UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed August 2, 2000, 12:00 a.m. through August 15, 2000, 11:59 p.m.

Number 2000-17
September 1, 2000

Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: http://www.rules.state.ut.us/

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Bulletin* and *Digest* are printed and distributed semi-monthly by Legislative Printing. Annual subscription rates (24 issues) are $174 for the *Bulletin* and $48 for the *Digest*. Inquiries concerning subscription, billing, or changes of address should be addressed to:

LEGISLATIVE PRINTING
PO BOX 140107
SALT LAKE CITY, UT 84114-0107
(801) 538-1103
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ISSN 0882-4738

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EDITOR'S NOTES

NOTICE OF A PUBLICATION ERROR IN THE AUGUST 15, 2000, ISSUE OF THE *UTAH STATE BULLETIN*

In the August 15, 2000, issue of the *Utah State Bulletin* (2000-16, page 123), the DAR No. was incorrectly listed for the repeal on R986-703 from Workforce Services, Employment Development. The number published was 23780. The correct DAR No. is 23080.

Questions regarding this error to the Utah State Bulletin may be directed to: Kenneth A. Hansen, Director, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3777; FAX: (801) 538-1773; or E-mail: khansen@das.state.ut.us.

End of the Editor's Notes Section

SPECIAL NOTICES

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT, LIBRARY

PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS

The Utah State Library Division has made available Utah State Publications List No. 00-16, dated August 4, 2000 (http://www.state.lib.ut.us/00-16.html). For a copy of the complete list, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view it on the World Wide Web at the address above.

End of the Special Notices Section

NOTICES OF
PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between August 2, 2000, 12:00 a.m., and August 15, 2000, 11:59 p.m., are included in this, the September 1, 2000, issue of the *Utah State Bulletin*.

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

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

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least October 2, 2000. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through December 30, 2000, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Environmental Quality, Air Quality
R307-102-3
Administrative Procedures and Hearings

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23092
FILED: 08/09/2000, 15:59
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Delete Section R307-102-3 as it conflicts with the new Rule R307-103. See separate filing in this issue.

SUMMARY OF THE RULE OR CHANGE: Section R307-102-3 determines whether certain proceedings will be conducted either formally or informally. The new Rule R307-103 is more comprehensive, establishing administrative procedures specific to the needs of the Division and those affected by the agency's actions.
(**DAR Note:** The proposed new Rule R307-103 is under DAR No. 23093 in the *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104; and Title 63, Chapter 46b

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Some small savings because Rule R307-103 more clearly defines procedures.
❖LOCAL GOVERNMENTS: This rule will apply only to local governments which operate sources of air pollutants such as electric generating stations. There could be some small savings because administrative processes are clearly defined for the regulated community.
❖OTHER PERSONS: The rule changes in Sections R307-102-3, R307-103, R307-120-8, and R307-414-3 have the effect of adopting into Title R307 certain administrative procedures contained in the Utah Administrative Procedures Act (UAPA). These procedures already apply to all persons involved in agency actions under Title R307. Therefore, it will cost at most the same to proceed under the new rules, because they contain the same requirements as UAPA. In fact, it may cost less, because persons using the rules will not need to identify, find and interpret the correct provisions of UAPA, which covers numerous topics besides the types of proceedings conducted by the Division of Air Quality (DAQ). Instead, those subject to Title R307 will be able to easily obtain a copy of the procedural rules they need from DAQ. This will sometimes result in a savings of legal and consulting fees as well as in time.
(**DAR Note:** The proposed amendments to R307-120-8 (DAR No. 23094), and R307-414-3 (DAR No. 23095) are in this issue of the *Bulletin*.)
COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be some small savings because administrative processes are more clearly defined for the regulated community in new Rule R307-103. There is nothing in the rule which could cause an increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The new rule sets forth clear and consistent administrative processes for the Division of Air Quality and the regulated community; deleting Section R307-102-3 avoids conflicts--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/28/2000, 1:30 p.m., Room 201 DEQ Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/02/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-102. General Requirements: Broadly Applicable Requirements.
R307-102-3. Reserved[~~Administrative Procedures and Hearings~~].

Reserved.[~~(1) The following proceedings and actions are designated to be conducted either formally or informally as required by Section 63-46b-4:~~

~~(a) Notices of Intent and Approval Orders shall be processed informally using the procedures identified in R307-401 through 414. Appeals of denials of or conditions in an approval order shall be conducted formally.~~

~~(b) Issuance of Notices of Violations and Orders are exempt under Section 63-46b-1(2)(k). Appeals of Notices of Violation and Orders shall be processed as formal proceedings.~~

~~(c) Requests for variances shall be processed informally using the procedures in Section 19-2-113 and R307-102-4.~~

~~(d) Qualification for Tank Vapor Tightness Testing shall be conducted informally using the procedures identified in R307-329-4.~~

~~(e) Certification of Asbestos Contractors shall be conducted informally using the procedures identified in R307-801.~~

~~(f) Certification and accreditation under R307-840, Lead-Based Paint, as well as revocation, denial and modification of such certification shall be conducted as informal proceedings.~~

~~(g) Any other request or approvals for experiments, testing, control plans, etc., shall be conducted informally using the procedures identified in R307-401.~~

~~(2) At any time before a final order is issued, the Board or appointed hearing officer may convert proceedings which are designated to be informal to formal, and proceedings which are designated as formal to informal if conversion is in the public interest and rights of all parties are not unfairly prejudiced.~~

~~(3) Rules for conducting formal proceedings shall be as provided in Section 63-46b-3 and in Sections 63-46b-6 through 63-46b-13. In addition to the procedures referenced in (1) above, the procedures in Sections 63-46b-3 and 63-46b-5 apply to informal proceedings.~~

~~(4) Declaratory Orders. In accordance with the provisions of Section 63-46b-21, any person may file a request for a declaratory order. The request shall be titled a petition for declaratory order and shall specifically identify the issues requested to be the subject of the order. Requests for declaratory order, if set for adjudicative hearing, will be processed informally using the procedures identified in Sections 63-46b-3 and 63-46b-5 unless converted to a formal proceeding under (2) above. No declaratory orders will be issued in the circumstances described in Subsection 63-46b-21(3)(a). Intervention rights and other procedures governing declaratory orders are outlined in Section 63-46b-21.~~]

KEY: air pollution, confidentiality of information, variances*~~[administrative procedure, hearings*]~~
~~[September 15, 1998]~~2000 **19-2-104**
63-46b-4
19-2-113

◆ ◆

Environmental Quality, Air Quality
R307-103
Administrative Procedures

NOTICE OF PROPOSED RULE
(New)
DAR FILE NO.: 23093
FILED: 08/09/2000, 15:59
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To enact rules "affecting or governing adjudicative proceedings," as allowed under Utah Administrative Procedures Act (UAPA), Utah Code Annotated Subsection 63-46b-1(6).

SUMMARY OF THE RULE OR CHANGE: (NOTE: An earlier version of this rule was published in the November 1, 1999, issue of the *Utah State Bulletin*, DAR No. 22459 and was allowed to lapse. This version is in response to the public comments received on the earlier version.)

The Utah Administrative Procedures Act (UAPA), Utah Code Annotated Subsection 63-46b-1(6), allows state administrative agencies to enact rules "affecting or governing adjudicative proceedings," so long as the rules are adopted according to the Utah Administrative Rulemaking Act and conform to the requirements of UAPA. To date, the Division of Air Quality (DAQ) has not adopted its own administrative rules. Section R307-102-3 does designate certain agency actions as either formal or informal, but refers to UAPA's generic administrative procedures for actual procedures to be used during administrative actions. This results in the mixing of DAQ's designations of proceedings with a general administrative procedure that uses different terminology and that is located outside of the agency's rules.

The new proposed Rule R307-103, which was developed in coordination with the Office of the Attorney General, establishes administrative procedures that are tailored to DAQ's administrative needs and the needs of those affected by the agency's actions. First, it corrects and clarifies the administrative terminology in the rules. It incorporates and expands on the designation of certain agency actions as initial actions and makes clear when they become final and no longer subject to administrative appeal. It then sets out procedures for challenging initial agency actions before they become final, and for the conduct of pre-hearing proceedings and for hearings themselves. Finally, it covers procedures for issuing orders that result from a hearing and procedures pending judicial review of an order, and clarifies the roles of the Presiding Officer and the Air Quality Board.

The procedures in Rule R307-103 will help to ensure consistency in the Division's administrative actions and to give constitutional due process and fair notice to the regulated community and the public of their and the DAQ's roles and responsibilities in the agency's actions.

Several places in the current version of Title R307 contain references to administrative procedures and must be either deleted or revised for consistency. See separate filings in this issue to delete Sections R307-102-3, R307-414-3, and R307-415-10 and to amend to R307-120-8 and R307-415-6d. (**DAR Note:** The proposed amendments to R307-102-3 (DAR No. 23092), R307-120-8 (DAR No. 23094), R307-414-3 (DAR No. 23095), and R307-415 (DAR No. 23096) are in this issue of the *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104; and Title 63, Chapter 46b

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Some small savings because the process is more clearly defined and applies throughout all Title R307 rules.

❖LOCAL GOVERNMENTS: This rule will apply only to local governments which operate sources of air pollutants such as electric generating stations. There could be some small savings because administrative processes are clearly defined for the regulated community.

❖OTHER PERSONS: The rule changes in Sections R307-102-3, R307-103, R307-120-8, and R307-414-3 have the effect of adopting into Title R307 certain administrative procedures contained in the Utah Administrative Procedures Act (UAPA). These procedures already apply to all persons involved in agency actions under Title R307. Therefore, it will cost at most the same to proceed under the new rules, because they contain the same requirements as UAPA. In fact, it may cost

less, because persons using the rules will not need to identify, find and interpret the correct provisions of UAPA, which covers numerous topics besides the types of proceedings conducted by DAQ. Instead, those subject to Title R307 will be able to easily obtain a copy of the procedural rules they need from DAQ. This will sometimes result in a savings of legal and consulting fees as well as in time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be some small savings because administrative processes are clearly defined for the regulated community. There is nothing in the rule which could cause an increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule sets forth clear and consistent administrative processes for the Division of Air Quality and the regulated community to ensure constitutional due process for the regulated community and the public--Dianne R. Nielson

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

Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
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THIS RULE MAY BECOME EFFECTIVE ON: 11/02/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-103. Administrative Procedures.
R307-103-1. Scope of Rule.

(1) This rule R307-103 sets out procedures for conducting adjudicative proceedings under Title 19, Chapter 2, Utah Air Conservation Act, and governed by Title 63, Chapter 46b, the Utah Administrative Procedures Act.

(2) The executive secretary may issue initial orders or notices of violation as authorized by the Board. Following the issuance of an initial order or notice of violation under Title 19, Chapter 2, the recipient, or in some situations other persons, may contest that order or notice in a proceeding before the board or before a presiding officer appointed by the board.

(3) Issuance of initial orders and notices of violation are not governed by the Utah Administrative Procedures Act as provided under 63-46b-1(2)(k) and are not governed by s R307-103-3 through R307-103-14 of this Rule. Initial orders and notices of violation are further described in R307-103-2(1).

(4) Proceedings to contest an initial order or notice of violation are governed by the Utah Administrative Procedures Act and by this rule R307-103.

(5) The Utah Administrative Procedures Act and this rule R307-103 also govern any other formal adjudicative proceeding before the Air Quality Board.

R307-103-2. Initial Proceedings.

(1) Initial Proceedings Exempt from Utah Administrative Procedures Act. Initial orders and notices of violation include, but are not limited to, initial proceedings regarding:

(a) approval, denial, termination, modification, revocation, reissuance or renewal of permits, plans, or approval orders;

(b) notices of violation and orders associated with notices of violation;

(c) orders to comply and orders to cease and desist;

(d) certification for tank vapor tightness testing under R307-342;

(e) certification of asbestos contractors under R307-801;

(f) fees imposed for major source reviews under R307-414;

(g) assessment of other fees except as provided in R307-103-14(7);

(h) eligibility of pollution control equipment for tax exemptions under R307-120, R307-121, and R307-122;

(i) requests for variances, exemptions, and other approvals;

(j) requests or approvals for experiments, testing or control plans; and

(k) certification of individuals and firms who perform lead-based paint activities and accreditation of lead-based paint training providers under R307-840.

(2) Effect of Initial Orders and Notices of Violation.

(a) Unless otherwise stated, all initial orders or notices of violation are effective upon issuance. All initial orders or notices of violation shall become final if not contested within 30 days after the date issued.

(b) The date of issuance of an initial order or notice of violation is the date the initial order or notice of violation is signed.

(c) Failure to timely contest an initial order or notice of violation waives any right of administrative contest, reconsideration, review, or judicial appeal.

R307-103-3. Contesting an Initial Order or Notice of Violation.

(1) Procedure. Initial orders and notices of violation, as described in R307-103-2(1), may be contested by filing a written Request for Agency Action to the Executive Secretary, Air Quality Board, Division of Air Quality, PO Box 144820, Salt Lake City, Utah 84114-4820.

(2) Content Required and Deadline for Request. Any such request is governed by and shall comply with the requirements of 63-46b-3(3). If a request for agency action is made by a person other than the recipient of an order or notice of violation, the request for agency action shall also specify in writing sufficient facts to allow the board to determine whether the person has standing under R307-103-6(3) to bring the requested action.

(3) A request for agency action made to contest an initial order or notice of violation shall, to be timely, be received for filing

within 30 days of the issuance of the initial order or notice of violation.

(4) Stipulation for Extending Time to File Request. The executive secretary and the recipient of an initial order or notice of violation may stipulate to an extension of time for filing the request, or any part thereof.

R307-103-4. Designation of Proceedings as Formal or Informal.

(1) Contest of an initial order or notice of violation resulting from proceedings described in R307-103-2(1) shall be conducted as a formal proceeding.

(2) The board in accordance with 63-46b-4(3) may convert proceedings which are designated to be formal to informal and proceedings which are designated as informal to formal if conversion is in the public interest and rights of all parties are not unfairly prejudiced.

R307-103-5. Notice of and Response to Request for Agency Action.

(1) The presiding officer shall promptly review a request for agency action and shall issue a Notice of Request for Agency Action in accordance with 63-46b-3(3)(d) and (e). If further proceedings are required and the matter is not set for hearing at the time the Notice is issued, notice of the time and place for a hearing shall be provided promptly after the hearing is scheduled.

(2) The Notice shall include a designation of parties under R307-103-6(4), and shall notify respondents that any response to the Request for Agency Action shall be due within 30 days of the day the Notice is mailed, in accordance with 63-46b-6.

R307-103-6. Parties and Intervention.

(1) Determination of a Party. The following persons are parties to an adjudicative proceeding:

(a) The person to whom an initial order or notice of violation is directed, such as a person who submitted a permit application that was approved or disapproved by initial order of the executive secretary;

(b) The executive secretary of the board;

(c) All persons to whom the board has granted intervention under R307-103-6(2); and

(d) Any other person with standing who brings a Request for Agency Action as authorized by the Utah Administrative Procedures Act and these rules.

(2) Intervention.

(a) A Petition to Intervene shall meet the requirements of 63-46b-9. Except as provided in (2)(c), the timeliness of a Petition to Intervene shall be determined by the presiding officer under the facts and circumstances of each case.

(b) Any response to a Petition to Intervene shall be filed within 20 days of the date the Petition was filed, except as provided in R307-103-6(2)(c).

(c) A person seeking to intervene in a proceeding for which agency action has not been initiated under 63-46b-3 may file a Request for Agency Action at the same time he files a Petition for Intervention. Any such Request for Agency Action and Petition to Intervene must be received by the board for filing within 30 days of the issuance of the initial order or notice of violation being challenged. The time for filing a Request for Agency Action and Petition to Intervene may be extended by stipulation of the executive secretary, the person subject to an initial order or notice of violation, and the potential intervenor.

(d) Any response to a Petition to Intervene that is filed at the same time as a Request for Agency Action shall be filed on or before the day the response to the Request for Agency Action is due.

(e) A Petition to Intervene shall be granted if the requirements of 63-46b-9(2) are met.

(3) Standing. No person may initiate or intervene in an agency action unless that person has standing. Standing shall be evaluated using applicable Utah case law.

(4) Designation of Parties. The presiding officer shall designate each party as a petitioner or respondent.

(5) Amicus Curiae (Friend of the Court). A person may be permitted by the presiding officer to enter an appearance as amicus curiae (friend of the court), subject to conditions established by the presiding officer.

