizes the PSC to classify and fix rates after a hearing. Section 54-7-12 requires a public utility that files for a general rate increase or general rate decrease to file a complete filing with the Commission.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This rule was amended on April 9, 2013. Utah Division of Public Utilities (Division) submitted comments on May 15, 2013 supporting the proposed changes by the Commission. The Division also believed that other changes to the rule should be considered to allow utilities to take advantage of newer technologies, thus, improving efficiencies for both the utilities, its customers, and regulators. No other comments were received from this amendment.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary that this rule be continued because it contains the process, format, construction, and content guidelines utility companies need when filing tariffs.

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

PUBLIC SERVICE COMMISSION ADMINISTRATION HEBER M WELLS BLDG 160 E 300 S SALT LAKE CITY, UT 84111-2316 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Melanie Reif by phone at 801-530-6709, by FAX at 801-530-6796, or by Internet E-mail at mreif@utah.gov
◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Melanie Reif, Legal Counsel

EFFECTIVE: 02/14/2018

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

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **N**otice of **Five-Year Review Extension** (**Extension**) with the Office of Administrative Rules. The **Extension** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **E**XTENSIONS for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

Extensions are governed by Subsection 63G-3-305(6).

Health, Disease Control and Prevention, Health Promotion **R384-201**

School-Based Vision Screening for Students in Public Schools

FIVE-YEAR REVIEW EXTENSION

DAR FILE NO.: 42569 FILED: 02/08/2018

EXTENSION REASON AND NEW DEADLINE: The Utah Department of Health (Department) would like to file a 120-day extension in order to revise this rule. The Department will need this time to incorporate anticipated changes in the vision

screening statute Section 53G-9-404. The Division of Services for the Blind and Visually Impaired, the Utah Schools for the Deaf and Blind, in conjunction with the Department are currently working on updating this rule since many references and requirements are out of date. There was also a recodification of the authorizing statute, which requires updating this rule. The new deadline is 06/20/2018.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ BettySue Hinkson by phone at 801-538-6814, or by Internet E-mail at bhinkson@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 02/08/2018

End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the Utah State Bulletin. In the case of Proposed Rules or Changes in Proposed Rules with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of Changes in Proposed Rules with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a Notice of Effective Date within 120 days from the publication of a Proposed Rule or a related Change in Proposed Rule the rule lapses.

Agencies have notified the 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.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

Attorney General Administration

No. 42367 (AMD): R105-2. Records Access and

Management

Published: 01/01/2018 Effective: 02/07/2018

Human Services

Administration, Administrative Services, Licensing

No. 42234 (AMD): R501-18. Recovery Residence Services

Published: 11/01/2017 Effective: 02/07/2018

Insurance

Administration

No. 42395 (AMD): R590-102. Insurance Department Fee

Payment Rule

Published: 01/01/2018 Effective: 02/08/2018

Natural Resources

Wildlife Resources

No. 42371 (AMD): R657-5. Taking Big Game

Published: 01/01/2018 Effective: 02/07/2018

No. 42376 (AMD): R657-9. Taking Waterfowl, Wilson's Snipe

and Coot

Published: 01/01/2018 Effective: 02/07/2018 No. 42377 (AMD): R657-19. Taking Nongame Mammals

Published: 01/01/2018 Effective: 02/07/2018

No. 42379 (AMD): R657-41. Conservation and Sportsman

Permits

Published: 01/01/2018 Effective: 02/07/2018

No. 42374 (AMD): R657-62. Drawing Application

Procedures

Published: 01/01/2018 Effective: 02/07/2018

No. 42372 (AMD): R657-67. Utah Hunter Mentoring

Program

Published: 01/01/2018 Effective: 02/07/2018

No. 42378 (REP): R657-70. Taking Utah Prairie Dogs

Published: 01/01/2018 Effective: 02/07/2018

No. 42373 (NEW): R657-71. Removal of Wild Deer from

Domesticated Elk Facilities Published: 01/01/2018 Effective: 02/07/2018

Transportation

Operations, Maintenance

No. 42392 (AMD): R918-6. Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between

Class A Roads and Class B or Class C Roads

Published: 01/01/2018 Effective: 02/07/2018

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

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2018 through February 15, 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/).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment (Proposed Rule)
CPR = Change in Proposed Rule
EMR = 120-Day (Emergency) Rule

EXD = Expired Rule EXP = Expedited Rule

EXT = Five-Year Review Extension

GEX = Governor's Extension

LNR = Legislative Nonreauthorization
NEW = New Rule (Proposed Rule)
NSC = Nonsubstantive Rule Change

NSC = Nonsubstantive Rule Change R&R = Repeal and Reenact (Proposed Rule)

REP = Repeal (Proposed Rule)
5YR = Five-Year Notice of Review and

Statement of Continuation

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SER	RVICES				
Facilities Construction a R23-5 R23-9	and Management Contingency Funds Cooperation with Local Government Planning	42347 42348	AMD AMD	01/23/2018 01/23/2018	2017-24/8 2017-24/9
Finance R25-5	Payment of Meeting Compensation (Per Diem) to Boards	42570	5YR	02/08/2018	Not Printed
R25-6 R25-7	Relocation Reimbursement Travel-Related Reimbursements for State Employees	42571 42572	5YR 5YR	02/08/2018 02/08/2018	Not Printed Not Printed
R25-8	Overtime Meal Allowance	42573	5YR	02/08/2018	Not Printed
AGRICULTURE AND F	OOD				
Plant Industry R68-5	Grain Inspection	42530	5YR	01/30/2018	2018-4/95
ATTORNEY GENERAL	-				
Administration R105-2	Records Access and Management	42367	AMD	02/07/2018	2018-1/2
COMMERCE					
Occupational and Profe R156-31b R156-46b-401 R156-55b-102 R156-68 R156-72 R156-78-502	Nurse Practice Act Rule In General Definitions Utah Osteopathic Medical Practice Act Rule Acupuncture Licensing Act Rule Unprofessional Conduct	42448 42428 42429 42447 42338 42243	5YR NSC NSC 5YR AMD AMD	01/08/2018 01/18/2018 01/18/2018 01/08/2018 01/03/2018 01/02/2018	2018-3/69 Not Printed Not Printed 2018-3/70 2017-24/11 2017-22/28
EDUCATION					
Administration 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	2018-3/70
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D077 F00 0	Decod Formatalism for Effective Teaching	40.400	NOO	04/05/0040	Not Deleted
R277-530-3	Board Expectations for Effective Teaching, Educational Leadership, and Educational School Counselor Standards	42439	NSC	01/25/2018	Not Printed
R277-621	District of Residence	42326	NEW	01/09/2018	2017-23/17
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1.010-014	and Treatment	-T_TUU	JII	01/12/2010	2010-0113