R307-103-7. Conduct of Proceedings.

(1) Role of Board.

(a) The board is the "agency head" as that term is used in Title 63, Chapter 46b. The board is also the "presiding officer," as that term is used in Title 63, Chapter 46b, except:

(i) The chair of the board shall be considered the presiding officer to the extent that these rules allow; and

(ii) The board may appoint one or more presiding officers to preside over all or a portion of the proceedings.

(b) The chair of the board may delegate the chair's authority as specified in this rule to another board member.

(2) Appointed Presiding Officers. Unless otherwise explicitly provided by written order, any appointment of a presiding officer shall be for the purpose of conducting all aspects of an adjudicative proceeding, except rulings on intervention, stays of orders, dispositive motions, and issuance of the final order. As used in this rule, the term "presiding officer" shall mean "presiding officers" if more than one presiding officer is appointed by the board.

(3) Board Counsel. The Presiding Officer may request that Board Counsel provide legal advice regarding legal procedures, pending motions, evidentiary matters and other legal issues.

(4) Pre-hearing Conferences. The presiding officer may direct the parties to appear at a specified time and place for pre-hearing conferences for the purposes of establishing schedules, clarifying the issues, simplifying the evidence, facilitating discovery, expediting proceedings, encouraging settlement, or giving the parties notice of the presiding officer's availability to parties.

(5) Pre-hearing Documents.

(a) At least 15 business days before a scheduled hearing, the executive secretary shall compile a draft list of prehearing documents as described in (b), and shall provide the list to all other parties. Each party may propose to add documents to or delete document from the list. At least seven business days before a scheduled hearing, the executive secretary shall issue a final prehearing document list, which shall include only those documents upon which all parties agree unless otherwise ordered by the presiding officer. All documents on the final prehearing document list shall be made available to the presiding officer prior to the hearing, and shall be deemed to be authenticated.

(b) The prehearing document list shall ordinarily include any pertinent permit application, any pertinent inspection report, any

pertinent draft document that was released for public comment, any pertinent public comments received, any pertinent initial order or notice of violation, the request for or notice of agency action, and any responsive pleading. The list is not intended to be an exhaustive list of every document relevant to the proceeding, however any document may be included upon the agreement of all parties.

(6) Briefs.

(a) Unless otherwise directed by the presiding officer, parties to the proceeding shall submit a pre-hearing brief, which shall include a proposed order meeting the requirements of 63-46b-10, at least seven business days before the hearing. The prehearing brief shall be limited to 20 pages exclusive of the proposed order.

(b) Post-hearing briefs and responsive briefs will be allowed only as authorized by the presiding officer.

(7) Schedules.

(a) The parties are encouraged to prepare a joint proposed schedule for discovery, for other pre-hearing proceedings, for the hearing, and for any post-hearing proceedings. If the parties cannot agree on a joint proposed schedule, any party may submit a proposed schedule to the presiding officer for consideration.

(b) The presiding officer shall establish a schedule for the matters described in (a) above.

(8) Motions. All motions shall be filed a minimum of 12 days before a scheduled hearing, unless otherwise directed by the presiding officer. A memorandum in opposition to a motion may be filed within 10 days of the filing of the motion, or at least one day before any scheduled hearing, whichever is earlier. Memoranda in support of or in opposition to motions may not exceed 15 pages unless otherwise provided by the presiding officer.

(9) Filing and Copies of Submissions. The original of any motion, brief, petition for intervention, or other submission shall be filed with the executive secretary. In addition, the submitter shall provide a copy to each presiding officer, to each party of record, and to all persons who have petitioned for intervention, but for whom intervention has been neither granted nor denied.

R307-103-8. Hearings.

The presiding officer shall govern the conduct of a hearing, and may establish reasonable limits on the length of witness testimony, cross-examination, oral arguments or opening and closing statements.

R307-103-9. Orders.

(1) Recommended Orders of Appointed Presiding Officers.

(a) Unless an appointed presiding officer is required by the terms of his appointment to issue a final order, he shall prepare a recommended order for the board, and shall provide copies of the recommended order to the board and to all parties.

(b) Any party may, within 10 days of the date the recommended order is mailed, delivered, or published, comment on the recommended order. Such comments shall be limited to 15 pages and shall cite to the specific parts of the record which support the comments.

(c) The board shall review the recommended order, comments on the recommended order, and those specific parts of the record cited by the parties in any comments. The board shall then determine whether to accept, reject, or modify the recommended order. The board may remand part or all of the matter to the presiding officer or may itself act as presiding officers for further proceedings.

(d) The board may modify this procedure with notice to all parties.

(2) Final Orders. The board shall issue a final order which shall include the information required by 63-46b-10 or 63-46b-5(1)(i).

R307-103-10. Stays of Orders.

(1) Stay of Orders Pending Administrative Adjudication.

(a) A party seeking a stay of a challenged order during an adjudicative proceeding shall file a motion with the board. If granted, a stay would suspend the challenged order for the period as directed by the board.

(b) The board may order a stay of the order if the party seeking the stay demonstrates the following:

(i) The party seeking the stay will suffer irreparable harm unless the stay is issued;

(ii) The threatened injury to the party seeking the stay outweighs whatever damage the proposed stay is likely to cause the party restrained or enjoined;

(iii) The stay, if issued, would not be adverse to the public interest; and

(iv) There is substantial likelihood that the party seeking the stay will prevail on the merits of the underlying claim, or the case presents serious issues on the merits which should be the subject of further adjudication.

(2) Stay of the Order Pending Judicial Review.

(a) A party seeking a stay of the board's final order during the pendency of judicial review shall file a motion with the board.

(b) The board as presiding officer may grant a stay of its order during the pendency of judicial review if the standards of R307-103-10(1)(b) are met.

R307-103-11. Reconsideration.

No agency review under 63-46b-12 is available. A party may request reconsideration of an order of the presiding officer as provided in 63-46b-13.

R307-103-12. Disqualification of Board Members or Other Presiding Officers.

(1) Disqualification of Board Members or Other Presiding Officers.

(a) A member of the board or other presiding officer shall disqualify himself from performing the functions of the presiding officer regarding any matter in which he, or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Has acted as an attorney in the proceeding or served as an attorney for, or otherwise represented a party concerning the matter in controversy;

(iii) 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;

(iv) Knows that he has any other interest that could be substantially affected by the outcome of the proceeding; or

(v) Is likely to be a material witness in the proceeding.

(b) A member of the board or other presiding officer is also subject to disqualification under principles of due process and administrative law.

(c) These requirements are in addition to any requirements under the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. Section 67-16-1 et seq.

(2) Motions for Disqualification. 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 board.

R307-103-13. Declaratory Orders.

(1) A request for a declaratory order may be filed in accordance with the provisions of 63-46b-21. The request shall be titled a petition for declaratory order and shall meet the requirements of 63-46b-3(3). The request shall also set out a proposed order.

(2) Requests for declaratory order, if set for adjudicative hearing, will be conducted using formal procedures unless converted to an informal proceeding under R307-103-4(2) above.

(3) The provisions of 63-46b-4 through 63-46b-13 apply to declaratory proceedings, as do the provisions of this Rule R307-103.

R307-103-14. Miscellaneous.

(1) Modifying Requirements of Rules. For good cause, the requirements of these rules may be modified by order of the presiding officer.

(2) Extensions of Time. Except as otherwise provided by statute, the presiding officer may approve extensions of any time limits established by this rule, and may extend time limits adopted in schedules established under R307-103-7(6). The presiding officer may also postpone hearings. The chair of the board may act as presiding officer for purposes of this paragraph.

(3) Computation of Time. Time shall be computed as provided in Rule 6(a) of the Utah Rules of Civil Procedure except that no additional time shall be allowed for service by mail.

(4) Appearances and Representation.

(a) An individual who is a participant to a proceeding, or an officer designated by a partnership, corporation, association, or governmental entity which is a participant to a proceeding, may represent his, her, or its interest in the proceeding.

(b) Any participant may be represented by legal counsel.

(5) Other Forms of Address. Nothing in these rules shall prevent any person from requesting an opportunity to address the board as a member of the public, rather than as a party. An opportunity to address the board shall be granted at the discretion of the board. Addressing the board in this manner does not constitute a request for agency action under R307-103-3.

(6) Settlement. A settlement may be through an administrative order or through a proposed judicial consent decree, subject to the agreement of the settlers.

(7) Requests for Records. Requests for records and related assessments of fees for records under the Title 63, Chapter 2, Utah Government Record Access and Management Act, are not governed by Title 63, Chapter 46b, Utah Administrative Procedures Act, or by this rule.

KEY: air pollution, administrative procedure, hearings*
2000 63-46b

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Environmental Quality, Air Quality
R307-120-8
Appeal and Revocation

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23094
FILED: 08/09/2000, 15:59
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amend Section R307-120-8 as it conflicts with the new Rule R307-103. See separate filing in this issue.

SUMMARY OF THE RULE OR CHANGE: Section R307-120-8 addresses appeals of a rejected application for sales tax exemption for pollution control equipment. The new Rule R307-103 is more comprehensive, establishing administrative procedures specific to the needs of the Division and those affected by the agency's actions. Therefore, Section R307-120-8 is revised to refer to the new rule.
(**DAR Note:** The proposed new Rule R307-103 is under DAR No. 23093 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104; and Title 63, Chapter 46b

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Some small savings because Rule R307-103 more clearly defines procedures.
❖LOCAL GOVERNMENTS: This rule does not apply to local governments because they do not pay sales tax.
❖OTHER PERSONS: There is nothing in the rule which could cause an increase in costs.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be some small savings because administrative processes are more clearly defined for the regulated community in new Rule R307-103. There is nothing in the rule which could cause an increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The new rule sets forth clear and consistent administrative processes for the Division of Air Quality and the regulated community; amending Section R307-120-8 avoids conflicts--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Air Quality
150 North 1950 West

PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/28/2000, 1:30 p.m., Room 201 DEQ building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/02/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-120. General Requirements: Tax Exemption for Air and Water Pollution Control Equipment.
R307-120-8. Appeal and Revocation.

(1) [~~If the application is rejected, the applicant may appeal to the appropriate Board within 20 days for an informal hearing. The Board's decision will be final and conclusive on all parties unless appealed.~~]A decision of the executive secretary of the Air Quality Board may be reviewed by filing a Request for Agency Action as provided in R307-103-3. A decision of the executive secretary of the Water Quality Board may be reviewed by filing a Request for Agency Action as provided in the administrative rules for Water Quality, R317.

(2) Revocation of prior certification shall be made for any of the circumstances prescribed in Section 19-2-126, after consultation with the State Tax Commission.

KEY: air pollution, tax exemptions, equipment*

[~~September 15, 1998~~]2000	**19-2-124**
Notice of Continuation June 2, 1997	**19-2-125**
	19-2-126
	19-2-127

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Environmental Quality, Air Quality
R307-414-3
Request for Review

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23095
FILED: 08/09/2000, 15:59
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Delete Section R307-414-3 as it conflicts with the new Rule R307-103. See separate filing in this issue.

SUMMARY OF THE RULE OR CHANGE: Section R307-414-3 sets forth a process to appeal the fee paid for Division of Air Quality (DAQ) review of applications for new construction or modifications to existing sources of air pollution. New Rule R307-103 more clearly and completely spells out the process for an appeal and Section R307-414-3 should be deleted. (**DAR Note:** The proposed new Rule R307-103 is under DAR No. 23093 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104; and Title 63, Chapter 46b

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Some small savings because Rule R307-103 more clearly defines procedures.
❖LOCAL GOVERNMENTS: This rule affects only local governments which construct or modify sources of air pollution such as electric generating stations. Some small savings because administrative processes are more clearly and completely defined in Rule R307-103.
❖OTHER PERSONS: The rule changes in Sections R307-102-3, R307-103, R307-120-8, and R307-414-3 have the effect of adopting into Title R307 certain administrative procedures contained in the Utah Administrative Procedures Act (UAPA). These procedures already apply to all persons involved in agency actions under Title R307. Therefore, it will cost at most the same to proceed under the new rules, because they contain the same requirements as UAPA. In fact, it may cost less, because persons using the rules will not need to identify, find and interpret the correct provisions of UAPA, which covers numerous topics besides the types of proceedings conducted by DAQ. Instead, those subject to Title R307 will be able to easily obtain a copy of the procedural rules they need from DAQ. This will sometimes result in a savings of legal and consulting fees as well as in time.
(**DAR Note:** The proposed amendments to R307-102-3 (DAR No. 23092), and R307-120-8 (DAR No. 23094) are in this issue of the *Bulletin*.)
COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be some small savings because administrative processes are more clearly defined for the regulated community in new Rule R307-103. There is nothing in the amendment which could cause an increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The new rule sets forth clear and consistent administrative processes for the Division of Air Quality and the regulated community; deleting Section R307-414-3 avoids conflicts--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Air Quality
150 North 1950 West

PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/28/2000, 1:30 p.m., Room 201 DEQ building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/02/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-414. Permits: Fees for Approval Orders.
[**~~R307-414-3. Request for Review.~~**
~~A request for review or reconsideration of the bill provided by the Executive Secretary to the owner or operator of a source affected by R307-414 may be filed by the owner or operator of said source with the Executive Secretary within 20 days of receipt. The Board shall consider the request for review and determine the appropriateness of the bill.~~]

KEY: air pollution, fee
[~~September 15, 1998~~]2000 **19-2-104(3)(o)**

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Environmental Quality, Air Quality
R307-415
Permits: Operating Permit Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23096
FILED: 08/09/2000, 15:59
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amend the Operating Permits rule to bring it into consistency with the new Rule R307-103. See separate filing in this issue.

SUMMARY OF THE RULE OR CHANGE: In Subsection R307-415-6d(2), amend the last sentence to specify that a permit action shall be final after all requirements of Sections R307-415-5a through 5e have been met. Delete all of Section R307-415-10, Administrative Procedures and Appeals.

(**DAR Note:** The proposed new Rule R307-103 is found under DAR No. 23093 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104; and Title 63, Chapter 46b

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Some small savings because administrative processes are more complete and clearly defined in new Rule R307-103.
❖LOCAL GOVERNMENTS: This rule applies only to local governments which operate sources of air pollutants subject to 40 CFR Part 70. There could be some small savings because administrative processes are more complete and clearly defined in new Rule R307-103.
❖OTHER PERSONS: There could be some small savings because administrative processes are more clearly and completely set forth in new Rule R307-103. There is nothing in the rule which could cause an increase in costs.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be some small savings because administrative processes are more clearly and completely set forth in new Rule R307-103. There is nothing in the rule which could cause an increase in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: New Rule R307-103 is more complete and clear in setting forth administrative processes to ensure constitutional due process for the regulated community and the public--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Air Quality
150 North 1950 West
Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/28/2000, 1:30 p.m., Room 201 DEQ Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/02/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-415. Permits: Operating Permit Requirements.
R307-415-6d. Permit Content: General Permits.

(1) The Executive Secretary may, after notice and opportunity for public participation provided under R307-415-7i, issue a

general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to other operating permits and shall identify criteria by which sources may qualify for the general permit. To sources that qualify, the Executive Secretary shall grant the conditions and terms of the general permit. Notwithstanding the permit shield, the source shall be subject to enforcement action for operation without an operating permit if the source is later determined not to qualify for the conditions and terms of the general permit. General permits shall not be issued for Title IV affected sources under the Acid Rain Program unless otherwise provided in regulations promulgated under Title IV of the Act.

(2) Part 70 sources that would qualify for a general permit must apply to the Executive Secretary for coverage under the terms of the general permit or must apply for an operating permit consistent with R307-415-5a through 5e. The Executive Secretary may, in the general permit, provide for applications which deviate from the requirements of R307-415-5a through 5e, provided that such applications meet the requirements of Title V of the Act, and include all information necessary to determine qualification for, and to assure compliance with, the general permit. Without repeating the public participation procedures required under R307-415-7i, the Executive Secretary may grant a source's request for authorization to operate under a general permit, but such a grant to a qualified source shall not be a final permit action [~~for purposes of judicial review~~]until the requirements of R307-415-5a through 5e have been met.