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DE40 005		40000	EV/D	00/45/0040	Net Deleted
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RULES INDEX - BY KEYWORD (SUBJECT)

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)

REP = Repeal (Proposed Rule) EXP = Expedited Rule EXT = Five-Year Review Extension 5YR = Five-Year Notice of Review and

GEX = Governor's Extension Statement of Continuation

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acupuncture Commerce, Occupational and Professional Licensing	42338	R156-72	AMD	01/23/2018	2017-24/11
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	42553 42552 42532 42533 42534 42535 42536 42538 42539 42541 42543 42540 42542 42544 42545 42545 42547 42549 42110 42551	R307-220 R307-221 R307-222 R307-223 R307-224 R307-250 R307-312 R307-345 R307-346 R307-347 R307-348 R307-349 R307-350 R307-351 R307-352 R307-355 R307-355 R307-355 R307-801	EXT EXT EXT EXT EXT EXT EXT EXT EXT EXT	01/31/2018 01/31/2018	2018-4/111 2018-4/112 2018-4/112 2018-4/112 2018-4/113 2018-4/113 2018-4/113 2018-4/114 2018-4/114 2018-4/114 2018-4/114 2018-4/115 2018-4/115 2018-4/115 2018-4/115 2018-4/115 2018-4/115 2018-4/115 2018-4/115 2018-4/115
<u>air travel</u> Administrative Services, Finance	42572	R25-7	5YR	02/08/2018	Not Printed
allegations Pardons (Board Of), Administration	42580	R671-514	5YR	02/13/2018	Not Printed
<u>allowance</u> Administrative Services, Finance	42573	R25-8	5YR	02/08/2018	Not Printed
alternative district of residency Education, Administration	42326	R277-621	NEW	01/09/2018	2017-23/17
appellate procedures Technology Services, Administration	42528	R895-12	EXD	01/30/2018	2018-4/117
applications Health, Health Care Financing, Coverage and Reimbursement Policy	42446	R414-308	5YR	01/08/2018	2018-3/86
•	42488	R414-308-3	EMR	01/19/2018	2018-4/87
arts programs Education, Administration	42471	R277-490	5YR	01/12/2018	2018-3/70
<u>asbestos</u> Environmental Quality, Air Quality	42551	R307-801	EXT	01/31/2018	2018-4/115
asbestos hazard emergency response Environmental Quality, Air Quality	42551	R307-801	EXT	01/31/2018	2018-4/115
asphalt Environmental Quality, Air Quality	42536	R307-312	EXT	01/31/2018	2018-4/113
automotive refinishing Environmental Quality, Air Quality	42547	R307-354	EXT	01/31/2018	2018-4/115
<u>background checks</u> Human Services, Substance Abuse and Mental Health, State Hospital	42476	R525-5	5YR	01/16/2018	2018-3/88
<u>big game seasons</u> Natural Resources, Wildlife Resources	42371 42373	R657-5 R657-71	AMD NEW	02/07/2018 02/07/2018	2018-1/19 2018-1/52
<u>birds</u> Natural Resources, Wildlife Resources	42376	R657-9	AMD	02/07/2018	2018-1/33

boards Administrative Services, Finance	42570	R25-5	5YR	02/08/2018	Not Printed
budgeting Health, Health Care Financing, Coverage and Reimbursement Policy	42443	R414-304	5YR	01/08/2018	2018-3/85
<u>buildings</u> Administrative Services, Facilities Construction and Management	42347	R23-5	AMD	01/23/2018	2017-24/8
<u>capital punishment</u> Pardons (Board Of), Administration	42575	R671-312	5YR	02/13/2018	Not Printed
certificate of eligibility Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42259	R722-350	AMD	01/10/2018	2017-22/94
<u>certifications</u> Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60
<u>child abuse</u> Human Services, Child and Family Services	42597 42598 42599 42600 42601	R512-200 R512-201 R512-202 R512-300 R512-301	5YR 5YR 5YR 5YR 5YR	02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018	Not Printed Not Printed Not Printed Not Printed Not Printed
child welfare Human Services, Child and Family Services	42596 42597 42598 42599 42600 42601 42602 42603 42604 42605	R512-100 R512-200 R512-201 R512-202 R512-300 R512-301 R512-302 R512-305 R512-309 R512-500	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018	Not Printed
citizenship Health, Health Care Financing, Coverage and Reimbursement Policy	42441 42487	R414-302 R414-302-6	5YR EMR	01/08/2018 01/19/2018	2018-3/84 2018-4/85
<u>client rights</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42440	R414-301	5YR	01/08/2018	2018-3/83
coal mines Natural Resources, Oil, Gas and Mining; Coal	42496 42497 42498 42499	R645-101 R645-102 R645-104 R645-401	5YR 5YR 5YR 5YR	01/24/2018 01/24/2018 01/24/2018 01/24/2018	2018-4/103 2018-4/103 2018-4/104 2018-4/104
coatings Environmental Quality, Air Quality	42540 42542 42547 42549	R307-349 R307-350 R307-354 R307-355	EXT EXT EXT EXT	01/31/2018 01/31/2018 01/31/2018 01/31/2018	2018-4/114 2018-4/114 2018-4/115 2018-4/115
<u>coil coatings</u> Environmental Quality, Air Quality	42545	R307-352	EXT	01/31/2018	2018-4/115
commercial motor vehicle insurance Insurance, Administration	42436	R590-243	5YR	01/04/2018	2018-3/91

communicable disease Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
complaints Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	2018-3/89
concealed firearm permit instructors Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42258	R722-300	AMD	01/10/2018	2017-22/89
concealed firearm permits Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42258	R722-300	AMD	01/10/2018	2017-22/89
concerns Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	2018-3/89
concrete Environmental Quality, Air Quality	42536	R307-312	EXT	01/31/2018	2018-4/113
confidential testimony Pardons (Board Of), Administration	42587	R671-520	5YR	02/13/2018	Not Printed
confidentiality of information Environmental Quality, Air Quality	42546	R307-102	EXT	01/31/2018	2018-4/111
conflict of interest Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission	42351	R364-1	NEW	01/29/2018	2017-24/14
conservation permits Natural Resources, Wildlife Resources	42379	R657-41	AMD	02/07/2018	2018-1/38
construction Administrative Services, Facilities Construction and Management	42348	R23-9	AMD	01/23/2018	2017-24/9
contingency fund Administrative Services, Facilities Construction and Management	42347	R23-5	AMD	01/23/2018	2017-24/8
continuing Pardons (Board Of), Administration	42588	R671-522	5YR	02/13/2018	Not Printed
continuous monitoring Environmental Quality, Air Quality	42550	R307-170	EXT	01/31/2018	2018-4/111
contractors Commerce, Occupational and Professional Licensing	42429	R156-55b-102	NSC	01/18/2018	Not Printed
conviction Pardons (Board Of), Administration	42585	R671-518	5YR	02/13/2018	Not Printed
costs Administrative Services, Finance	42571	R25-6	5YR	02/08/2018	Not Printed
coverage groups Health, Health Care Financing, Coverage and Reimbursement Policy	42442	R414-303	5YR	01/08/2018	2018-3/84
<u>credit for time served</u> Pardons (Board Of), Administration	42227	R671-205	AMD	01/08/2018	2017-21/169