[**~~R307-415-10. Administrative Procedures and Appeals.~~**

~~(1) Designation of proceedings as formal or informal. The following proceedings and actions are designated to be conducted either formally or informally in accordance with the applicable provisions of Administrative Procedures Act, Title 63, Chapter 46b.~~

~~(a) Calculation and assessment of annual emission fees shall be processed informally using the procedures identified in R307-415-9.~~

~~(b) Permit issuance, modification, revocation, reissuance and renewal shall be processed informally using the procedures identified in R307-415-2 through R307-415-8.~~

~~(c) Appeal of a permit denial or a final permit, as that term is defined in R307-415-3, shall be conducted formally in accordance with Sections 63-46b-6 through 63-46b-13.~~

~~(d) A formal adjudicative proceeding may be converted to an informal proceeding or an informal adjudicative proceeding may be converted to a formal proceeding in accordance with Subsection 63-46b-4(3).~~

~~(2) Appeals.~~

~~(a) The applicant, or any person meeting the requirements of Section 63-46b-9, may appeal a final permit or permit denial by submitting to the Executive Secretary within 30 days of final permit issuance or denial:~~

~~(i) a Request for Agency Action in accordance with Section 63-46b-3, and;~~

~~(ii) where the person appealing a final permit is not the applicant, a Petition to Intervene in accordance with Section 63-46b-9.~~

~~(b) Where appeal of a final permit is based solely on grounds arising after the 30-day deadline for filing an appeal, such requests may be filed no later than 30 days after the new grounds arise.~~

~~(3) Judicial Review.~~

~~(a) After exhaustion of administrative procedures, judicial review of final agency action shall be in accordance with Sections 63-46b-14 through 63-46b-18, except as provided in (b) below.~~

~~(b) Judicial review of the Executive Secretary's failure to act on any operating permit application or renewal shall be in accordance with Section 19-2-109.1(11).~~]

KEY: air pollution, environmental protection, operating permit*, emission fee*
[~~April 6,~~]2000 19-2-109.1
Notice of Continuation March 1, 1999 19-2-104

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Environmental Quality, Solid and Hazardous Waste
R315-312-1
Applicability

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23100
FILED: 08/11/2000, 09:17
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed as a result of comments received during a recent public comment period and to eliminate duplicate regulation of animal feeding operations. Animal feeding operations are currently regulated by the Division of Water Quality through a Comprehensive Nutrient Management Plan.

SUMMARY OF THE RULE OR CHANGE: Animal feeding operations, including dairies, that compost only manure and vegetative material are exempted from the requirements of Rule R315-312 if they meet the composting standards of a Comprehensive Nutrient Management Plan. The Comprehensive Nutrient Management Plan contains minimum standards for composting.

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

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The proposed change to the rule does not affect state entities and the enforcement will remain the same, therefore, no cost or savings impact to the state budget is anticipated.
❖LOCAL GOVERNMENTS: The proposed change to the rule does not affect local governments, therefore, no cost or savings impact for local governments is anticipated.
❖OTHER PERSONS: Persons who own or operate animal feeding operations that compost manure and vegetative waste and meet the composting standards of a Comprehensive Nutrient Management Plan should

experience a decrease in operating costs. An estimate of the aggregate cost saving cannot be made since the number of animal feeding operations that compost manure and vegetative matter is not known.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Persons who operate animal feeding operations that compost manure and vegetative matter will experience a decrease in costs associated with not having to prepare a plan of operation nor complete the approval process. The cost savings is estimated to be up to approximately $1,000.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change in the rule will allow animal feeding operations that compost manure and vegetative matter to realize a one-time cost savings, which is associated with preparing a plan of operation, of up to approximately $1,000--Dianne R. Nielson

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

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/05/2000

AUTHORIZED BY: Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board

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R315. Environmental Quality, Solid and Hazardous Waste.
R315-312. Recycling and Composting Facility Standards.
R315-312-1. Applicability.

(1) These standards apply to any facility engaged in recycling or utilization of solid waste on the land including:

(a) composting;

(b) utilization of sewage sludge, septage and other organic wastes on land for beneficial use; and

(c) accumulation of wastes in piles for recycling or utilization.

(2) These standards do not apply to:

(a) animal feeding operations, [~~and~~]including dairies, that compost exclusively manure and vegetative material and meet the composting standards of a Comprehensive Nutrient Management Plan;

(b) other composting operations in which waste from on-site is composted and the finished compost is used on-site; or

(c) hazardous waste.

(3) These standards do not apply to any facility that recycles or utilizes solid wastes solely in containers, tanks, vessels, or in any enclosed building, including buy-back recycling centers.

(4) Effective dates. An existing facility recycling or composting solid waste shall be placed upon a compliance schedule to assure compliance with the requirements of Rule R315-312 on or before a date established by the Executive Secretary.

KEY: solid waste management, waste disposal
[~~July 15,~~]2000 19-6-105
Notice of Continuation April 20, 1998 19-6-108

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Health, Health Care Financing, Coverage and Reimbursement Policy

R414-12

Medical Supplies Durable Medical Equipment -- Prosthetics

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 23097
FILED: 08/10/2000, 09:32
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Most of this rule is outdated and no longer applies. The portions of the rule that still apply have been incorporated into the Medicaid Provider Manual, making the rule redundant.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Since the rule will be repealed, there are no costs involved.
❖LOCAL GOVERNMENTS: The rule does not apply to local government, so there will be no fiscal impact.
❖OTHER PERSONS: Since this rule will no longer exist, there will be no fiscal impact to other persons.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs, hence no impact, to other persons

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule repeal will benefit businesses that interact with Medicaid. Rules will be more up-to-date--Rod L. Betit

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Don Hawley at the above address, by phone at (801) 538-6483, by FAX at (801) 538-6099, or by Internet E-mail at dhawley@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/03/2000

AUTHORIZED BY: Rod L. Betit, Executive Director

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

[~~R414-12. Medical Supplies Durable Medical Equipment--Prosthetics.~~

~~R414-12-1. General Policy.~~

~~(1) The Utah State Department of Health, Division of Health Care Financing, in compliance with federal law defined in 42 CFR 440.70, has provided a program under Home Health Services, to make medical supplies and durable medical equipment available to recipients who are living at home.~~

~~(2) Medical supplies are available to Medicaid recipients in conjunction with Home Health Agency nursing. However, it is not necessary to obtain the services of a Home Health Agency nurse in order to secure the needed supplies.~~

~~(3) Durable Medical Equipment, Prosthetic devices and special appliances are obtainable from medical supplies providers upon the order of a physician and documentation of medical need.~~

~~(4) The provision of the appropriate service and supplies in the Medical Supplies and Prosthetics Program is under the authority of the 42 CFR, October, 1991 ed., in the following sections:~~

~~(a) 440.60~~
~~(b) 440.120(c)~~
~~(c) 441.15~~
~~(d) 440.70(3)~~

~~(5) The goal and purpose of the Medical Supplies Program is to provide services and/or supplies, ordered by a physician or other licensed practitioner of the healing arts within the scope of his practice under State law, and the scope of service provided within the program. The objective of the program is to provide supplies for maximum reduction of physical disability and restore the recipient to his best functional level.~~

~~(6) Medical supplies, durable medical equipment-prosthetic services are available to Categorically and Medically Needy eligible individuals who meet the severity of illness and intensity of service criteria.~~

~~(7) Medical supplies are those items that are disposable or semi-disposable, are used for a client who is residing at home, and are used in conjunction with Home Health Agency nursing if necessary. However, it is not necessary to obtain the services of a Home Health Agency nurse in order to secure the needed supplies. It is necessary to reside at home. Examples of medical supplies are:~~

~~(a) elastic stockings~~
~~(b) ostomy supplies~~

~~(c) Disposable or semi-disposable ostomy/urinary incontinency supplies are benefits under the program. Supplies should be limited to the most appropriate quantity for a one month usage. "Stockpiling" is prohibited.~~

~~(d) First aid supplies are limited to those used for post surgical need, decubitus treatment, and long term dressing. Routine minor first aid needs are not a benefit of the Medicaid program. Usual household remedies such as Band-Aids, hydrogen peroxide, etc., are not a benefit of the program.~~

~~(e) Effective February 1, 1983, ALL OXYGEN AND OXYGEN SYSTEMS WILL REQUIRE PRIOR APPROVAL. Oxygen is a benefit of the Medicaid program for the nursing home recipient as well as the non-nursing home recipient. However, only the oxygen is reimbursable for a nursing home recipient-all equipment is the responsibility of the nursing home. Oxygen orders or prescriptions from the physician must be attached to the Prior Authorization Request and contain liter flow and hours per day usage. ONE OXYGEN SYSTEM ONLY will be provided, except under specific circumstances.~~

~~(f) ALL OXYGEN SYSTEMS WILL BE REPLACED BY A CONCENTRATOR WHEN THEY ARE:~~

~~(i) more economical~~
~~(ii) more appropriate~~

~~(A) Oxygen concentrators are rental equipment only (see durable medical equipment). The back-up system, an E tank, used in conjunction with a concentrator is not reimbursable to the provider as a separate item. The cost of this item must be included in the global rental fee and used in the event of a power failure. Oxygen concentrators may be provided to nursing home patients. Additional E tanks may be obtained separately from any provider if approved for use in transporting the recipient to a physician, etc.~~

~~(g) All Infant Apnea/Bradycardia Monitors are supplied under contract.~~

~~(h) Miscellaneous disposable supplies such as syringes, Testape, and catheters are benefits under the program for patients who reside at home.~~

~~(8) Disposable and semi-disposable medical supplies are not a benefit in behalf of patients residing in nursing homes. These supplies MUST be furnished by the nursing home. These supplies include:~~

~~(a) syringes;~~
~~(b) ostomy supplies;~~
~~(c) irrigation equipment;~~
~~(d) dressing;~~
~~(e) catheters;~~
~~(f) elastic stockings;~~
~~(g) test tape;~~
~~(h) IV set up.~~

~~(9) Durable medical equipment to be used by a patient who resides in a nursing home continues to be the responsibility of the nursing home. This includes:~~

(a) wheelchairs;
(b) commodes;
(c) canes;
(d) walkers;
(e) traction equipment.
(10) Durable medical equipment may not be replaced more often than every five years unless prior approved for patients residing at home.
(a) Certain highly specialized equipment is so technical and costly to maintain that it is fiscally more responsible to furnish the equipment to a client on a permanent rental basis. This rental will include maintenance and back-up equipment if needed.
(b) Durable Medical Equipment is defined under Medicare Regulations as those that:
(i) can withstand use;
(ii) are primarily used to serve a medical purpose;
(iii) generally are not useful to a person in the absence of an illness or injury; and
(iv) are appropriate for use in the home.
(c) Durable medical equipment such as wheelchairs, commodes, oxygen concentrators, and beds, are benefits of the program for recipients residing at home. Canes and crutches are considered to be durable medical equipment and are supplied to assist the recipient with ambulation. Purchase of the item is required.
(d) Hospital beds are a Medicaid benefit if the recipient is bed confined. Bed confinement is not necessarily 24 hours per day.
(i) A standard hospital bed is:
(A) Of a design and construction equal to the standard which is common within the industry, consisting of a modified catch spring assembly, mattress and bed ends with casters and manually operated foot end cranks which permit independent adjustment of the elevation of the head and knee sections,
(B) Capable of accommodating a standard trapeze bar when attached to the head end,
(C) Equipped with IV sockets,
(D) Capable of supporting an overhead frame and other accessories that utilize IV holes for mounting purposes, and
(E) Equipped to accommodate side rails, if required by the patient's condition.
(F) Side rails on hospital beds are not considered a standard feature of hospital beds and are not covered under the program except when specifically prescribed as medically necessary, and are specifically included in the procedure code description.
(ii) Variable height beds are not a benefit of the Medicaid program.
(iii) Electric beds are not a benefit of Medicaid.
(iv) Air or water fluidation beds are a Medicaid benefit under specific guidelines. The beds require prior approval and may be requested for recipients who reside at home or in nursing homes.
(A) Prior approval requests must be presented and approved prior to providing treatment or supply.
(B) A copy of the physicians order for the equipment must be attached to the prior approval request and contain:
Description of the bed, air fluidization or water fluidization.
Documentation that bed is necessary for post operative healing of myocutaneous flaps for decubitus ulcer.
Documentation of the inability or inadvisability of turning the patient.
Physician progress notes verifying the need.
(C) Each request for prior approval must also have nursing documentation (when the request is for nursing home placement) describing the current decubitus ulcer treatment such as egg crate mattress, debridement, whirlpool, frequent and consistent turning, nutritional status, and daily nursing care provided for the nursing home patient.
(D) Due to fiscal restrictions, air fluidization or water fluidization beds may only be provided for:
Stage IV decubitus ulcer;
Multiple stage III decubitus ulcer;
Post operative healing of myocutaneous flaps (maximum 14 days); or
Burns.
Use of either type therapy (bed) for prevention or state II decubitus ulcer treatment is nonreimbursable.
(e) A standard wheelchair is one that would generally satisfy the needs of the average-size patient, is fabricated to withstand normal usage and body weight, and has brakes and armrests.
(i) A wheelchair having any of the following additional features may be considered as standard:
(A) Eight-inch casters
(B) Sling seat (functional for most patients)
(C) Footplates (including adjustable footplates)
(D) Capable of being easily folded as a complete unit without removing integral parts
(ii) Wheelchairs are a Medicaid benefit when the recipient's condition is such that without the equipment bed confinement (or chair confinement) would be required. HOwever, a recipient may be considered bed confined for many hours and be eligible for a wheelchair.
(iii) Reimbursement is limited to the lowest commonly available charge for a standard wheelchair. Other chairs must be specifically prescribed and documentation provided concerning medical necessity.
(iv) Electric wheelchairs are a Medicaid benefit only when their use meets criteria for medical necessity.
(v) Attachments to a wheelchair require prior authorization for many items. The prior authorization request must specify the type of wheelchair receiving the attachments, the attachments being requested, and the documentation concerning medical necessity. When a wheelchair, plus attachments, is being requested the reimbursement for the chair is limited to the least elaborate chair. Therefore, a prior approval request for a "specially constructed" wheelchair plus many attachments would be a duplication and would not be approved.
(vi) Replacement parts for a wheelchair, such as tires or wheels, must be prior authorized and medically necessary. Replacement parts for other equipment, such as beds, walkers, etc. must also be prior authorized. These repairs or replacements cannot be approved more frequently than once yearly.
(f) While this Division recognizes the desirability of many products and the sophistication of many modifications to durable medical equipment, it remains fiscally necessary to adhere to the guidelines established concerning these modifications. These guidelines stipulate that no item is reimbursable whose use is primarily for:
(i) hygiene;
(ii) education;

(iii) exercise;
(iv) convenience;
(v) cosmetic purposes;
(vi) comfort.
(11) As defined by federal regulation 42 CFR 440.120(c), "Prosthetic Device" means replacement, corrective, or supportive devices prescribed by physician or other licensed practitioner of the healing arts profession within the scope of his practice as defined by state law to:
(a) artificially replace a missing portion of the body;
(b) prevent or correct physical deformities or malfunction; or
(c) support a weak or deformed portion of the body.
(12) Prosthetic devices such as hearing aids and special appliances such as braces are a benefit of the Medicaid program. These devices comprise a group of items and are separate and distinct from the "Home Health Services" program and are available to persons residing in a nursing home as well as for patients in their own home.
(a) Provision of artificial limbs will be regulated by medical need. The prosthetic is reimbursable only every five years when medically necessary. Repairs and parts may be provided by medical need once yearly with prior approval. Certain exceptions may occur with growing children who have outgrown a prosthesis. Any exception to the established guideline will require prior authorization. Attachments and modifications will be available with prior approval only. Prudent buying and continued effectiveness are essential. Duplicative appliances such as an artificial leg plus a wheelchair will be reviewed carefully to determine necessity and/or duplication.
(b) Although artificial eyes have been classified in some cases as cosmetic, the Division of Health Care Financing has adopted the guidelines promulgated by Medicare and will furnish the artificial eye to Medicaid recipients via prior approval. Replacement will be made at five year intervals when medical need is verified.
(c) Hearing aids are a benefit to the medicaid recipient when medical need is established. The client must be referred to an audiologist who provides an audiometric examination which is submitted to the hearing aid provider.
(i) A request for prior authorization (in every case) must be submitted to Medicaid. The request must have the information/justification as listed below attached:
(A) Complete audiometric examination including air and bone conduction, pure tone thresholds, levels of speech reception, and speech discrimination values.
(B) The name of the referring physician.
(C) A statement by a family member or the nursing facility charge nurse describing the social ability of the patient. Example: many elderly nursing home patients do not wear and utilize the hearing aid. A periodic monitoring procedure will be performed to verify utilization.
(d) Corsets are not a benefit of the program, nor are canvas "braces" with plastic or metal "bones". These continue to be classified as corsets. However, special braces to enable a patient to ambulate, or back braces to enable a patient to sit or walk are a benefit to both nursing home and non-nursing home residents.
(e) Special shoes which are part of a prosthetic device, or a brace are a Medicaid benefit subject to the regulations governing prosthetic devices and special appliances.
(i) Such will be provided for the following conditions only:
(A) when attached to a brace, or prosthesis;
(B) when specially constructed to provide for a totally or partially missing foot.
(ii) Shoes require prior authorization and the prior authorization request must be completed totally and contain adequate documentation to substantiate medical need. Accessories such as arch supports, foot pads, metatarsal head appliances, or foot supports for comfort, exercise, hygiene or support are not defined as verification of medical need.
(iii) Shoes will not be provided in the following circumstances:
(A) mismatched shoes due to foot size difference;
(B) "comfortable" shoes following surgery;
(C) support for an overweight individual;
(D) when used as a bandage following foot surgery;
(E) trade name or brand name shoes.
(iv) Shoe repair is not reimbursable.
(v) An external modification to an existing shoe owned by the recipient is a benefit subject to prior authorization and medical need.
(f) Repair or reconstruction of appliances is a benefit of the program. Repairs require a prior approval. Only one repair per year is allowed on all DME equipment and only if medically necessary.
(i) Repairs do not include changes in upholstery, padding, or cushioning. When a repair is determined medically necessary for these items, they must be prior authorized and include documentation attached to the request.
(ii) Medicaid will reimburse a provider for repair of durable medical equipment under these circumstances:
(A) The equipment is being used by a patient in his home.
(B) The repair is prior approved.
(C) Documentation must demonstrate a medical need.
(D) Repairs are allowed at selected intervals: wheelchairs, yearly; batteries for electric wheelchairs, yearly; mattresses at five year intervals.
(iii) Repairs for hearing aids are selectively approved when the repair is over $15.00.
(13) Medical supplies to be used primarily for exercise, comfort, hygiene, cosmetic purposes or sports are not benefits of the program.
(14) The limitations on quantity are strictly enforced. Maximum quantity is established by determining normal usage. This is accomplished through computer analysis of claims submitted. Any quantity that exceeds such maximum quantity requires prior authorization and the documentation of medical need.
(a) Review of the documentation submitted with the request for prior approval will include assessing emotional and physical factors concerning the recipient. Patients will be evaluated, and their ability and desire such as to wear or use a brace, or hearing aid will be considered.
(15) Specific Limitations
(a) When disposable underpads are limited to 100/month or less no prior authorization is necessary. When the monthly quantity exceeds 100/month a prior authorization and documentation of medical need is required.
(b) Surgical stockings are limited to one pair every six months when medically necessary.

~~(c) Variable height and electric beds are not a Medicaid benefit.~~

~~(d) Multiple oxygen systems are not a Medicaid benefit.~~

~~(e) Wheelchair attachments must be placed on a standard wheelchair unless documentation justifies otherwise.~~

~~(f) Pneumatic tires or balloon tires on wheelchairs are not a benefit unless documented (with a prior approval) that the medical condition of the patient is such that the tires are necessary in the residence as well as outside.~~

~~(g) Sacro-lumbar or dorsal lumbar corset type supplies are NOT considered prosthetic devices or special appliances. These items are not a covered benefit of the Medicaid program.~~

~~(16) Prior authorization to provide services beyond the designated limitations must be requested in writing in advance of the date of service. Verification will be provided by the Division of Health Care Financing. Prior authorization is also necessary for items not listed on the index.~~

~~(a) Prior approval requests are initiated by completion of a "Request for Authorization of Medical Services". This form is for use by any medical provider for prior approval and out-of-policy requests.~~

~~(i) The medical provider must include a statement on the form justifying the need, and mail the form to:~~

~~Prior Authorization~~

~~P.O. Box 16520~~

~~Salt Lake City, Utah 84116-0520~~

~~(ii) Upon receipt of the approved action from the Bureau of Medical Review, the provider shall submit the billing form for payment directly to:~~

~~Division of Health Care Financing~~

~~Medical Review~~

~~P.O. Box 16700~~

~~Salt Lake City, Utah 84116-0700~~

~~2.420 Prior Approval Procedures~~

~~(b) Prior Authorization Request Forms are obtained from the Department of Health, Division of Health Care Financing, Bureau of Medical Review, telephone number 538-6155.~~

~~(c) Prior Authorization requests if approved will be completed by the Bureau of Medical Review with specific time and/or quantity limitation and effective date.~~

~~(d) When the prior authorization is received by the Bureau of Medical Review the processing of the form begins.~~

~~(e) All data elements on the form must be completed. (See instructions for completion of the form in the Submittal of Invoice Section of the provider manual.)~~

~~(f) Documentation must be complete and extensive enough to justify the service or supply.~~

~~(g) If a quantity is requested that exceeds the quantity listed in the index, the exact total quantity must be present.~~

~~(h) Requests for rental must specify the length of time the item is to be used.~~

~~(i) All oxygen requires a prior authorization. The rate of oxygen flow and the hours per day must be specified on the physician's order, and a copy of the order must be attached to the Request for Prior Authorization.~~

~~(j) When the prior authorization request is approved and a copy returned to the provider signed and dated with implementation and termination dates, service or supplies may be provided.~~

~~(k) When the documentation is not complete, the necessary information required will be identified and the form returned to the provider.~~

~~(l) When the prior authorization is denied:~~

~~(A) it will be returned to the provider with an explanation;~~

~~(B) a copy will be sent to the recipient; and~~

~~(C) any further action will depend upon the nature of the denial.~~

~~(m) All durable medical equipment requires prior authorization, even in situations where a third party pays the provider the major part of the cost (except as listed in B). The billing must have the Estimate of Benefits (EOB) from the third party attached to the claim form.~~

~~(n) Prior authorization for durable medical equipment, prosthetic devices, or braces will no longer be necessary for recipients who have both Medicare and Medicaid benefits (crossover claims), since only Medicare is billed. Do not bill Medicaid for any portion of the service or supply. Medicare will pay the provider for the portion of the bill that is the Medicare responsibility, and Medicare will also pay the provider for the Medicaid portion.~~

~~**KEY: medicaid**~~
~~**December 20, 1995** 26-1-5~~
~~**Notice of Continuation February 9, 1998**~~]

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Health, Health Care Financing, Coverage and Reimbursement Policy
R414-24A
Medical Supplies Program for Parenteral, Enteral, and IV Therapy

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 23098
FILED: 08/10/2000, 09:32
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Most of this rule is outdated and no longer applies. The portions of the rule that still apply have been incorporated into the Medicaid Provider Manual, making the rule redundant.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Since the rule will be repealed, there are no costs involved.

❖LOCAL GOVERNMENTS: The rule does not apply to local government, so there will be no fiscal impact.
❖OTHER PERSONS: Since this rule will no longer exist, there will be no fiscal impact to other persons.
COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs, hence no impact, to other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule repeal will benefit businesses that interact with Medicaid. Rules will be more up-to-date. Rod L. Betit

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Don Hawley at the above address, by phone at (801) 538-6483, by FAX at (801) 538-6099, or by Internet E-mail at dhawley@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/03/2000

AUTHORIZED BY: Rod L. Betit, Executive Director

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

[~~R414-24A. Medical Supplies Program for Parenteral, Enteral, and IV Therapy.~~

~~R414-24A-1. Policy Statement.~~

~~A. Eligible Medicaid recipients with chronic illnesses, trauma, or terminal disease, who are able to live at home or in a nursing home, but who cannot be sustained with oral feeding, and, therefore rely on total parenteral nutrition (TPN) or enteral nutrition (EN) to sustain life, are covered under this program.~~

~~B. The IV therapy program provides medications, solutions, blood factors, chemicals, or nutrients by injection or infusion for eligible Medicaid recipients who reside at home or, in some cases, in a nursing home.~~

~~R414-24A-2. Authority and Purpose.~~

~~A. Authority~~

~~The provision of service by Home Health is authorized in the 42 CFR 440.70 and 441.15, and The Omnibus Reconciliation Act (OBRA) of 1987, PL 100-203, Section B.~~

~~B. Purpose~~

~~1. The purpose of the TPN program is to provide total parenteral nutrition or enteral nutrition to sustain life and provide an improved quality of life for a short or long-term period.~~

~~2. The objective of the IV therapy program is to sustain life, reduce pain, reduce or eliminate infection, provide fluids, replace or provide necessary chemicals to maintain electrolyte balance, or provide blood products.~~

~~R414-24A-3. Definitions.~~

~~1. "TPN" means total parenteral nutrition administered by intravenous, subcutaneous or mucosal infusion.~~

~~2. "Parenteral" means any route used for infusing medication or nutrients other than the gastrointestinal tract.~~

~~3. "EN" means enteral nutrition by nasogastric, jejunostomy or gastrostomy tube into the stomach or intestines to supply total nutrition when a non-functioning gastrointestinal tract is present due to pathology or structure.~~

~~4. "IV" means intravenous.~~

~~5. "IV Medication" means a sterile solution or a drug or an infusion injected into a vein for infection, pain, hydration, blood factor replacement, or chemical or electrolyte replacement.~~

~~6. "Nutrients" means those products with specific formulas used to supply the total nutritional intake of the patient by gastrostomy, jejunostomy or nasogastric tube.~~

~~7. Nutritional Supplements" means products, such as Ensure, that are used occasionally to supplement a regular but possibly inadequate diet.~~

~~8. "National Drug Code" means the unique eleven-digit number which identifies each approved drug product, dose, formation and strength.~~

~~9. "NDC" means the National Drug Code.~~

~~10. "Cassettes" means prepackaged containers or envelopes of semi-disposable needles and tubing which provide a pathway for the TPN or IV medication to pass from container to vein.~~

~~R414-24A-4. Eligibility Requirements/Coverage.~~

~~Medicaid services are available for all eligible categorically and medically needy individuals.~~

~~R414-24A-5. Program Access.~~

~~The services are available as detailed in this rule. All parenteral nutrition therapy, enteral nutrition and IV therapy require a physician's order or prescription. Three groups of persons are eligible for TPN and EN.~~

~~1. Persons with a missing digestive organ.~~

~~2. Persons with a long-term or permanently non-functioning gastro-intestinal tract.~~

~~3. Persons with a short-term non-functioning gastro-intestinal tract, such as may occur following a surgical procedure.~~

~~R414-24A-6. Service Coverage.~~

~~A. Home-based Patient~~

~~1. TPN, EN, and IV therapy are Medicaid benefits for patients residing at home, subject to the prior authorization requirements indicated below.~~

~~2. Any Home Health Agency may be directed by physician's order to provide service for the patient using the Home Health~~

policy guidelines. Intravenous catheters to begin an IV infusion may be placed by a Home Health Agency nurse who has been trained for IV catheter placement, a physician, or a physicians' assistant whose training and protocols allow for this service.

3. Medications and nutrients are available for IV therapy or nasogastric therapy through the pharmacy program.

4. Medical supplies and equipment required for IV, EN, or TPN therapy may be supplied by a medical supplies provider or a pharmacy. Heparin flush and heparin may be provided and reimbursement made to the pharmacy. Nutrient container bags will not be reimbursed if a monthly enteral feeding supply kit, which contains all ancillary supplies, is requested by the physician and provided to the patient.

B. Nursing Home Patient

1. Parenteral solutions and IV therapy provided by infusion or enteral therapy are Medicaid benefits for patients residing in nursing homes, subject to the prior authorization requirements found below.

2. The nursing home provider must have nurses who are trained to place and care for the TPN or IV catheter.

3. A nursing home pharmacy on the premises or in the community may provide the following:

a) Parenteral solutions.

b) A monthly parenteral nutrition administration kit which includes all catheters, pump filters, tubing, connectors and syringes relating to the parenteral infusions.

c) Enteral solutions for total enteral therapy.

d) IV medications, blood factors, and solutions.

e) Enteral administration kits are a benefit. Enteral bags are not a benefit in addition to the kit.

f) Heparin flush and heparin.

4. Equipment such as IV poles, disposable swabs, antiseptic solutions and dressings for the catheter are not reimbursable by Medicaid for nursing home patients.

C. Nutritional Supplements

1. Nutritional supplements are a Medicaid benefit for individuals residing at home, but require prior authorization and may not exceed 8 ounces per day. These supplements are similar to Ensure, Vital, or Jevity. A further prior authorization with medical documentation is necessary to support extending the nutritional supplement service beyond 60 days.

2. Nutritional supplements are included in the flat rate for a nursing home patient and thus are not reimbursable apart from the flat rate.

3. Medicaid may approve nutritional supplements for infants and young children, from age 0 to age 5, for quantities which exceed 8 ounces per day and time which exceeds the 60 days, under the following conditions:

a. When the target weight of a child cannot be attained with expected oral feedings;

b. When the oral feedings are present but too extended due to weakness, illness, or disease of the infant; or

c. When the child is concurrently using a ventilator or oxygen, or has a tracheostomy.

D. IV Therapy

Intravenous therapy and treatment, which may include injections or infusions, are reimbursable to providers. In addition to TPN or EN therapy, IV therapy may include:

a. pain-medication therapy;

b. antibiotics and antimicrobials;

c. fluids such as glucose and fluid replacement;

d. electrolytes;

e. blood products;

f. IV supply kit for patients residing at home;

g. extension tubing set for peripheral or midline catheter; or

h. solution used to cleanse or irrigate the catheter for which an NDC code exists.

R414-24A-8. Limitations for TPN or EN Therapy.

The specific limitations for this program are as follows:

A. Cassettes are supplied with the parenteral administration kit, and the provider may bill for the parenteral administration kit only once monthly.

B. Enteral nutrients, IV diluents, injectable medications, and solutions are available as allowed in the pharmacy program with the limitations stipulated therein.

C. Baby foods, such as Similac, Enfamil or Mull-Soy, are breast milk substitutes, and thus are not Medicaid benefits.

D. Kits, bags and pumps are not benefits with nutritional supplements.

E. A monthly supply kit containing all supplies except the catheter is a Medicaid benefit only for patients residing at home. Prior authorization is required.

R414-24A-9. Prior Authorization.

A. All parenteral and enteral solutions and equipment require prior approval. There must be a reasonable medical expectation that an improved quality of life will ensue from the parenteral, enteral or IV therapy.

B. The licensed pharmacy must request a prior approval from Medicaid for the nutrients and supplies. The physician's prescription must be attached to the prior approval request.

C. The attending physician must justify the use of a pump for metered dosage, continuous infusion, extremely small doses which cannot be measured accurately without a pump, or other special medical need. This medical need determination must establish that syringe feeding or gravity feeding is not satisfactory due to aspiration, diarrhea, or dumping syndrome or other unique medical manifestations. The simplest form of feeding, by syringe, is preferred. Gravity flow is preferable over the use of a pump. Diagnosis and applicable history from the physician must be included to support the need for a pump. A kangaroo-style pump is preferable to a more sophisticated pump, unless prior approval for the more sophisticated pump is obtained.

D. The Home Health Agency and the pharmacy must make separate prior approval requests for their respective services and supplies.

E. IV products such as antibiotics, blood factors, electrolyte products, fluids, or glucose supplied by the pharmacy which require prior approval are identified in the pharmacy program, at R414-10.