<u>criminal charges</u> Pardons (Board Of), Administration	42585	R671-518	5YR	02/13/2018	Not Printed
criminal competency Pardons (Board Of), Administration	42296	R671-206	NEW	01/08/2018	2017-22/81
data processing Technology Services, Administration	42528	R895-12	EXD	01/30/2018	2018-4/117
<u>disabled</u> Human Services, Aging and Adult Services	42485	R510-105	5YR	01/17/2018	2018-4/102
disabled persons Natural Resources, Wildlife Resources	42375	R657-12	NSC	02/13/2018	Not Printed
discharge Environmental Quality, Water Quality	42511	R317-14	5YR	01/24/2018	2018-4/96
domestic violence Human Services, Child and Family Services	42597 42598 42599 42600 42601	R512-200 R512-201 R512-202 R512-300 R512-301	5YR 5YR 5YR 5YR 5YR	02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018	Not Printed Not Printed Not Printed Not Printed Not Printed
educators Education, Administration	42324 42439	R277-515 R277-530-3	AMD NSC	01/09/2018 01/25/2018	2017-23/11 Not Printed
effective date Health, Health Care Financing, Coverage and Reimbursement Policy	42445	R414-306	5YR	01/08/2018	2018-3/86
effectiveness Education, Administration	42439	R277-530-3	NSC	01/25/2018	Not Printed
effluent standards Environmental Quality, Water Quality	42510	R317-13	5YR	01/24/2018	2018-4/96
electric generating unit Environmental Quality, Air Quality	42534	R307-224	EXT	01/31/2018	2018-4/112
electric generating units Environmental Quality, Air Quality	42553	R307-220	EXT	01/31/2018	2018-4/111
<u>electricians</u> Commerce, Occupational and Professional Licensing	42429	R156-55b-102	NSC	01/18/2018	Not Printed
electronic meetings Judicial Performance Evaluation Commission, Administration	42262	R597-5	NEW	01/02/2018	2017-22/68
eligibility Health, Health Care Financing, Coverage and Reimbursement Policy	42446	R414-308	5YR	01/08/2018	2018-3/86
	42488 42489	R414-308-3 R414-311	EMR EMR	01/19/2018 01/19/2018	2018-4/87 2018-4/90
emission controls Environmental Quality, Air Quality	42538 42539 42541 42543 42540 42542 42545	R307-345 R307-346 R307-347 R307-348 R307-349 R307-350 R307-352	EXT EXT EXT EXT EXT EXT EXT	01/31/2018 01/31/2018 01/31/2018 01/31/2018 01/31/2018 01/31/2018 01/31/2018	2018-4/113 2018-4/114 2018-4/114 2018-4/114 2018-4/114 2018-4/114 2018-4/115

endowed universities Education, Administration	42471	R277-490	5YR	01/12/2018	2018-3/70
Energy Research Triangle Professors Grant (ERT-P) Science Technology and Research Governing Authority, Administration	42356	R856-5	R&R	01/23/2018	2017-24/48
Energy Research Triangle Scholars Grant (ERT-S) Science Technology and Research Governing Authority, Administration	42355	R856-6	R&R	01/23/2018	2017-24/54
environmental protection Environmental Quality, Air Quality	42548	R307-115	EXT	01/31/2018	2018-4/111
essential health benefit insurance Insurance, Administration	42319	R590-266-1	AMD	01/10/2018	2017-23/66
evidentiary Pardons (Board Of), Administration	42584	R671-517	5YR	02/13/2018	Not Printed
expungement Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42259	R722-350	AMD	01/10/2018	2017-22/94
extended area service Public Service Commission, Administration	42589	R746-347	5YR	02/14/2018	Not Printed
eye exams Health, Disease Control and Prevention, Health Promotion	42569	R384-201	EXT	02/08/2018	Not Printed
<u>fabric coating</u> Environmental Quality, Air Quality	42538	R307-345	EXT	01/31/2018	2018-4/113
fees Labor Commission, Industrial Accidents	42563	R612-300	5YR	02/08/2018	Not Printed
filing deadlines Labor Commission, Industrial Accidents	42562	R612-200	5YR	02/08/2018	Not Printed
film coating Environmental Quality, Air Quality	42537	R307-344	EXT	01/31/2018	2018-4/113
finance Administrative Services, Finance	42571 42573	R25-6 R25-8	5YR 5YR	02/08/2018 02/08/2018	Not Printed Not Printed
financial disclosures Health, Health Care Financing, Coverage and Reimbursement Policy	42443	R414-304	5YR	01/08/2018	2018-3/85
firearm background check information Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42260	R722-380	AMD	01/10/2018	2017-22/96
firearm denials Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42260	R722-380	AMD	01/10/2018	2017-22/96
firearm purchases Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42260	R722-380	AMD	01/10/2018	2017-22/96
firearm releases Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42260	R722-380	AMD	01/10/2018	2017-22/96

fireplaces Environmental Quality, Air Quality	42430	R307-356	EXT	01/02/2018	2018-2/59
fish Natural Resources, Wildlife Resources	42449	R657-58	5YR	01/09/2018	2018-3/91
fishing Natural Resources, Wildlife Resources	42375 42449	R657-12 R657-58	NSC 5YR	02/13/2018 01/09/2018	Not Printed 2018-3/91
flat wood paneling Environmental Quality, Air Quality	42540	R307-349	EXT	01/31/2018	2018-4/114
foil coating Environmental Quality, Air Quality	42537	R307-344	EXT	01/31/2018	2018-4/113
former foster care youth Health, Health Care Financing, Coverage and Reimbursement Policy	42442	R414-303	5YR	01/08/2018	2018-3/84
foster care Human Services, Child and Family Services	42604	R512-309	5YR	02/15/2018	Not Printed
furnaces Environmental Quality, Air Quality	42430	R307-356	EXT	01/02/2018	2018-2/59
game laws Natural Resources, Wildlife Resources	42371 42377 42372 42378 42373	R657-5 R657-19 R657-67 R657-70 R657-71	AMD AMD AMD REP NEW	02/07/2018 02/07/2018 02/07/2018 02/07/2018 02/07/2018 02/07/2018	2018-1/19 2018-1/35 2018-1/44 2018-1/46 2018-1/52
gas Environmental Quality, Air Quality	42110	R307-505	NEW	01/26/2018	2017-19/71
general conformity Environmental Quality, Air Quality	42548	R307-115	EXT	01/31/2018	2018-4/111
g <u>ood cause</u> Pardons (Board Of), Administration	42581	R671-515	5YR	02/13/2018	Not Printed
government documents Attorney General, Administration	42367	R105-2	AMD	02/07/2018	2018-1/2
government hearings Commerce, Occupational and Professional Licensing Pardons (Board Of), Administration	42428 42231	R156-46b-401 R671-304	NSC AMD	01/18/2018 01/08/2018	Not Printed 2017-21/171
GRAMA Attorney General, Administration	42367	R105-2	AMD	02/07/2018	2018-1/2
g <u>rants</u> Education, Administration Governor, Economic Development	42471 42332	R277-490 R357-16	5YR AMD	01/12/2018 01/17/2018	2018-3/70 2017-23/25
g <u>raphic arts</u> Environmental Quality, Air Quality	42544	R307-351	EXT	01/31/2018	2018-4/115
health care facilities Health, Family Health and Preparedness, Licensing	42520 42521 42522 42523 42524 42525 42518	R432-1 R432-2 R432-3 R432-4 R432-5 R432-6 R432-16	5YR 5YR 5YR 5YR 5YR 5YR 5YR	01/29/2018 01/29/2018 01/29/2018 01/29/2018 01/29/2018 01/29/2018 01/29/2018	2018-4/98 2018-4/99 2018-4/99 2018-4/100 2018-4/100 2018-4/101

	42519 42201 42200	R432-35 R432-150-8 R432-270-19	5YR AMD AMD	01/29/2018 01/11/2018 01/11/2018	2018-4/101 2017-21/108 2017-21/109
hearing Pardons (Board Of), Administration	42579	R671-513	5YR	02/13/2018	Not Printed
hearings Environmental Quality, Water Quality Health, Health Care Financing, Coverage and Reimbursement Policy	42509 42440	R317-9 R414-301	5YR 5YR	01/24/2018 01/08/2018	2018-4/95 2018-3/83
Pardons (Board Of), Administration	42295 42584 42586 42587 42588	R671-201 R671-517 R671-519 R671-520 R671-522	AMD 5YR 5YR 5YR 5YR	01/08/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018	2017-22/75 Not Printed Not Printed Not Printed Not Printed
HIV/AIDS Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	42328	R388-805	AMD	02/01/2018	2017-23/28
hospitals Environmental Quality, Air Quality	42532	R307-222	EXT	01/31/2018	2018-4/112
<u>human services</u> Human Services, Administration, Administrative Services, Licensing	42234	R501-18	AMD	02/07/2018	2017-21/136
hunter education Natural Resources, Wildlife Resources	42372	R657-67	AMD	02/07/2018	2018-1/44
incidents Pardons (Board Of), Administration	42576	R671-509	5YR	02/13/2018	Not Printed
incinerators Environmental Quality, Air Quality	42553	R307-220	EXT	01/31/2018	2018-4/111
income Health, Health Care Financing, Coverage and Reimbursement Policy	42443	R414-304	5YR	01/08/2018	2018-3/85
industrial waste Environmental Quality, Water Quality	42510	R317-13	5YR	01/24/2018	2018-4/96
Industry Partnership Program (IPP) Science Technology and Research Governing Authority, Administration	42357	R856-2	R&R	01/23/2018	2017-24/28
infectious waste Environmental Quality, Air Quality	42532	R307-222	EXT	01/31/2018	2018-4/112
inmates Pardons (Board Of), Administration	42295 42294	R671-201 R671-202	AMD AMD	01/08/2018 01/08/2018	2017-22/75 2017-22/77
inspections Agriculture and Food, Plant Industry	42530	R68-5	5YR	01/30/2018	2018-4/95
instructional materials Education, Administration	42322	R277-469	AMD	01/09/2018	2017-23/4
insurance Labor Commission, Industrial Accidents	42564	R612-400	5YR	02/08/2018	Not Printed
insurance discretion clauses Insurance, Administration	42437	R590-218	5YR	01/04/2018	2018-3/90

insurance fee Insurance, Administration	42438	R590-157	5YR	01/04/2018	2018-3/90
insurance fees Insurance, Administration	42395	R590-102	AMD	02/08/2018	2018-1/11
interchanges Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53
<u>intersections</u> Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53
juvenile confinement in adult jails Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
juvenile confinement in lockups Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
juvenile detention in adult jails Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
juvenile detention in lockups Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
<u>kinship</u> Human Services, Child and Family Services	42605	R512-500	5YR	02/15/2018	Not Printed
<u>landfills</u> Environmental Quality, Air Quality	42553	R307-220	EXT	01/31/2018	2018-4/111
large appliance Environmental Quality, Air Quality	42541	R307-347	EXT	01/31/2018	2018-4/114
<u>leadership</u> Education, Administration	42439	R277-530-3	NSC	01/25/2018	Not Printed
licensing Commerce, Occupational and Professional Licensing	42448 42429 42447 42338 42243	R156-31b R156-55b-102 R156-68 R156-72 R156-78-502	5YR NSC 5YR AMD AMD	01/08/2018 01/18/2018 01/08/2018 01/23/2018 01/02/2018	2018-3/69 Not Printed 2018-3/70 2017-24/11 2017-22/28
Human Services, Administration, Administrative Services, Licensing	42234	R501-18	AMD	02/07/2018	2017-21/136
MAGI-based Health, Health Care Financing, Coverage and Reimbursement Policy	42442	R414-303	5YR	01/08/2018	2018-3/84
magnet wire Environmental Quality, Air Quality	42543	R307-348	EXT	01/31/2018	2018-4/114
<u>maintenance</u> Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53
market trading program Environmental Quality, Air Quality	42535	R307-250	EXT	01/31/2018	2018-4/113
Medicaid Health, Health Care Financing Health, Health Care Financing, Coverage and	42517 42306	R410-14 R414-4x	EMR REP	01/29/2018 01/19/2018	2018-4/81 2017-23/49
Reimbursement Policy	42427	R414-27	5YR	01/02/2018	2018-2/54