F. Nutritional supplements given with meals or between meals for a patient residing at home require prior authorization and will be authorized when sufficient documentation is provided. This information must include:

1. medical condition of patient;

2. weight loss, or expected gain to a specific level;

3. expected duration;

4. frequency;

~~5. quantity; and~~
~~6. product or formula requested.~~
~~G. Intravenous catheters are reimbursable to a pharmacy or a medical supplier only with prior authorization.~~
~~H. Gravity flow supplies and equipment are exempt from prior authorization requirements.~~
~~I. There must be a new prior authorization every two months to renew the type of feeding or therapy in use for home health patients. Extended use of TPN or EN without home health intervention may be approved for a longer period of time. When a patient reaches the established goal for enteral or parenteral feeding, additional service will not be authorized unless it is a medical requirement.~~

~~R414-24A-10. Reimbursement.~~
~~A. Medicaid benefits include reimbursement to the Home Health Agency by procedure code for approved nursing care services for patients using TPN, EN, or IV therapy.~~
~~B. Medicaid benefits also include reimbursement to the pharmacy for approved parenteral or enteral supplies, nutrients and medications. There is no additional reimbursement to the pharmacist for preparing the medication, such as filling syringes, mixing solutions, or adding drugs to an infusion solution. Pharmacists bill Medicaid using National Drug Codes.~~
~~C. Heparin for flushing the infusion catheter is billed on a pharmacy claim form, using the National Drug Code.~~
~~D. Reimbursement will be made for an enteral supply kit only if total enteral feeding is required, and the patient is at home.~~
~~E. Reimbursement for Medicare and Medicaid dual eligibility recipients is available as follows:~~
~~1. TPN and EN systems, and related supplies, equipment and nutrients, are covered by Medicare as prosthetic devices if they replace normal nutritional function of the esophagus, stomach, or bowel.~~
~~2. Billing procedures for dual eligibility patients are described in the Medical Supplies Provider Manual. Those procedures must be followed in order to assure reimbursement.~~

~~R414-24A-11. Procedure Codes.~~
~~Procedure codes for IV therapy, enteral or parenteral services are listed in the Medical Supplies Provider Manual and the Home Health Provider Manual. The codes in these manuals must be used when billing.~~

~~KEY: medicaid~~
~~1991 26-1-5~~
~~Notice of Continuation February 15, 1996 26-18-3~~]

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Health, Health Systems Improvement, Child Care Licensing
R430-90
Licensed Family Child Care

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23091
FILED: 08/08/2000, 11:19
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to make a citation correction and to correct the number of children under age 4 as per the statutory changes in 1999.

SUMMARY OF THE RULE OR CHANGE: A correction is made in Subsection R430-90-6(1)(c) to reflect the correct citation, changing R430-90-6 to R430-90-7. The statute was changed in 1999 (S.B. 167) and a correction is needed so that the mixed ages of the caregiver's children are counted in ratios if they are under age 4. The current rule states age 5.
(**DAR Note:** S.B. 167 is found at 1999 Utah Laws 77, and was effective May 3, 1999.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: It is anticipated that the cost to the state budget will not be affected with the nonsubstantive change to correct the citation and the implementation of the statute has been operationalized since July 1, 1999.
❖LOCAL GOVERNMENTS: There is no cost or savings to local government, since they have no enforcement authority and do not operate residential licensed family child care programs.
❖OTHER PERSONS: If 600 family providers do not count their four-year-old children in the ratios they could enroll an additional child realizing income of $216,000 a month, if they charge $360 a month, or $12 per day.
COMPLIANCE COSTS FOR AFFECTED PERSONS: An in-home provider may enroll an additional child, realizing an additional $360 per month.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will have a positive fiscal impact on regulated businesses--Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Health
Health Systems Improvement,
Child Care Licensing
Cannon Health Building
288 North 1460 West
PO Box 142003
Salt Lake City, UT 84114-2003, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debra Wynkoop at the above address, by phone at (801) 538-6320, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/03/2000

AUTHORIZED BY: Rod Betit, Executive Director

R430. Health, Health Systems Improvement, Child Care Licensing.
R430-90. Licensed Family Child Care.
R430-90-6. Care Giver Qualifications.

(1) The licensee shall ensure that each care giver or volunteer who has direct contact with or access to children is oriented to the licensed program and successfully completes the required orientation training before starting assigned duties. The licensee shall document in a care giver's personnel record the date of completion of orientation training. The orientation training must include:

(a) procedures for maintaining health and safety and handling emergencies and accidents;

(b) specific job responsibilities;

(c) child discipline procedures of R430-90-[~~6~~]7; and

(d) reporting requirements if the care giver witnesses or suspects child abuse, neglect or exploitation.

(2) All care givers who provide services shall be at least 18 years of age or have completed high school or a G.E.D.

(3) There shall be at least one care giver at the home during business hours who has a current certification in basic child and infant first-aid and Cardiac Pulmonary Resuscitation, (CPR), and training in the Heimlich Maneuver for treatment of an obstructed airway.

(a) First-aid and CPR certification refers to courses given by the American Red Cross, the Utah Emergency Medical Training Council, or other courses that the licensee of the program can demonstrate to the Department to be equivalent.

(b) Documentation of the completed First-Aid and CPR training must be in the care giver's personnel record.

(4) The licensee must ensure that an annual documented in-service training plan is developed and carried out. The plan shall be pertinent to the ages of the children in the program and must address the following areas:

(a) proper hand washing and sanitation techniques;

(b) principles of good nutrition;

(c) proper procedures in administration of medications;

(d) recognizing early signs of illness, communicable diseases and determining if there is a need to exclude a child from the program;

(e) accident prevention and safety principles;

(f) positive guidance for the management of children;

(g) child development; and

(h) age appropriate activities.

(5) If child care is provided to children under age two, the following in-service topics are also required:

(a) Preventing Shaken Baby Syndrome;

(b) Coping with crying babies; and

(c) Preventing Sudden Infant Death Syndrome.

(6) The licensee shall ensure that they and all care givers complete 20 hours of annual in-service training. At least ten hours of in-service training shall be person-to-person instruction.

(7) The licensee shall document successful completion of in-service training and maintain a record for themselves and each care giver which includes:

(a) the date training was completed;

(b) the topics covered; and

(c) the trainer's name and organizational affiliation.

(8) Each care giver upon employment and each licensee shall have an initial health evaluation within the past six months and complete tuberculosis testing using the Mantoux tuberculin skin test method within two weeks of assuming care giver responsibilities. Tuberculin skin testing does not need to be repeated during the employment period unless the employee develops signs and symptoms of the disease, as determined by a health care professional.

(a) All care givers with skin tests that indicate potential exposure to tuberculosis shall receive a medical evaluation for tuberculosis disease.

(b) All care givers who have documentation of previous positive reaction to the Mantoux tuberculin skin test shall present documentation of completion of therapy for tuberculosis infection or evidence of a negative chest radiograph within the past 12 months.

(c) Repeated chest radiographs are not required unless the care giver develops signs and symptoms of tuberculosis disease, as determined by a health care professional.

R430-90-9. Care Giver to Child Ratios.

The minimum ratio of care givers to children permitted in licensed small family and family group child care are set forth in tables 1 and 2.

TABLE 1
Family Minimum Care Giver to Child Ratios

Care giver	Children	Limits for Mixed Ages(a)
1	8	No more than two children under age 2
1	6	No more than three children under age 2

(a) The mixed ages include the care giver's children under age [~~5~~]4.

TABLE 2
Family Group Minimum Care giver to Child Ratios

Care Giver	Children	Limits for Ages	Group Size(b)(c)
1	12	All Children School-age	16
2	9-16	Mixed ages, only four under age 2	20

(b) There shall be at least two care givers in the licensed family group program at all times when there are nine or more children present, counting the care givers' own children, grand children, nieces, nephews, wards, step-children, under age 12, or when more than two infant's are present.
(c) The care giver's own children, grand children, nieces, nephews, wards, step-children are included in the maximum group size if they are under the age of 12.

KEY: child care facilities
[~~September 22, 1999~~]2000 **26-39**

Tax Commission, Property Tax
R884-24P-33
2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23101
FILED: 08/15/2000, 08:32
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-301 U.C.A. requires the county assessor to assess all property located within the county. Section 59-1-210(3) U.C.A. authorizes the State Tax Commission to promulgate rules that aid county officials in the performance of any duties relating to the assessment and equalization of property within the county.

SUMMARY OF THE RULE OR CHANGE: This amendment updates the personal property valuation guides and schedules for the tax year 2001. This is an annual amendment where the valuation guides and depreciation schedules are updated using data from published valuation data sources and cost estimation services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The amount of savings or cost to state government is undetermined. The State receives tax revenue for assessing and collecting and for the uniform school fund based on increased or decreased personal property value. Without knowing the acquisitions and deletions of personal property during 2000, any increase or decrease in 2001 tax revenue, even with no percent good schedule changes, could not be determined. The proposed personal property schedules in Section R884-24P-33 are raised, lowered or remain the same for 2001 based on the type and age of the property assessed. Schedules for Class 1, Class 15, Class 23 and Class 24 are proposed with no changes for 2001 from 2000. A new Class 26 is proposed for personal watercraft. This reflects a recent Property Tax Division study that indicates that personal watercraft, currently given the same depreciation rates as boats, actually depreciate much faster than boats. As a result, owners of personal watercraft will see a decrease in value. A new Class 19 is proposed for Ore and Mineral Processing Equipment for 2001. The amount of saving or cost resulting from this addition is undetermined. Property included in this class will be moved from other personal property classes, such as Class 8 and Class 13. There may be no percent good change from the previous rule depending on the assessment year. Schedules used to value business personal property decrease as much as 3 percentage points between the proposed rule and the previous rule. The new proposed Class 19 may increase valuation of Ore and Mineral Processing Equipment by as much as nine percentage points compared to valuation in Class 8. Schedules used to value motor vehicles increase as much as four percentage points between the proposed rule and the previous rule. Proposed schedules used to value registered recreational vehicles decrease up to three percentage points in an assessment year compared to the previous rule. In aggregate for all personal property schedules, it is anticipated that the change in the annual tax rate will have a larger impact on revenue than will the proposed schedule changes due to amendments to rule R884-24P-33.
❖LOCAL GOVERNMENTS: The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased personal property value. Without knowing the acquisitions and deletions of personal property during 2000, any increase or decrease in 2001 tax revenue, even with no percent good schedule changes, could not be determined. The proposed personal property schedules in Section R884-24P-33 are raised, lowered or remain the same for 2001 based on the type and age of the property. Class 1, Class 15, Class 23 and Class 24 are proposed with no changes for 2001 from 2000. A new Class 26 is proposed for personal watercraft. This reflects a recent Property Tax Division study that indicates that personal watercraft, currently given the same depreciation rates as boats, actually depreciate much faster than boats. As a result, owners of personal watercraft will see a decrease in value. A new Class 19 is proposed for Ore and Mineral Processing Equipment for 2001. The amount of saving or cost resulting from this addition is undetermined. Property included in this class will be moved from other personal property classes, such as Class 8 and Class 13. There may be no percent good change from the previous rule depending on the assessment year. Schedules used to value business personal property decrease as much as 3 percentage points between the proposed rule and the previous rule. The new proposed Class 19 may increase valuation of Ore and Mineral Processing Equipment by as much as nine percentage points compared to valuation in Class 8. Schedules used to value motor vehicles increase as much as four percentage points between the proposed rule and the previous rule. Proposed Schedules used to value registered recreational vehicles decrease up to three percentage points in an assessment year compared to the previous rule.
In aggregate for all personal property schedules, it is anticipated that the change in the annual tax rate will have a larger impact on revenue than will the proposed schedule changes due to amendments to rule R884-24P-33.
❖OTHER PERSONS: In the aggregate, the amount of savings or cost to individuals and business is undetermined. Affected persons pay taxes based on increased or decreased personal property value. Without knowing the acquisitions

and deletions of personal property during 2000, any increase or decrease in 2001 tax liability, even with no percent good schedule changes, could not be determined. The proposed personal property schedules in Section R884-24P-33 are raised, lowered or remain the same for 2001 based on the type and age of the property. Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2001 property mix compared to the 2000 historical totals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Local business owners and property tax practitioners will once again be required to be aware of new percent good figures to determine personal property taxes on the self-assessing affidavit. However, this is no different than previous years and therefore the compliance cost in competing the assessment process will no change. The change in taxes charged for these businesses depends entirely on the mix of property since some percent good schedules are increasing and others decreasing . For example, the owner of a commercial trailer may see a decrease in taxes because the 2001 proposed percent good schedule for this class drops by as much as 6 percentage points or increases by as much as 4 percentage points, compared to the previous rule depending on the model year of the trailer.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated above, the fiscal impact to businesses from changes in the proposed personal property scheduled in Section R884-24P-33 will not be as significant as changes in the annual tax rate.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/03/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-33. [~~2000~~]2001 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.

A. Definitions.

1. "Acquisition cost" means all costs required to put an item into service, including purchase price, freight and shipping costs; installation, engineering, erection or assembly costs; and excise and sales taxes.

a) Indirect costs such as debugging, licensing fees and permits, insurance or security are not included in the acquisition cost.

b) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

2. "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

a) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

3. "Cost new" means the[~~ manufacturer's suggested retail price or the~~] actual cost of the property when purchased new. Except as otherwise provided in this rule, the Tax Commission and assessors shall rely on the following sources to determine cost new:

a) documented actual cost of the new or used vehicle; or

b) recognized publications that provide a method for approximating cost new for new or used vehicles.[~~ For property purchased used the cost new may be estimated by the taxing authority.~~]

4. "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

a) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

b) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, and vehicle valuation guides such as NADA.

B. Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

1. Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

2. A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

3. County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.[

~~4. The assessor and the Commission may rely on other publications listing costs new or market values when valuing motor vehicles not found in the source guide recommended by the Commission.~~]

C. Other taxable personal property that is not included in the listed classes includes:

1. Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

2. Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

3. Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

D. Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

E. All taxable personal property is classified by expected economic life as follows:

1. Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

a) Examples of property in the class include:

(1) barricades/warning signs;

(2) library materials;

(3) patterns, jigs and dies;

(4) pots, pans, and utensils;

(5) canned computer software;

(6) hotel linen;

(7) wood and pallets;[~~ and~~]

(8) video tapes, compact discs, and DVDs; and

(9) uniforms.

b) With the exception of video tapes, compact discs, and DVDs, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is stated:

(1) retail price of the canned computer software;

(2) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or

(3) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of all expected licensing fees paid pursuant to the agreement.

d) Video tapes, compact discs, and DVDs are valued at $15.00 per tape or disc for the first year and $3.00 per tape or disc thereafter.

TABLE 1

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	70%
[~~98~~]99	40%
[~~97~~]98 and prior	10%

2. Class 2 - Computer [~~Dependent~~]Integrated Machinery.

a) Machinery shall be classified as computer [~~dependent~~]integrated machinery if all of the following conditions are met:

(1) The equipment is sold as a single unit. If the invoice(s) break out the computer separately from the machine, the computer must be valued as Class 12 property and the machine as Class 8 property.

(2) The machine cannot operate without the computer and the computer cannot perform functions outside the machine.

(3) The machine can perform multiple functions and is controlled by a programmable central processing unit.

(4) The total cost of the machine and computer combined is depreciated as a unit for income tax purposes.

(5) The capabilities of the machine cannot be expanded by substituting a more complex computer for the original.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 2

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	[~~87%~~]86%
[~~98~~]99	71%
[~~97~~]98	[~~60%~~]59%
[~~96~~]97	51%
[~~95~~]96	[~~44%~~]43%
[~~94~~]95	[~~36%~~]35%
[~~93~~]94	[~~27%~~]26%
[~~92~~]93 and prior	17%

3. Class 3 - Short Life Trade Fixtures. Property in this class generally consists of electronic types of equipment and includes property subject to rapid functional and economic obsolescence or severe wear and tear.

a) Examples of property in this class include:

(1) office machines;

(2) alarm systems;

(3) shopping carts;

(4) ATM machines;

(5) small equipment rentals;

(6) rent-to-own merchandise;

(7) telephone equipment and systems;

(8) music systems;

(9) vending machines; and

(10) video game machines.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 3

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	83%
[~~98~~]99	67%
[~~97~~]98	[~~51%~~]50%
[~~96~~]97	34%
[~~95~~]96 and prior	[~~18%~~]17%

4. Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

a) Examples of property in this class include:

(1) furniture;

(2) bars and sinks:

(3) booths, tables and chairs;

(4) beauty and barber shop fixtures;

(5) cabinets and shelves;

(6) displays, cases and racks;

(7) office furniture;
(8) theater seats;
(9) water slides; and
(10) signs, mechanical and electrical.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	[~~90%~~]89%
[~~98~~]99	80%
[~~97~~]98	[~~71%~~]70%
[~~96~~]97	[~~62%~~]61%
[~~95~~]96	[~~53%~~]52%
[~~94~~]95	[~~44%~~]43%
[~~93~~]94	[~~34%~~]33%
[~~92~~]93	23%
[~~91~~]92 and prior	11%

5. Class 6 - Heavy and Medium Duty Trucks.

a) Examples of property in this class include:
(1) heavy duty trucks; and
(2) medium duty trucks.

b) Taxable value is calculated by applying the percent good factor against the [~~actual cost of the property when purchased new or 75 percent of the manufacturer's suggested retail price.~~]cost new.

c) Cost new of vehicles in this class is defined as follows:
(1) the documented actual cost of the vehicle for new vehicles;
(2) 75 percent of the manufacturer's suggested retail price; or
(3) for vehicles purchased used, cost new shall be estimated by the taxing authority.[~~The taxable value for vehicles purchased used will be determined by applying the percent good factor to the value determined by the assessing authority.~~]

d) For state assessed vehicles, cost new shall include the value of attached equipment[~~will be included in the total vehicle valuation~~].