	42440 42441 42487 42444 42446 42488 42489 42353	R414-301 R414-302 R414-302-6 R414-305 R414-308 R414-308-3 R414-311 R414-517	5YR 5YR EMR 5YR 5YR EMR EMR AMD	01/08/2018 01/08/2018 01/19/2018 01/08/2018 01/08/2018 01/19/2018 01/19/2018 01/29/2018	2018-3/83 2018-3/84 2018-4/85 2018-3/85 2018-3/86 2018-4/87 2018-4/90 2017-24/16
medical incinerator Environmental Quality, Air Quality	42532	R307-222	EXT	01/31/2018	2018-4/112
medical practitioners Labor Commission, Industrial Accidents	42563	R612-300	5YR	02/08/2018	Not Printed
medical transportation Health, Health Care Financing, Coverage and Reimbursement Policy	42445	R414-306	5YR	01/08/2018	2018-3/86
medication treatment Human Services, Substance Abuse and Mental Health, State Hospital	42474	R525-3	5YR	01/16/2018	2018-3/87
mercury Environmental Quality, Air Quality	42534	R307-224	EXT	01/31/2018	2018-4/112
metal containers Environmental Quality, Air Quality	42545	R307-352	EXT	01/31/2018	2018-4/115
metal furniture Environmental Quality, Air Quality	42539	R307-346	EXT	01/31/2018	2018-4/114
migratory birds Natural Resources, Wildlife Resources	42376	R657-9	AMD	02/07/2018	2018-1/33
minerals reclamation Natural Resources, Oil, Gas and Mining; Non-Coal	42500 42501 42502 42503 42504 42505 42506 42507	R647-1 R647-2 R647-3 R647-4 R647-5 R647-6 R647-7 R647-8	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	01/24/2018 01/24/2018 01/24/2018 01/24/2018 01/24/2018 01/24/2018 01/24/2018 01/24/2018	2018-4/105 2018-4/105 2018-4/106 2018-4/106 2018-4/107 2018-4/108 2018-4/108 2018-4/109
miscellaneous metal parts Environmental Quality, Air Quality	42542	R307-350	EXT	01/31/2018	2018-4/114
monitoring Environmental Quality, Air Quality	42550	R307-170	EXT	01/31/2018	2018-4/111
municipal landfills Environmental Quality, Air Quality	42552	R307-221	EXT	01/31/2018	2018-4/112
municipal waste incinerator Environmental Quality, Air Quality	42533	R307-223	EXT	01/31/2018	2018-4/112
newborn screening Health, Disease Control and Prevention, Laboratory Services Health, Family Health and Preparedness, Children with Special Health Care Needs	42282 42279	R438-15 R398-1	NEW REP	01/29/2018 01/29/2018	2017-22/60 2017-22/46
nurse practitioners Labor Commission, Industrial Accidents	42563	R612-300	5YR	02/08/2018	Not Printed

nurses Commerce, Occupational and Professional Licensing	42448	R156-31b	5YR	01/08/2018	2018-3/69
occupational licensing Commerce, Occupational and Professional Licensing	42428 42429	R156-46b-401 R156-55b-102	NSC NSC	01/18/2018 01/18/2018	Not Printed Not Printed
<u>oil</u> Environmental Quality, Air Quality	42110	R307-505	NEW	01/26/2018	2017-19/71
oil and gas law Natural Resources, Oil, Gas and Mining; Oil and Gas	42508	R649-6	5YR	01/24/2018	2018-4/109
operator certification Environmental Quality, Water Quality	42274	R317-10-10	AMD	01/24/2018	2017-22/29
osteopathic physicians Commerce, Occupational and Professional Licensing	42447	R156-68	5YR	01/08/2018	2018-3/70
osteopaths Commerce, Occupational and Professional Licensing	42447	R156-68	5YR	01/08/2018	2018-3/70
out-of-home care Human Services, Child and Family Services	42603	R512-305	5YR	02/15/2018	Not Printed
outdoor recreation Governor, Economic Development	42332	R357-16	AMD	01/17/2018	2017-23/25
Outdoor Recreation Infrastructure Grant Governor, Economic Development	42332	R357-16	AMD	01/17/2018	2017-23/25
paper coating Environmental Quality, Air Quality	42537	R307-344	EXT	01/31/2018	2018-4/113
parole					
Pardons (Board Of), Administration	42295 42294 42227 42576 42577 42578 42579 42580 42581 42583 42584 42585 42586 42587 42588	R671-201 R671-202 R671-205 R671-509 R671-510 R671-512 R671-513 R671-514 R671-515 R671-516 R671-517 R671-518 R671-519 R671-519 R671-520 R671-522	AMD AMD 5YR	01/08/2018 01/08/2018 01/08/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018	2017-22/75 2017-22/77 2017-21/169 Not Printed
Pardons (Board Of), Administration patient rights Human Services, Substance Abuse and Mental Health, State Hospital	42294 42227 42576 42577 42578 42579 42580 42581 42583 42584 42585 42586 42587	R671-202 R671-205 R671-509 R671-510 R671-512 R671-513 R671-514 R671-515 R671-516 R671-516 R671-517 R671-518 R671-519 R671-520	AMD AMD 5YR	01/08/2018 01/08/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018	2017-22/77 2017-21/169 Not Printed
patient rights Human Services, Substance Abuse and Mental	42294 42227 42576 42577 42578 42579 42580 42581 42583 42584 42585 42586 42587 42588	R671-202 R671-205 R671-509 R671-510 R671-512 R671-513 R671-514 R671-515 R671-516 R671-517 R671-518 R671-518 R671-519 R671-520 R671-522	AMD AMD 5YR	01/08/2018 01/08/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018	2017-22/77 2017-21/169 Not Printed
patient rights Human Services, Substance Abuse and Mental Health, State Hospital per diem allowances	42294 42227 42576 42577 42578 42579 42580 42581 42583 42584 42585 42586 42587 42588	R671-202 R671-205 R671-509 R671-510 R671-512 R671-513 R671-514 R671-515 R671-516 R671-517 R671-518 R671-519 R671-520 R671-522 R525-2	AMD AMD 5YR	01/08/2018 01/08/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018	2017-22/77 2017-21/169 Not Printed
patient rights Human Services, Substance Abuse and Mental Health, State Hospital per diem allowances Administrative Services, Finance permits	42294 42227 42576 42577 42578 42579 42580 42581 42583 42584 42585 42586 42587 42588 42473	R671-202 R671-205 R671-509 R671-510 R671-512 R671-513 R671-514 R671-515 R671-516 R671-517 R671-518 R671-519 R671-520 R671-522 R525-2	AMD AMD 5YR	01/08/2018 01/08/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018 02/13/2018	2017-22/77 2017-21/169 Not Printed