[~~c~~)]e) The [~~2000~~]2001 percent good applies to [~~2000~~]2001 models purchased in [~~1999~~]2000.

[~~d~~)]f) Trucks weighing two tons or more have a [~~minimum~~]residual taxable value of $1,750[~~and a minimum tax of $26.25~~].

TABLE 6

Year of Model	Percent Good of Cost New
[~~00~~]01	90%
[~~99~~]00	[~~64%~~]68%
[~~98~~]99	[~~59%~~]63%
[~~97~~]98	[~~55%~~]58%
[~~96~~]97	[~~50%~~]54%
[~~95~~]96	[~~46%~~]49%
[~~94~~]95	[~~42%~~]44%
[~~93~~]94	[~~37%~~]39%
[~~92~~]93	[~~33%~~]35%
[~~91~~]92	[~~29%~~]30%
[~~90~~]91	[~~24%~~]25%
[~~89~~]90	20%
[~~88~~]89	[~~15%~~]16%
[~~87~~]88 and prior	11%

6. Class 7 - Medical and Dental Equipment. Class 7 property is subject to a high degree of technological development by the health industry.

a) Examples of property in this class include:
(1) medical and dental equipment and instruments;
(2) exam tables and chairs;
(3) high-tech hospital equipment;
(4) microscopes; and
(5) optical equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 7

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	[~~92%~~]91%
[~~98~~]99	[~~83%~~]84%
[~~97~~]98	[~~76%~~]75%
[~~96~~]97	[~~69%~~]68%
[~~95~~]96	[~~62%~~]60%
[~~94~~]95	[~~55%~~]53%
[~~93~~]94	[~~47%~~]46%
[~~92~~]93	38%
[~~91~~]92	29%
[~~90~~]91	19%
[~~89~~]90 and prior	10%

7. Class 8 - Machinery and Equipment. Property in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available.

a) Examples of property in this class include:
(1) manufacturing machinery;
(2) amusement rides;
(3) bakery equipment;
(4) distillery equipment;
(5) refrigeration equipment;
(6) laundry and dry cleaning equipment;
(7) machine shop equipment;
(8) processing equipment;
(9) auto service and repair equipment;
(10) [~~mining equipment~~]packaging equipment;
(11) ski lift machinery;
(12) printing equipment; and
(13) bottling or cannery equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 8

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	[~~92%~~]91%
[~~98~~]99	[~~83%~~]84%
[~~97~~]98	[~~76%~~]75%
[~~96~~]97	[~~69%~~]68%
[~~95~~]96	[~~62%~~]60%
[~~94~~]95	[~~55%~~]53%
[~~93~~]94	[~~47%~~]46%
[~~92~~]93	38%

[~~91~~]92	29%
[~~90~~]91	19%
[~~89~~]90 and prior	10%

8. Class 9 - Off-Highway Vehicles.

a) Examples of property in this class include:

(1) dirt and trail motorcycles;

(2) all terrain vehicles;

(3) golf carts; and

(4) snowmobiles.

b) Taxable value is calculated by applying the percent good factor against the cost new[~~ or suggested list price from the January-April NADA Motorcycle/Snowmobile/ATV Appraisal Guide~~].

c) The [~~2000~~]2001 percent good applies to [~~2000~~]2001 models purchased in [~~1999~~]2000.

d) Off-Highway Vehicles have a [~~minimum~~]residual taxable value of $500[~~ and a minimum tax of $7.50~~].

TABLE 9

Year of Model	Percent Good of Cost New
[~~00~~]01	90%
[~~99~~]00	[~~61%~~]64%
[~~98~~]99	[~~58%~~]60%
[~~97~~]98	[~~55%~~]57%
[~~96~~]97	[~~51%~~]53%
[~~95~~]96	[~~48%~~]49%
[~~94~~]95	[~~45%~~]46%
[~~93~~]94	42%
[~~92~~]93	[~~39%~~]38%
[~~91~~]92	35%
[~~90~~]91	[~~32%~~]31%
[~~89~~]90	[~~29%~~]27%
[~~88~~]89	[~~26%~~]24%
[~~87~~]88 and prior	[~~23%~~]20%

9. Class 10 - Railroad Cars. The Class 10 schedule was developed to value the property of railroad car companies. Functional and economic obsolescence is recognized in the developing technology of the shipping industry. Heavy wear and tear is also a factor in valuing this class of property.

a) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 10

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	93%
[~~98~~]99	87%
[~~97~~]98	[~~81%~~]80%
[~~96~~]97	75%
[~~95~~]96	[~~70%~~]69%
[~~94~~]95	[~~66%~~]64%
[~~93~~]94	[~~60%~~]59%
[~~92~~]93	53%
[~~91~~]92	46%
[~~90~~]91	[~~39%~~]38%
[~~89~~]90	[~~32%~~]31%
[~~88~~]89	[~~25%~~]24%
[~~87~~]88	[~~18%~~]17%
[~~86~~]87 and prior	[~~10%~~]9%

10. Class 11 - Street Motorcycles.

a) Examples of property in this class include:

(1) street motorcycles;

(2) scooters; and

(3) mopeds.

b) Taxable value is calculated by applying the percent good factor against the[~~ original~~] cost new[~~ or the suggested list price from the January-April edition of the NADA Motorcycle/Snowmobile/ATV Appraisal Guide~~].

c) The [~~2000~~]2001 percent good applies to [~~2000~~]2001 models purchased in [~~1999~~]2000.

d) Street motorcycles have a [~~minimum~~]residual taxable value of $500[~~ and a minimum tax of $7.50~~].

TABLE 11

Year of Model	Percent Good of Cost New
[~~00~~]01	90%
[~~99~~]00	[~~70%~~]69%
[~~98~~]99	[~~68%~~]67%
[~~97~~]98	[~~65%~~]64%
[~~96~~]97	[~~63%~~]62%
[~~95~~]96	[~~61%~~]59%
[~~94~~]95	[~~58%~~]57%
[~~93~~]94	[~~56%~~]55%
[~~92~~]93	[~~54%~~]52%
[~~91~~]92	[~~51%~~]50%
[~~90~~]91	[~~49%~~]47%
[~~89~~]90	[~~46%~~]45%
[~~88~~]89	[~~44%~~]43%
[~~87~~]88	[~~42%~~]40%
[~~86~~]87	[~~39%~~]38%
[~~85~~]86	[~~37%~~]35%
[~~84~~]85	[~~34%~~]33%
[~~83~~]84 and prior	[~~32%~~]31%

11. Class 12 - Computer Hardware.

a) Examples of property in this class include:

(1) data processing equipment;

(2) personal computers;

(3) main frame computers;

(4) computer equipment peripherals; and

(5) cad/cam systems.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

Year of Model	Percent Good of Acquisition Cost
[~~99~~]00	[~~86%~~]84%
[~~98~~]99	57%
[~~97~~]98	36%
[~~96~~]97	[~~23%~~]24%
[~~95~~]96	14%
[~~94~~]95 and prior	9%

12. Class 13 - Heavy Equipment.

a) Examples of property in this class include:

(1) construction equipment;

(2) excavation equipment;

(3) loaders;
(4) batch plants;
(5) snow cats;[~~and~~]
(6) power sweepers; and
(7) mining equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) [~~2000~~]2001 model equipment purchased in [~~1999~~]2000 is valued at 100 percent of acquisition cost.

TABLE 13

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	[~~62%~~]60%
[~~98~~]99	[~~59%~~]57%
[~~97~~]98	[~~56%~~]53%
[~~96~~]97	[~~52%~~]50%
[~~95~~]96	[~~49%~~]47%
[~~94~~]95	[~~46%~~]44%
[~~93~~]94	[~~43%~~]41%
[~~92~~]93	[~~39%~~]37%
[~~91~~]92	[~~36%~~]34%
[~~90~~]91	[~~33%~~]31%
[~~89~~]90	[~~30%~~]28%
[~~88~~]89	[~~26%~~]25%
[~~87~~]88	[~~23%~~]22%
[~~86~~]87 and prior	[~~20%~~]18%

13. Class 14 - Motor Homes.

a) Taxable value is calculated by applying the percent good against the cost new[~~derived from the January-April edition of the NADA Recreational Vehicle Appraisal Guide~~].

b) The [~~2000~~]2001 percent good applies to [~~2000~~]2001 models purchased in [~~1999~~]2000.

TABLE 14

Year of Model	Percent Good of Cost New
[~~00~~]01	90%
[~~99~~]00	[~~73%~~]71%
[~~98~~]99	[~~70%~~]67%
[~~97~~]98	[~~66%~~]64%
[~~96~~]97	[~~62%~~]61%
[~~95~~]96	[~~59%~~]57%
[~~94~~]95	[~~55%~~]54%
[~~93~~]94	51%
[~~92~~]93	48%
[~~91~~]92	44%
[~~90~~]91	41%
[~~89~~]90	[~~37%~~]38%
[~~88~~]89	[~~33%~~]34%
[~~87~~]88	[~~30%~~]31%
[~~86~~]87	[~~26%~~]28%
[~~85~~]86	[~~23%~~]24%
[~~84~~]85 and prior	[~~19%~~]21%

14. Class 15 - Semiconductor Manufacturing Equipment. Class 15 applies only to equipment used in the production of semiconductor products.

a) Examples of property in this class include:
(1) crystal growing equipment;
(2) die assembly equipment;
(3) wire bonding equipment;
(4) encapsulation equipment;
(5) semiconductor test equipment;
(6) clean room equipment;
(7) chemical and gas systems related to semiconductor manufacturing;
(8) deionized water systems;
(9) electrical systems; and
(10) photo mask and wafer manufacturing dedicated to semiconductor production.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	74%
[~~98~~]99	54%
[~~97~~]98	38%
[~~96~~]97	24%
[~~95~~]96 and prior	10%

15. Class 16 - Long-Life Property. Class 16 property has a long physical life with little obsolescence.

a) Examples of property in this class include:
(1) billboards;
(2) sign towers;
(3) radio towers;
(4) ski lift and tram towers;
(5) non-farm grain elevators; and
(6) bulk storage tanks.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 16

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	[~~95%~~]94%
[~~98~~]99	[~~90%~~]91%
[~~97~~]98	86%
[~~96~~]97	82%
[~~95~~]96	[~~79%~~]78%
[~~94~~]95	[~~77%~~]74%
[~~93~~]94	[~~73%~~]72%
[~~92~~]93	68%
[~~91~~]92	63%
[~~90~~]91	58%
[~~89~~]90	[~~54%~~]53%
[~~88~~]89	[~~50%~~]48%
[~~87~~]88	[~~46%~~]44%
[~~86~~]87	40%
[~~85~~]86	34%
[~~84~~]85	27%
[~~83~~]84	21%
[~~82~~]83	14%
[~~81~~]82 and prior	7%

16. Class 17 - Boats.

a) Examples of property in this class include:
(1) boats; and
(2) boat motors[~~; and~~
~~(3) personal watercraft~~].

b) Taxable value is calculated by applying the percent good factor against [~~the original cost new or the F.O.B. or P.O.E. price from the ABOS Marine Blue Book~~]the cost new of the property.

c) Cost new of property in this class is defined as follows:

(1) the manufacturer's suggested retail price listed in the ABOS Marine Blue Book;

(2) for property not listed in the ABOS Marine Blue Book but listed in the NADA Marine Appraisal Guide, the NADA average value for the property divided by the percent good factor;

(3) for property not listed in the ABOS Marine Blue Book or the NADA Marine Appraisal Guide, a documented acquisition cost for the property; or

(4) for property not listed in the ABOS Marine Blue Book or the NADA Appraisal Guide, and for which no documented acquisition cost is available:

(a) the manufacturer's suggested retail price for comparable property; or

(b) the cost new established for that property by a documented valuation source.

c) The [~~2000~~]2001 percent good applies to [~~2000~~]2001 models purchased in [~~1999~~]2000.

d) Boats have a [~~minimum~~]residual taxable value of $500[~~ and a minimum tax of $7.50~~].

TABLE 17

Year of Model	Percent Good of Cost New
[~~00~~]01	90%
[~~99~~]00	[~~69%~~]68%
[~~98~~]99	[~~67%~~]66%
[~~97~~]98	[~~65%~~]64%
[~~96~~]97	62%
[~~95~~]96	60%
[~~94~~]95	[~~58%~~]57%
[~~93~~]94	55%
[~~92~~]93	53%
[~~91~~]92	51%
[~~90~~]91	[~~48%~~]49%
[~~89~~]90	[~~46%~~]47%
[~~88~~]89	44%
[~~87~~]88	[~~41%~~]42%
[~~86~~]87	[~~39%~~]40%
[~~85~~]86	[~~37%~~]38%
[~~84~~]85	[~~34%~~]36%
[~~83~~]84	[~~32%~~]34%
[~~82~~]83	[~~30%~~]31%
[~~81~~]82	[~~27%~~]29%
[~~80~~]81 and prior	[~~25%~~]27%

17. Class 18 - Travel Trailers/Truck Campers.

a) Examples of property in this class include:

(1) travel trailers;

(2) truck campers; and

(3) tent trailers.

b) Taxable value is calculated by applying the percent good factor against the[~~ original~~] cost new[~~, or, for travel trailers, from the January-April edition of the NADA Recreational Vehicle Appraisal Guide~~].

c) The [~~2000~~]2001 percent good applies to [~~2000~~]2001 models purchased in [~~1999~~]2000.

d) Trailers and truck campers have a [~~minimum~~]residual taxable value of $500[~~ and a minimum tax of $7.50~~].

TABLE 18

Year of Model	Percent Good of Cost New
[~~00~~]01	90%
[~~99~~]00	[~~70%~~]68%
[~~98~~]99	[~~67%~~]65%
[~~97~~]98	[~~64%~~]62%
[~~96~~]97	[~~60%~~]59%
[~~95~~]96	[~~57%~~]56%
[~~94~~]95	53%
[~~93~~]94	50%
[~~92~~]93	[~~46%~~]47%
[~~91~~]92	[~~43%~~]44%
[~~90~~]91	[~~40%~~]41%
[~~89~~]90	[~~36%~~]38%
[~~88~~]89	[~~33%~~]35%
[~~87~~]88	[~~29%~~]32%
[~~86~~]87	[~~26%~~]29%
[~~85~~]86	[~~22%~~]26%
[~~84~~]85 and prior	[~~19%~~]20%

18. Class 19 - Ore and Mineral Processing Equipment. Class 19 reflects the economic life of equipment used in the smelting, refining, and processing of metals from ore.

a) Examples of property in this class include:

(1) alloying equipment;

(2) ore crushing machinery;

(3) casing and forging equipment;

(4) electrolysis equipment;

(5) rolling machinery;

(6) drawing and shaping equipment;

(7) stationary conveyors;

(8) milling equipment;

(9) smelting, refining, and reduction equipment;

(10) molding and coremaking machinery;

(11) slurries; and

(12) other related ore processing equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 19

Year of Acquisition	Percent Good of Acquisition Cost
00	93%
99	88%
98	82%
97	77%
96	71%
95	66%
94	62%
93	56%
92	50%
91	43%
90	37%
89	30%
88	24%
87 and prior	17%

[~~18.~~]19. Class 20 - Petroleum and Natural Gas Exploration and Production Equipment. Class 20 property is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

a) Examples of property in this class include:

(1) oil and gas exploration equipment;
(2) distillation equipment;
(3) wellhead assemblies;
(4) holding and storage facilities;
(5) drill rigs;
(6) reinjection equipment;
(7) metering devices;
(8) cracking equipment;
(9) well-site generators, transformers, and power lines;
(10) equipment sheds;
(11) pumps;
(12) radio telemetry units; and
(13) support and control equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 20

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	[~~93%~~]92%
[~~98~~]99	86%
[~~97~~]98	[~~80%~~]79%
[~~96~~]97	74%
[~~95~~]96	[~~69%~~]67%
[~~94~~]95	[~~63%~~]62%
[~~93~~]94	[~~56%~~]55%
[~~92~~]93	48%
[~~91~~]92	[~~40%~~]41%
[~~90~~]91	33%
[~~89~~]90	[~~26%~~]25%
[~~88~~]89	[~~18%~~]17%
[~~87~~]88 and prior	[~~10%~~]9%

[~~19.~~]20. Class 21 - Commercial and Utility Trailers.

a) Examples of property in this class include:
(1) commercial trailers;
(2) utility trailers;
(3) cargo utility trailers;
(4) boat trailers;
(5) converter gears;
(6) horse and stock trailers; and
(7) all trailers not included in Class 18.

b) Taxable value is calculated by applying the percent good factor against the cost new of the property. For state assessed vehicles, cost new shall include the value of attached equipment[~~will be included in the total vehicle valuation~~].

c) The [~~2000~~]2001 percent good applies to [~~2000~~]2001 models purchased in [~~1999~~]2000.

d) Commercial and utility trailers have a [~~minimum~~]residual taxable value of $500[~~and a minimum tax of $7.50~~].

TABLE 21

Year of Model	Percent Good of Cost New
[~~00~~]01	95%
[~~99~~]00	[~~70%~~]64%
[~~98~~]99	[~~67%~~]61%
[~~97~~]98	[~~63%~~]58%
[~~96~~]97	[~~59%~~]55%
[~~95~~]96	[~~55%~~]52%
[~~94~~]95	[~~51%~~]49%
[~~93~~]94	[~~47%~~]46%
[~~92~~]93	[~~44%~~]42%
[~~91~~]92	[~~40%~~]39%
[~~90~~]91	36%
[~~89~~]90	[~~32%~~]33%
[~~88~~]89	[~~28%~~]30%
[~~87~~]88	[~~25%~~]27%
[~~86~~]87	[~~21%~~]24%
[~~85~~]86	[~~17%~~]21%
[~~84~~]85 and prior	[~~13%~~]17%

[~~20.~~]21. Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

a) Class 22 vehicles fall within four subcategories: domestic passenger cars, foreign passenger cars, light trucks, including utility vehicles, and vans.

b) Because Section 59-2-405.1 subjects Class 22 property to an age-based uniform fee, a percent good schedule is not necessary for this class.

[~~21.~~]22. Class 23 - Aircraft[~~- Not Listed in the Bluebook Price Digest~~] Subject to the Aircraft Uniform [~~Tax~~]Fee and Not Listed in the Aircraft Bluebook Price Digest.

a) Examples of property in this class include:
(1) kit-built aircraft;
(2) experimental aircraft;
(3) gliders;
(4) hot air balloons; and
(5) any other aircraft requiring FAA registration.

b) Aircraft subject to the aircraft uniform [~~tax~~]fee, but not listed in the Aircraft Bluebook Price Digest, are valued by applying the percent good factor against the acquisition cost of the aircraft.

c) Aircraft requiring Federal Aviation Agency registration and kept in Utah must be registered with the Motor Vehicle Division of the Tax Commission.

TABLE 23

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	75%
[~~98~~]99	71%
[~~97~~]98	67%
[~~96~~]97	63%
[~~95~~]96	59%
[~~94~~]95	55%
[~~93~~]94	51%
[~~92~~]93	47%
[~~91~~]92	43%
[~~90~~]91	39%
[~~89~~]90	35%
[~~88~~]89 and prior	31%

[~~22.~~]23. Class 24 - Leasehold Improvements.

a) This class includes leasehold improvements to real property installed by a tenant. The Class 24 schedule is to be used only with leasehold improvements that are assessed to the lessee of the real property pursuant to Tax Commission rule R884- 24P-32. Leasehold improvements include:
(1) walls and partitions;
(2) plumbing and roughed-in fixtures;
(3) floor coverings other than carpet;
(4) store fronts;
(5) decoration;

(6) wiring;
(7) suspended or acoustical ceilings;
(8) heating and cooling systems; and
(9) iron or millwork trim.

b) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

c) The Class 3 schedule is used to value short life leasehold improvements.

TABLE 24

Year of Installation	Percent of Installation Cost
[~~99~~]00	94%
[~~98~~]99	88%
[~~97~~]98	82%
[~~96~~]97	77%
[~~95~~]96	71%
[~~94~~]95	65%
[~~93~~]94	59%
[~~92~~]93	54%
[~~91~~]92	48%
[~~90~~]91	42%
[~~89~~]90	36%
[~~88~~]89 and prior	30%

[~~23.~~]24. Class 25 - Aircraft Manufacturing Tools and Dies. Property in this class is generally subject to rapid physical, functional, and economic obsolescence due to rapid technological and economic shifts in the airline parts manufacturing industry. Heavy wear and tear is also a factor in valuing this class of property.

a) Examples of property in this class include:
(1) aircraft jigs and dies;
(2) aircraft molds;
(3) aircraft patterns;
(4) aircraft taps and gauges;
(5) aircraft manufacturing test equipment; and
(6) aircraft fixtures[~~; and~~
~~(7) special aircraft manufacturing aids~~].

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 25

Year of Acquisition	Percent Good of Acquisition Cost
[~~99~~]00	[~~84%~~]83%
[~~98~~]99	[~~67%~~]68%
[~~97~~]98	51%
[~~96~~]97	[~~34%~~]35%
[~~95~~]96	18%
[~~94~~]95 and prior	4%

25. Class 26 - Personal Watercraft

a) Taxable value is calculated by applying the percent good factor against the cost new.

b) The 2001 percent good applies to 2001 models purchased in 2000.

c) Personal watercraft have a residual taxable value of $500.

TABLE 26

Year of Model	Percent Good of Cost New
01	90%
00	64%
99	60%
98	57%
97	53%
96	49%
95	46%
94	42%
93	38%
92	35%
91	31%
90	27%
89	24%
88 and prior	20%

F. The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, [~~2000~~]2001.

KEY: taxation, personal property, property tax, appraisal
[~~June 21~~], 2000 **Art. XIII, Sec 2**
Notice of Continuation May 8, 1997 **59-2-301**

◆ ◆

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 public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

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

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends October 2, 2000. At its option, the agency may hold public hearings.

From the end of the waiting period through December 30, 2000, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Environmental Quality, Solid and Hazardous Waste
R315-3
Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 22774
FILED: 08/11/2000, 14:23
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule is a result of comments received during the public comment period.

SUMMARY OF THE RULE OR CHANGE: This change in proposed rule replaces the terms "plans" or "plan approvals" with "permits" or "permit applications."
(**DAR Note:** The original proposed repeal and reenact upon which this change in proposed rule is based was published in the May 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-106
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Since the changes are only in the terms of words used, there will be no cost or saving impact.
❖LOCAL GOVERNMENTS: Since the changes are only in the terms of words used, there will be no cost or saving impact.
❖OTHER PERSONS: Since the changes are only in the terms of words used, there will be no cost or saving impact.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change only changes the terms of words used.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule will have no fiscal impact on businesses--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Toronto at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at storonto@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/20/2000

AUTHORIZED BY: Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board

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R315. Environmental Quality, Solid and Hazardous Waste.
R315-3. Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities.
R315-3-1. General Information.

1.1 PURPOSE AND SCOPE OF THESE REGULATIONS

(a) No person shall own, construct, modify, or operate any facility for the purpose of treating, storing, or disposing of hazardous waste without first submitting, and receiving the approval of the Executive Secretary for, a hazardous waste permit for that facility. However, any person owning or operating a facility on or before November 19, 1980, who has given timely notification as required by section 3010 of the Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C., section 6921, et seq., and who has submitted a proposed hazardous waste permit pursuant to this section and section 19-6-108 for that facility, may continue to operate that facility without violating this section until the time as the permit is approved or disapproved pursuant to this section.

(b) The Executive Secretary shall review each proposed hazardous waste[~~s operation plan~~] permit application to determine whether [~~that plan~~]the application will be in accord with the provisions of these rules and section 19-6-108 and, on that basis, shall approve or disapprove [~~that plan~~]the application within the applicable time period specified in section 19-6-108. If, after the receipt of plans, specifications, or other information required under this section and section 19-6-108 and within the applicable time period of section 19-6-108, the Executive Secretary determines that the proposed construction, installation or establishment or any part of it will not be in accord with the requirements of this section or the applicable rules, he shall issue an order prohibiting the construction, installation or establishment of the proposal in whole or in part. The date of submission shall be deemed to be the date of all required information is provided to the Executive Secretary as required by these rules.

(c) Any [~~plan~~]permit application which does not meet the requirements of these rules shall be disapproved within the applicable time period specified in section 19-6-108. If within the applicable time period specified in section 19-6-108 the Executive Secretary fails to approve or disapprove [~~that plan~~]the permit application or to request the submission of any additional information or modification to [~~that plan~~]the application, the [~~plan~~]application shall not be deemed approved but the applicant may petition the Executive Secretary for a decision or seek judicial relief requiring a decision of approval or disapproval.

(d) An application for approval of a hazardous waste permit consists of two parts, part A and part B. For an existing facility, the requirement is satisfied by submitting only part A of the application until the date the Executive Secretary sets for each individual facility for submitting part B of the application, which date shall be in no case less than six months after the Executive Secretary gives notice to a particular facility that it shall submit part B of the application.

(e) Owners and operators of hazardous waste management units shall have permits during the active life, including the closure period, of the unit. Owners and operators of surface impoundments, landfills, land treatment units, and waste pile units that received waste after July 26, 1982, or that certified closure, according to R315-7-14, which incorporates by reference 40 CFR 265.115, after January 26, 1983, shall have post-closure permits, unless they demonstrate closure by removal or decontamination as provided under R315-3-1.1(e)(5) and (6), or obtain an enforceable document in lieu of a post-closure permit, as provided under R315-3-1.1(e)(7). If a post-closure permit is required, the permit shall address applicable R315-8 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements of R315. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under R315-3-1.1.

(1) Specific inclusions. Owners or operators of certain facilities require hazardous waste permits as well as permits under other environmental programs for certain aspects of facility operation. Hazardous waste permits are required for:

(i) Injection wells that dispose of hazardous waste, and associated surface facilities that treat, store, or dispose of hazardous waste. However, the owner or operator with a State or Federal UIC permit will be deemed to have a "permit by rule" if they comply with requirements of R315-3-6.1(a).

(ii) Treatment, storage, and disposal of hazardous waste at facilities requiring and NPDES permit. However, the owner or operator of a publicly owned treatment works receiving hazardous waste will be deemed to have a "permit by rule" if they comply with provisions of R315-3-6.1(b).

(2) Specific exclusions. The following persons are among those who are not required to obtain a permit:

(i) Generators who accumulate hazardous waste on-site for less than the time periods as provided in R315-5-3.34, which incorporates the requirements of 40 CFR 262.34.

(ii) Farmers who dispose of hazardous waste pesticides from their own use as provided in R315-5-7.

(iii) Persons who own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under R315-2-5, small quantity generator exemption.

(iv) Owners or operators of totally enclosed treatment facilities as defined in 40 CFR 260.10, which is incorporated by reference in R315-1-1.

(v) Owners of operators of elementary neutralization units or wastewater treatment units as defined in 40 CFR 260.10, which is incorporated by reference in R315-1-1.

(vi) Transporters storing manifested shipments of hazardous waste in containers meeting the requirements of R315-5-3.32(b) at a transfer facility for a period of ten days or less.

(vii) Persons adding absorbent material to waste in a container, as defined in 40 CFR 260.10, which is incorporated by reference in R315-1, and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container, and R315-8-2.8(b), R315-8-9.2, and R315-8-9.3 are complied with.

(viii) Universal waste handlers and universal waste transporters (as defined in R315-16-1.7) managing the wastes listed below. These handlers are subject to regulation under R315-16.

(A) Batteries as described in R315-16-1.2;

(B) Pesticides as described in R315-16-1.3;

(C) Thermostats as described in R315-16-1.4; and

(D) Mercury lamps as described in R315-16-1.6.

(3) Further exclusions.

(i) A person is not required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations;

(A) Discharge of a hazardous waste;

(B) An imminent and substantial threat of a discharge of hazardous waste.

(C) A discharge of a material which, when discharged, becomes a hazardous waste.

(ii) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this part for those activities.

(4) Permits for less than an entire facility. The Executive Secretary may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.

(5) Closure by removal. Owners or operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under R315-7 standards shall obtain a post-closure permit unless they can demonstrate to the Executive Secretary that the closure met the standards for closure by removal or decontamination in R315-8-11.5, R315-8-13.8, or R315-8-12.6, respectively. The demonstration may be made in the following ways:

(i) If the owner or operator has submitted a part B application for a post-closure permit, the owner or operator may request a determination, based on information contained in the application, that R315-8 closure by removal standards were met. If the Executive Secretary believes that R315-8 standards were met, he will notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in R315-3-1.1(e)(6);

(ii) If the owner or operator has not submitted a part B permit application for a post-closure permit, the owner or operator may petition the Executive Secretary for a determination that a post-closure permit is not required because the closure met the applicable R315-8 closure standards;

(A) The petition shall include data demonstrating that closure by the removal or decontamination standards of R315-8 were met.

(B) The Executive Secretary shall approve or deny the petition according to the procedures outlined in R315-3-1.1(e)(6).

(6) Procedures for Closure Equivalency Determination.

(i) If a facility owner or operator seeks an equivalency demonstration under R315-3-1.1(e)(5), the Executive Secretary will provide the public, through a newspaper notice, the opportunity to

submit written comments on the information submitted by the owner or operator within 30 days from the date of the notice. The Executive Secretary will also, in response to a request or at his own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the equivalence of the R315-7 closure to an R315-8 closure. The Executive Secretary will give public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.

(ii) The Executive Secretary will determine whether the R315-7 closure met R315-8 closure by removal or decontamination requirements within 90 days of its receipt. If the Executive Secretary finds that the closure did not meet the applicable R315-8 standards, he will provide the owner or operator with a written statement of the reasons why the closure failed to meet R315-8 standards. The owner or operator may submit additional information in support of an equivalency demonstration within 30 days after receiving a written statement. The Executive Secretary will review any additional information submitted and make a final determination within 60 days.

(iii) if the Executive Secretary determines that the facility did not close in accordance with R315-8-7, which incorporates by reference 40 CFR 264.110 through 264.116, closure by removal standards, the facility is subject to post-closure permit requirements.

(7) Enforceable documents for post-closure care. At the discretion of the Executive Secretary, an owner or operator may obtain, in lieu of a post-closure permit, an enforceable document imposing the requirements of R315-7-14, which incorporates by reference 40 CFR 265.121. "Enforceable document" means an order, a permit, or other document issued by the Executive Secretary that meets the requirements of R315-9 and R315-101, including a corrective action order issued by EPA under section 3008(h), a CERCLA remedial action, or a closure or post-closure permit.

1.4 EFFECT OF A PERMIT

(a) Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with these rules, except for those requirements not included in the permit which:

(1) Become effective by statute;

(2) Are promulgated under R315-13, which incorporates by reference 40 CFR 268, restricting the placement of hazardous wastes in or on the land;

(3) Are promulgated under R315-8 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, CQA programs, monitoring, action leakage rates, and response action permits, and will be implemented through the procedures of R315-3-4.3, which incorporates by reference 40 CFR 270.42, Class 1 permit modifications; or

(4) Are promulgated under R315-7-26, which incorporates by reference 40 CFR 265.1030 through 265.1035, R315-7-27, which incorporates by reference 40 CFR 265.1050 through 265.1064 or R315-7-30, which incorporates by reference 40 CFR 265.1080 through 265.1091.

(b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

(c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

R315-3-2. Permit Application.

2.1 GENERAL APPLICATION REQUIREMENTS

(a) Permit Application. Any person who is required to have a permit, including new applicants and persons with expiring permits, shall complete, sign and submit, a minimum of two applications to the Executive Secretary as described in R315-3-2.1 and R315-3.7. Persons currently authorized with interim status shall apply for permits when required by the Executive Secretary. Persons covered by RCRA permits by rule, R315-3-6.1, need not apply. Procedures for applications, issuance and administration of emergency permits are found exclusively in R315-3-6.2. Procedures for application, issuance and administration of research, development, and demonstration permits are found exclusively in R315-3-6.5.

(b) Who Applies?

When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit, except that the owner shall also sign the permit application.

(c) Completeness.

(1) The Executive Secretary shall not issue a permit before receiving a complete application for a permit except for permit by rule, or emergency permit. An application for a permit is complete when the Executive Secretary receives an application form and any supplemental information which are completed to his satisfaction. An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in R315-3-2.1(i). The Executive Secretary may deny a permit for the active life of a hazardous waste management facility or unit before receiving a complete application for a permit.