planning Administrative Services, Facilities Construction and Management	42348	R23-9	AMD	01/23/2018	2017-24/9
<u>pleas</u> Pardons (Board Of), Administration	42580	R671-514	5YR	02/13/2018	Not Printed
POTW Environmental Quality, Water Quality	42511	R317-14	5YR	01/24/2018	2018-4/96
presumptive eligibility Health, Health Care Financing, Coverage and Reimbursement Policy	42442	R414-303	5YR	01/08/2018	2018-3/84
principals Education, Administration	42327	R277-920	AMD	01/09/2018	2017-23/19
printing operations Environmental Quality, Air Quality	42544	R307-351	EXT	01/31/2018	2018-4/115
<u>prison release</u> Pardons (Board Of), Administration	42227	R671-205	AMD	01/08/2018	2017-21/169
<u>probable cause</u> Pardons (Board Of), Administration	42577	R671-510	5YR	02/13/2018	Not Printed
procedures Judicial Performance Evaluation Commission, Administration	42262	R597-5	NEW	01/02/2018	2017-22/68
proceedings Pardons (Board Of), Administration	42583	R671-516	5YR	02/13/2018	Not Printed
professional competency Education, Administration	42325	R277-519	AMD	01/09/2018	2017-23/16
professionals Education, Administration	42324	R277-515	AMD	01/09/2018	2017-23/11
program benefits Health, Health Care Financing, Coverage and Reimbursement Policy	42445	R414-306	5YR	01/08/2018	2018-3/86
prohibited items and devices Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	2018-3/89
<u>public assistance programs</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42446	R414-308	5YR	01/08/2018	2018-3/86
Telliburgement oney	42488	R414-308-3	EMR	01/19/2018	2018-4/87
<u>public records</u> Attorney General, Administration Natural Resources, Oil, Gas and Mining; Administration	42367 42495	R105-2 R642-200	AMD 5YR	02/07/2018 01/24/2018	2018-1/2 2018-4/102
<u>public schools</u> Education, Administration	42471	R277-490	5YR	01/12/2018	2018-3/70
public utilities Public Service Commission, Administration	42590 42593 42589 42592 42591	R746-330 R746-332 R746-347 R746-402 R746-405	5YR 5YR 5YR 5YR 5YR	02/14/2018 02/14/2018 02/14/2018 02/14/2018 02/14/2018	Not Printed Not Printed Not Printed Not Printed Not Printed

rabies Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
rates Administrative Services, Finance	42570 42573	R25-5 R25-8	5YR 5YR	02/08/2018 02/08/2018	Not Printed Not Printed
Labor Commission, Industrial Accidents	42564	R612-400	5YR	02/08/2018	Not Printed
reclamation Natural Resources, Oil, Gas and Mining; Coal	42496 42497 42498 42499	R645-101 R645-102 R645-104 R645-401	5YR 5YR 5YR 5YR	01/24/2018 01/24/2018 01/24/2018 01/24/2018	2018-4/103 2018-4/103 2018-4/104 2018-4/104
records access Attorney General, Administration	42367	R105-2	AMD	02/07/2018	2018-1/2
recovery residence Human Services, Administration, Administrative Services, Licensing	42234	R501-18	AMD	02/07/2018	2017-21/136
reimbursements Administrative Services, Finance	42571	R25-6	5YR	02/08/2018	Not Printed
relocation benefits Administrative Services, Finance	42571	R25-6	5YR	02/08/2018	Not Printed
renewals Environmental Quality, Water Quality	42274	R317-10-10	AMD	01/24/2018	2017-22/29
reporting Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
resources Health, Health Care Financing, Coverage and Reimbursement Policy	42444	R414-305	5YR	01/08/2018	2018-3/85
revocations Pardons (Board Of), Administration	42583	R671-516	5YR	02/13/2018	Not Printed
rules and procedures Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
Public Service Commission, Administration	42593 42592 42591	R746-332 R746-402 R746-405 R746-409-1	5YR 5YR 5YR AMD	02/14/2018 02/14/2018 02/14/2018	Not Printed Not Printed Not Printed
Ryan White Part B Program Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	42331 42328	R388-805	AMD	01/09/2018	2017-23/75
safety Public Service Commission, Administration	42331	R746-409-1	AMD	01/09/2018	2017-23/75
safety regulations Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60
salons Health, Disease Control and Prevention, Environmental Services	42491	R392-700	5YR	01/19/2018	2018-4/97

sanitation Health, Disease Control and Prevention, Environmental Services	42491	R392-700	5YR	01/19/2018	2018-4/97
school community councils Education, Administration	42323	R277-491-4	AMD	01/09/2018	2017-23/9
school improvements Education, Administration	42327	R277-920	AMD	01/09/2018	2017-23/19
school leaders Education, Administration	42327	R277-920	AMD	01/09/2018	2017-23/19
school vision Health, Disease Control and Prevention, Health Promotion	42569	R384-201	EXT	02/08/2018	Not Printed
schools Environmental Quality, Air Quality	42551	R307-801	EXT	01/31/2018	2018-4/115
Science Technology Initiation Grant (STIG) Science Technology and Research Governing Authority, Administration	42358	R856-4	R&R	01/23/2018	2017-24/41
screening Health, Disease Control and Prevention, Laboratory Services	42282	R438-15	NEW	01/29/2018	2017-22/60
secure areas Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	2018-3/89
seniors Human Services, Aging and Adult Services	42485	R510-105	5YR	01/17/2018	2018-4/102
sewerage Public Service Commission, Administration	42590	R746-330	5YR	02/14/2018	Not Printed
sexual assault kit analysis Public Safety, Administration	42269	R698-11	NEW	01/10/2018	2017-22/82
sexual assault kits Public Safety, Administration	42269	R698-11	NEW	01/10/2018	2017-22/82
sober living Human Services, Administration, Administrative Services, Licensing	42234	R501-18	AMD	02/07/2018	2017-21/136
social services Human Services, Child and Family Services	42597 42598 42599 42600 42601 42603	R512-200 R512-201 R512-202 R512-300 R512-301 R512-305	5YR 5YR 5YR 5YR 5YR 5YR	02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018 02/15/2018	Not Printed Not Printed Not Printed Not Printed Not Printed Not Printed
solid waste disposal Environmental Quality, Waste Management and Radiation Control, Waste Management	42452	R315-301	5YR	01/12/2018	2018-3/71
radicion Control, vedste wanagement	42455 42456	R315-304 R315-305	5YR 5YR	01/12/2018 01/12/2018	2018-3/73 2018-3/74
solid waste management Environmental Quality, Waste Management and Radiation Control, Waste Management	42452	R315-301	5YR	01/12/2018	2018-3/71
radiation Control, waste management	42453 42454	R315-302 R315-303	5YR 5YR	01/12/2018 01/12/2018	2018-3/72 2018-3/72

	42455 42456 42457 42458 42459 42460 42461 42462 42463 42464 42465 42466 42467 42468 42469 42470	R315-304 R315-305 R315-306 R315-307 R315-308 R315-309 R315-310 R315-311 R315-312 R315-313 R315-314 R315-315 R315-316 R315-317 R315-317	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018 01/12/2018	2018-3/73 2018-3/74 2018-3/74 2018-3/75 2018-3/75 2018-3/77 2018-3/77 2018-3/78 2018-3/79 2018-3/80 2018-3/80 2018-3/81 2018-3/82 2018-3/82
solid waste permit Environmental Quality, Waste Management and Radiation Control, Waste Management	42453	R315-302	5YR	01/12/2018	2018-3/72
sportsmen Natural Resources, Wildlife Resources	42379	R657-41	AMD	02/07/2018	2018-1/38
standards Education, Administration	42324 42439	R277-515 R277-530-3	AMD NSC	01/09/2018 01/25/2018	2017-23/11 Not Printed
state employees Administrative Services, Finance	42570 42572 42573	R25-5 R25-7 R25-8	5YR 5YR 5YR	02/08/2018 02/08/2018 02/08/2018	Not Printed Not Printed Not Printed
state hospital Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	2018-3/89
state residency Health, Health Care Financing, Coverage and Reimbursement Policy	42441 42487	R414-302 R414-302-6	5YR EMR	01/08/2018 01/19/2018	2018-3/84 2018-4/85
stoves Environmental Quality, Air Quality	42430	R307-356	EXT	01/02/2018	2018-2/59
structures Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53
students Education, Administration	42326	R277-621	NEW	01/09/2018	2017-23/17
suggestions Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	2018-3/89
sulfur dioxide Environmental Quality, Air Quality	42535	R307-250	EXT	01/31/2018	2018-4/113
surface coating Environmental Quality, Air Quality	42539 42541 42543	R307-346 R307-347 R307-348	EXT EXT EXT	01/31/2018 01/31/2018 01/31/2018	2018-4/114 2018-4/114 2018-4/114
tanning beds Health, Disease Control and Prevention, Environmental Services	42491	R392-700	5YR	01/19/2018	2018-4/97

Targeted Adult Medicaid					
Health, Health Care Financing, Coverage and	42489	R414-311	EMR	01/19/2018	2018-4/90
Reimbursement Policy					
tariffs					
Public Service Commission, Administration	42591	R746-405	5YR	02/14/2018	Not Printed
,					
taxes					
Insurance, Administration	42438	R590-157	5YR	01/04/2018	2018-3/90
teacher certification					
Education, Administration	42325	R277-519	AMD	01/09/2018	2017-23/16
T					
Technology Acceleration Program (TAP) grants Science Technology and Research Governing	42360	R856-1	R&R	01/23/2018	2017-24/22
Authority, Administration	42300	K030-1	Κακ	01/23/2016	2017-24/22
,,,					
technology readiness level (TRL)					
Science Technology and Research Governing	42360	R856-1	R&R	01/23/2018	2017-24/22
Authority, Administration	42357	R856-2	R&R	01/23/2018	2017-24/28
	42359	R856-3	R&R	01/23/2018	2017-24/36
	42358	R856-4	R&R	01/23/2018	2017-24/41
	42356	R856-5	R&R	01/23/2018	2017-24/48
	42355	R856-6	R&R	01/23/2018	2017-24/54
telecommunications					
Public Service Commission, Administration	42589	R746-347	5YR	02/14/2018	Not Printed
Technology Services, Administration	42528	R895-12	EXD	01/30/2018	2018-4/117
	42529	R895-12	EMR	01/30/2018	2018-4/92
Abded a set all ability					
third party liability Health, Health Care Financing, Coverage and	42441	R414-302	5YR	01/08/2018	2018-3/84
Reimbursement Policy	12	11111002	0111	01/00/2010	2010 0/01
•	42487	R414-302-6	EMR	01/19/2018	2018-4/85
Aires a					
time Labor Commission, Industrial Accidents	42562	R612-200	5YR	02/08/2018	Not Printed
East Commoder, made an 7 to define	12002	11012 200	0111	02/00/2010	11011111100
<u>timeliness</u>					
Pardons (Board Of), Administration	42581	R671-515	5YR	02/13/2018	Not Printed
tow trucks					
Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60
towing		5000 10		0.1.0.1.00.1.0	00.4= 0.4400
Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60
Transition to Adult Living					
Human Services, Child and Family Services	42603	R512-305	5YR	02/15/2018	Not Printed
transportation Administrative Services, Finance	42572	R25-7	5YR	02/08/2018	Not Printed
Human Services, Aging and Adult Services	42485	R510-105	5YR	01/17/2018	2018-4/102
Traman Convictor, riging and ridgit Convictor	12100	11010100	0111	01/1//2010	2010 1/102
treatment and care					
Health, Disease Control and Prevention; HIV/AIDS,	42328	R388-805	AMD	02/01/2018	2017-23/28
Tuberculosis Control/Refugee Health					
ultraviolet light safety					
Health, Disease Control and Prevention,	42491	R392-700	5YR	01/19/2018	2018-4/97
Environmental Services					
University Technology Acceleration Crante (UTAC)					
University Technology Acceleration Grants (UTAG) Science Technology and Research Governing	42359	R856-3	R&R	01/23/2018	2017-24/36
Authority, Administration	12000	.1000 0	73013	31/20/2010	2011 24/00
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Utah Indigent Defense Commission Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission	42351	R364-1	NEW	01/29/2018	2017-24/14
Utah Science Technology and Research (USTAR) Science Technology and Research Governing	42360	R856-1	R&R	01/23/2018	2017-24/22
Authority, Administration	42357	R856-2	R&R	01/23/2018	2017-24/28
	42359	R856-3	R&R	01/23/2018	2017-24/36
	42358	R856-4	R&R	01/23/2018	2017-24/41
	42356	R856-5	R&R	01/23/2018	2017-24/48
	42355	R856-6	R&R	01/23/2018	2017-24/54
utility regulations Public Service Commission, Administration	42591	R746-405	5YR	02/14/2018	Not Printed
<u>variances</u> Environmental Quality, Air Quality	42546	R307-102	EXT	01/31/2018	2018-4/111
victims of crimes Pardons (Board Of), Administration	42297	R671-203	AMD	01/08/2018	2017-22/78
vinyl coating Environmental Quality, Air Quality	42538	R307-345	EXT	01/31/2018	2018-4/113
<u>vision evaluations</u> Health, Disease Control and Prevention, Health Promotion	42569	R384-201	EXT	02/08/2018	Not Printed
<u>visitors</u> Human Services, Substance Abuse and Mental Health, State Hospital	42475	R525-4	5YR	01/16/2018	2018-3/88
VOC Environmental Quality, Air Quality	42544 42547	R307-351 R307-354	EXT EXT	01/31/2018 01/31/2018	2018-4/115 2018-4/115
VOC emission Environmental Quality, Air Quality	42537	R307-344	EXT	01/31/2018	2018-4/113
vocational rehabilitation counselor Commerce, Occupational and Professional Licensing	42243	R156-78-502	AMD	01/02/2018	2017-22/28
waivers Labor Commission, Industrial Accidents	42564	R612-400	5YR	02/08/2018	Not Printed
warrant Pardons (Board Of), Administration	42579	R671-513	5YR	02/13/2018	Not Printed
warrants Pardons (Board Of), Administration	42577 42578	R671-510 R671-512	5YR 5YR	02/13/2018 02/13/2018	Not Printed Not Printed
	72370	1307 1-312	JIK	02/13/2010	NOT FILLER
waste disposal Environmental Quality, Waste Management and Radiation Control, Waste Management	42453	R315-302	5YR	01/12/2018	2018-3/72
	42454	R315-303	5YR	01/12/2018	2018-3/72
	42457	R315-306	5YR	01/12/2018	2018-3/74
	42458	R315-300 R315-307	5YR	01/12/2018	2018-3/74
	42459	R315-308	5YR	01/12/2018	2018-3/75
	42460	R315-309	5YR	01/12/2018	2018-3/76
	42461	R315-310	5YR	01/12/2018	2018-3/77
	42462	R315-311	5YR	01/12/2018	2018-3/77
	42463	R315-312	5YR	01/12/2018	2018-3/78
	42464	R315-313	5YR	01/12/2018	2018-3/79
	42465	R315-314	5YR	01/12/2018	2018-3/79
	42466	R315-315	5YR	01/12/2018	2018-3/80
	55			5 2010	_0.00

	42467	R315-316	5YR	01/12/2018	2018-3/80
	42468	R315-317	5YR	01/12/2018	2018-3/81
	42469	R315-318	5YR	01/12/2018	2018-3/82
	42470	R315-320	5YR	01/12/2018	2018-3/82
Environmental Quality, Water Quality	42510	R317-13	5YR	01/24/2018	2018-4/96
waste to energy plant					
Environmental Quality, Air Quality	42533	R307-223	EXT	01/31/2018	2018-4/112
Environmental Quality, All Quality	42000	K307-223		01/31/2010	2010-4/112
wastewater					
Environmental Quality, Water Quality	42511	R317-14	5YR	01/24/2018	2018-4/96
Environmental Quality, water Quality	42311	N317-14	JIK	01/24/2010	2010-4/90
wastewater treatment					
Environmental Quality, Water Quality	42274	R317-10-10	AMD	01/24/2018	2017-22/29
Environmental Quality, water Quality	42214	K317-10-10	AIVID	01/24/2010	2017-22/29
water					
water	40500	D740 000	E)/D	00/44/0040	Net Delete
Public Service Commission, Administration	42590	R746-330	5YR	02/14/2018	Not Printed
	42593	R746-332	5YR	02/14/2018	Not Printed
water pollution					
Environmental Quality, Water Quality	42274	R317-10-10	AMD	01/24/2018	2017-22/29
	42510	R317-13	5YR	01/24/2018	2018-4/96
water quality					
Public Service Commission, Administration	42590	R746-330	5YR	02/14/2018	Not Printed
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waterfowl					
Natural Resources, Wildlife Resources	42376	R657-9	AMD	02/07/2018	2018-1/33
Natural Nesources, Whalle Nesources	42070	1007-0	AIVID	02/01/2010	2010-1/00
weapons					
Human Services, Substance Abuse and Mental	42477	R525-6	5YR	01/16/2018	2010 2/00
·	42477	R020-0	SIK	01/10/2016	2018-3/89
Health, State Hospital					
11.1116					
wildlife					
Natural Resources, Wildlife Resources	42371	R657-5	AMD	02/07/2018	2018-1/19
	42376	R657-9	AMD	02/07/2018	2018-1/33
	42375	R657-12	NSC	02/13/2018	Not Printed
	42377	R657-19	AMD	02/07/2018	2018-1/35
	42379	R657-41	AMD	02/07/2018	2018-1/38
	42449	R657-58	5YR	01/09/2018	2018-3/91
	42374	R657-62	AMD	02/07/2018	2018-1/41
	42372	R657-67	AMD	02/07/2018	2018-1/44
	42378	R657-70	REP	02/07/2018	2018-1/46
	42373	R657-71	NEW	02/07/2018	2018-1/52
	42373	K037-7 1	INEVV	02/07/2010	2010-1/32
wildlife low					
wildlife law	40075	D057.40	NOO	00/40/0040	Net Deleted
Natural Resources, Wildlife Resources	42375	R657-12	NSC	02/13/2018	Not Printed
	42449	R657-58	5YR	01/09/2018	2018-3/91
wildlife permits					
Natural Resources, Wildlife Resources	42379	R657-41	AMD	02/07/2018	2018-1/38
workers' compensation					
Labor Commission, Industrial Accidents	42561	R612-100	5YR	02/08/2018	Not Printed
·	42562	R612-200	5YR	02/08/2018	Not Printed
	42563	R612-300	5YR	02/08/2018	Not Printed
	42564	R612-400	5YR	02/08/2018	Not Printed
	12001	. 10 12 700	3111	32,00,2010	. 101 1 111100
zoning					
Administrative Services, Facilities Construction and	42348	R23-9	AMD	01/23/2018	2017-24/9
•	42340	1723-8	AIVID	0112312010	2017-24/9
Management					