(2) The Executive Secretary shall review for completeness every permit application[~~ for a plan approval~~]. Each permit application[~~ for a plan approval~~] submitted by a new hazardous waste management facility, should be reviewed for completeness by the Executive Secretary in accordance with the applicable review periods of 19-6-108. Upon completing the review, the Executive Secretary shall notify the applicant in writing whether the permit application is complete. If the permit application is incomplete, the Executive Secretary shall list the information necessary to make the permit application complete. When the permit application is for an existing hazardous waste management facility, the Executive Secretary shall specify in the notice of deficiency a date for submitting the necessary information. The Executive Secretary shall review information submitted in response to a notice of deficiency within 30 days after receipt. The Executive Secretary shall notify the applicant that the permit application is complete upon receiving this information. After the permit application is complete, the Executive Secretary may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material.

(3) If an applicant fails or refuses to correct deficiencies in the permit application, the [~~plan approval~~]permit application may be denied and appropriate enforcement actions may be taken under the applicable provisions of the Utah Solid and Hazardous Waste Act.

(d) Existing Hazardous Waste Management Facilities and Interim Status Qualifications.

(1) Owners and operators of existing hazardous waste management facilities shall submit part A of their permit application to the Executive Secretary no later than:

(i) Six months after the date of publication of rules which first require them to comply with the standards set forth in R315-7 or R315-14, or

(ii) Thirty days after the date they first become subject to the standards set forth in R315-7 or R315-14, whichever first occurs.

(iii) For generators generating greater than 100 kilograms of hazardous waste in a calendar month and treats, stores, or disposes of these wastes on-site, by March 24, 1987

For facilities which had to comply with R315-7 because they handle a waste listed in EPA's May 19, 1980, Part 261 regulations, 45 FR 33006 et seq., the deadline for submitting an application was November 19, 1980. Where other existing facilities shall begin complying with R315-7 or R315-14 at a later date because of revisions to R315-1, R315-2, R315-7, or R315-14, the Executive Secretary will specify when those facilities shall submit a permit application.

(2) The Executive Secretary may extend the date by which owners and operators of specified classes of existing hazardous waste management facilities shall submit Part A of their permit application if he finds that there has been substantial confusion as to whether the owners and operators of such facilities were required to file a permit application and such confusion is attributed to ambiguities in R315-1, R315-2, R315-7 or R315-14 of the regulations.

(3) The Executive Secretary may by compliance order issued under 19-6-112 and 19-6-113 extend the date by which the owner and operator of an existing hazardous waste management facility must submit part A of their permit application.

(4) The owner or operator of an existing hazardous waste management facility may be required to submit part B of the permit application. Any owner or operator shall be allowed at least six months from the date of request to submit part B of the application. Any owner or operator of an existing hazardous waste management facility may voluntarily submit part B of the application at any time. Notwithstanding the above, any owner or operator of an existing hazardous waste management facility shall submit a part B application in accordance with the dates specified in R315-3-7.4. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments under R315 that render the facility subject to the requirement to have a permit, shall submit a part B application in accordance with the dates specified in R315-3-7.4.

(5) Failure to furnish a requested part B application on time, or to furnish in full the information required by the part B application, is grounds for termination of interim status under R315-3-4.4.

(e) New Hazardous Waste Management Facilities.

(1) Except as provided in R315-3-2.1(e)(3), no person shall begin physical construction of a new hazardous waste management facility without having submitted part A and part B of the application and having received a finally effective permit.

(2) An application for a permit for a new hazardous waste management facility, including both part A and part B, may be filed any time after promulgation of applicable regulations. The application shall be filed with the Regional Administrator if at the time of application the State has not received final authorization for permitting such facility; otherwise it shall be filed with the Executive Secretary. Except as provided in R315-3-2.1(e)(3), all applications shall be submitted at least 180 days before physical construction is expected to commence.

(3) Notwithstanding R315-3-2.1(e)(1), a person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an approval issued by the U.S. EPA Administrator under section (6)(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 et seq., and any person owning or operating such a facility may, at any time after construction or operation of the facility has begun, file an application for a permit to incinerate hazardous waste authorizing the facility to incinerate waste identified or listed in these rules.

(f) Updating permit applications.

(1) If any owner or operator of a hazardous waste management facility has filed part A of a permit application and has not yet filed part B, the owner or operator shall file an amended part A application:

(i) With the Executive Secretary, within six months after the promulgation of revised regulations under 40 CFR 261 listing or identifying additional hazardous wastes, if the facility is treating, storing or disposing of any of those newly listed or identified wastes.

(ii) With the Executive Secretary no later than the effective date of regulatory provisions listing or designating wastes as hazardous in the State in addition to those listed or designated under the previously approved State program, if the facility is treating, storing, or disposing of any of those newly listed or designated wastes; or

(iii) As necessary to comply with changes during interim status, R315-3-7.3. Revised part A applications necessary to comply with the provisions of interim status shall be filed with the Executive Secretary.

(2) The owner or operator of a facility who fails to comply with the updating requirements of R315-3-2.1(f)(1) does not receive interim status as to the wastes not covered by duly filed part A applications.

(g) Reapplications. Any hazardous waste management facility with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Executive Secretary. The Executive Secretary shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

(h) Recordkeeping.

Applicants shall keep records of all data used to complete permit application and any supplemental information submitted under R315-3-2.4 through R315-3-2.12, for a period of at least three years from the date the application is signed.

(i) Exposure information.

(1) Any part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill shall be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, the information shall address:

(i) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

(ii) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under R315-3-2.1(i)(1)(i); and

(iii) The potential magnitude and nature of the human exposure resulting from such releases.

(2) Owners and operators of a landfill or a surface impoundment who have already submitted a part B application shall submit the exposure information required in R315-3-2.1(i)(1).

(j) The Executive Secretary may require a permittee or an applicant to submit information in order to establish permit conditions under R315-3-3.2(b)(2), and R315-3-5.1(d).

2.2 SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS

(a) Applications. All permit applications shall be signed as follows:

(1) For a corporation: by a principal executive officer of at least the level of vice-president;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official.

(b) Reports. All reports required by permits and other information requested by the Executive Secretary shall be signed by a person described in R315-3-2.2(a), or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in R315-3-2.2(a);

(2) The authorization specified either an individual or a position having responsibility for overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

(3) The written authorization is submitted to the Executive Secretary.

(c) Changes to authorization. If an authorization under R315-3-2.2(b) is no longer accurate because different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of R315-3-2.2(b) shall be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) Certification. Any person signing a document under R315-3-2.2(a) or (b) shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2.4 CONTENTS OF PART A OF THE PERMIT APPLICATION

All applicants shall provide the following information to the Executive Secretary:

(a) The activities conducted by the applicant which require it to obtain a hazardous waste operation permit.

(b) Name, mailing address, and location of the facility for which the application is submitted.

(c) Up to four SIC codes which best reflect the principal products or services provided by the facility.

(d) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.

(e) The name, address, and telephone number of the owner of the facility.

(f) Whether the facility is located on Indian lands.

(g) An indication of whether the facility is new or existing and whether it is a first or revised application.

(h) For existing facilities, (1) a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas; and (2) photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas.

(i) A description of the processes to be used for treating, storing, or disposing of hazardous waste, and the design capacity of these items.

(j) A specification of the hazardous wastes or hazardous waste mixtures listed or designated under R315-2 to be treated, stored, or disposed at the facility, an estimate of the quantity of these wastes to be treated, stored, or disposed annually, and a general description of the processes to be used for these wastes.

(k) A listing of all permits or construction approvals received or applied for under any of the following programs:

(1) Hazardous Waste Management program under the Utah Solid and Hazardous Waste Act or RCRA.

(2) Underground Injection Control (UIC) program under Safe Drinking Water Act (SDWA), 42 U.S.C. 300f et seq.

(3) NPDES program under Clean Water Act (CWA), 33 U.S.C. 1251 et seq.

(4) Prevention of Significant Deterioration (PSD) program under the Clean Air Act, 42 U.S.C. 7401 et seq.

(5) Nonattainment program under the Clean Air Act.

(6) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

(7) Dredge or fill permits under section 404 of the Clean Water Act.

(8) Other relevant environmental permits, including State and Federal permits or permits.

(l) A topographic map, or other map if a topographic map is unavailable, extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or

otherwise known to the applicant within 1/4 mile of the facility property boundary.

(m) A brief description of the nature of the business.

(n) For hazardous debris, a description of the debris category(ies) and contaminant category(ies) to be treated, stored, or disposed of at the facility.

(o) The legal description of the facility with reference to the land survey of the State of Utah.

2.5 GENERAL INFORMATION REQUIREMENTS FOR PART B

(a) Part B information requirements presented below reflect the standards promulgated in R315-8. These information requirements are necessary in order for the Executive Secretary to determine compliance with the standards of R315-8. If owners and operators of hazardous waste management facilities can demonstrate that the information prescribed in part B cannot be provided to the extent required, the Executive Secretary may make allowance for submission of the information on a case-by-case basis. Information required in part B shall be submitted to the Executive Secretary and signed in accordance with requirements in R315-3-2.2. Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a registered professional engineer. For post-closure permits, only the information specified in R315-3-2.19 is required in part B of the permit application.

(b) General information requirements. The following information is required for all hazardous waste management facilities, except as R315-8-1 provides otherwise:

(1) A general description of the facility,

(2) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with R315-8.

(3) A copy of the waste analysis plan required by R315-8-2.4, which incorporates by reference 40 CFR 264.13 (b) and, if applicable 40 CFR 264.13(c).

(4) A description of the security procedures and equipment required by R315-8-2.5, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(5) A copy of the general inspection schedule required by R315-8-2.6(b). Include, where applicable, as part of the inspection schedule, specific requirements in R315-8-9.5, R315-8-10, which incorporates by reference the specific provisions of 40 CFR 264.193(i) and 264.195, R315-8-11.3, R315-8-12.3, R315-8-13.4, R315-8-14.3, and R315-8-16, which incorporates by reference 40 CFR 264.602, R315-8-17, which incorporates by reference 40 CFR 264.1033, R315-8-18, which incorporates by reference 40 CFR 264.1052, 264.1053, and 264.1058, and R315-8-22, which incorporates by reference 40 CFR 264.1084, 264.1085, 264.1086, and 264.1088.

(6) A justification of any request for a waiver(s) of the preparedness and prevention requirements of R315-8-3.

(7) A copy of the contingency plan required by R315-8-4. Include, where applicable, as part of the contingency plan, specific requirements in R315-8-11.8 and R315-8-10, which incorporates by reference 40 CFR 264.200.

(8) A description of procedures, structures, or equipment used at the facility to:

(i) Prevent hazards in unloading operations, for example, ramps, special forklifts;

(ii) Prevent run-off from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding, for example, berms, dikes, trenches;

(iii) Prevent contamination of water supplies;

(iv) Mitigate effects of equipment failure and power outages;

(v) Prevent undue exposure of personnel to hazardous waste, for example, protective clothing; and

(vi) Prevent releases to the atmosphere.

(9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with R315-8-2.8 including documentation demonstrating compliance with R315-8-2.8(c).

(10) Traffic pattern, estimated volume, number, types of vehicles and control, for example, show turns across traffic lanes, and stacking lanes, if appropriate; describe access road surfacing and load bearing capacity; show traffic control signals.

(11) Facility location information:

(i) In order to determine the applicability of the seismic standard R315-8-2.9(a), the owner or operator of a new facility shall identify the political jurisdiction, e.g., county, township, or election district, in which the facility is proposed to be located. If the county or election district is not listed in R315-50-11, no further information is required to demonstrate compliance with R315-8-2.9(a).

(ii) If the facility is proposed to be located in an area listed in R315-50-11, the owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant. The information provided shall be of a quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted shall show that either:

(A) No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault, which have displacement in Holocene time, within 3,000 feet of a facility are present, based on data from:

(I) Published geologic studies,

(II) Aerial reconnaissance of the area within a five mile radius from the facility,

(III) An analysis of aerial photographs covering a 3,000 foot radius of the facility, and

(IV) If needed to clarify the above data, a reconnaissance based on walking portions of the area within 3,000 feet of the facility, or

(B) If faults, to include lineations, which have had displacement in Holocene time are present within 3,000 feet of a facility, no faults pass within 200 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within 200 feet of the portions of the facility, data shall be obtained from a subsurface exploration, trenching, of the area within a distance no less than 200 feet from portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. The trenching shall be

performed in a direction that is perpendicular to known faults, which have had displacement in Holocene time, passing within 3,000 feet of the portions of the facility where treatment, storage, and disposal of hazardous waste will be conducted. The investigation shall document with supporting maps and other analyses, the location of any faults found. The Guidance Manual for the Location Standards provides greater detail on the content of each type of seismic investigation and the appropriate conditions under which each approach or a combination of approaches would be used.

(iii) Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain. This identification shall indicate the source of data for the determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall also be provided identifying the 100-year flood level and any other special flooding factors, e.g., wave action, which shall be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood.

Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the 100-year floodplain. However, where the FIA map excludes an area, usually areas of the floodplain less than 200 feet in width, these areas shall be considered and a determination made as to whether they are in the 100-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator shall use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what the 100-year flood elevation would be.

(iv) Owners and operators of facilities located in the 100-year floodplain shall provide the following information:

(A) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood.

(B) Structural or other engineering studies showing the design of operational units, e.g., tanks, incinerators, and flood protection devices, e.g., floodwalls, dikes, at the facility and how these will prevent washout.

(C) If applicable, and in lieu of R315-3-2.5(b)(11)(iv)(A) and (B), a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including:

(I) Timing of the movement relative to flood levels, including estimated time to move the waste, to show that the movement can be completed before floodwaters reach the facility.

(II) A description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with the rules under R315-3, R315-7, R315-8, and R315-14.

(III) The planned procedures, equipment, and personnel to be used and the means to ensure that the resources will be available in time for use.

(IV) The potential for accidental discharges of the waste during movement.

(v) Existing facilities NOT in compliance with R315-8-2.9(b) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

(12) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the hazardous waste management facility in a safe manner as required to demonstrate compliance with R315-8-2.7. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in R315-8-2.7(a)(3).

(13) A copy of the closure plan and where applicable, the post-closure plan required by R315-8-7 which incorporates by reference 40 CFR 264.112, and 264.118, and R315-8-10 which incorporates by reference 40 CFR 264.197. Include where applicable as part of the plans specific requirements in R315-8-9.9, R315-8-10, which incorporates by reference 40 CFR 264.197, R315-8-11.5, R315-8-12.6, R315-8-13.8, R315-8-14.5, R315-8-15.8, and R315-8-16, which incorporates by reference 40 CFR 264.601 and 264.603.

(14) For hazardous waste disposal units that have been closed, documentation that notices required under R315-8-7 which incorporates by reference 40 CFR 264.119, have been filed.

(15) The most recent closure cost estimate for the facility prepared in accordance with R315-8-8 which incorporates by reference 40 CFR 264.142, and a copy of the documentation required to demonstrate financial assurance under R315-8-8 which incorporates by reference 40 CFR 264.143. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the part B.

(16) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with R315-8-8, which incorporates by reference 40 CFR 264.144, plus a copy of the financial assurance mechanism adopted in compliance with R315-8-8.3 documentation required to demonstrate financial assurance under R315-8-8, which incorporates by reference 40 CFR 264.145. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the part B.

(17) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of R315-8-8, which incorporates by reference 40 CFR 264.147. For a new facility, documentation showing the amount of insurance meeting the specification of R315-8-8, which incorporates by reference 40 CFR 264.147(a), and if applicable 40 CFR 264.147(b), also incorporated by reference in R315-8-8, that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in 40 CFR 264.147(c), incorporated by reference in R315-8-8.

(18) Where appropriate, proof of coverage by a financial mechanism as required in R315-8-8, which incorporates by reference 40 CFR 264.149 and 150.

(19) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters, one inch, equal to not more than 61.0 meters, 200 feet. For large hazardous waste management facilities, the Executive Secretary will allow the use of other scales on a case-by-case basis. Contours shall be shown on the map. The contour interval shall be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an

interval of 1.5 meters, five feet, if relief is greater than 6.1 meters, 20 feet, or an interval of 0.6 meters, two feet, if relief is less than 6.1 meters, 20 feet. Owners and operators of hazardous waste management facilities located in mountainous areas should use larger contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

(i) Map scale and date.

(ii) 100-year floodplain area.

(iii) Surface waters including intermittent streams.

(iv) Surrounding land uses, residential, commercial, agricultural, recreational.

(v) A wind rose, i.e., prevailing windspeed and direction.

(vi) Orientation of map, north arrow.

(vii) Legal boundaries of the hazardous waste management facility site.

(viii) Access control, fences, gates.

(ix) Injection and withdrawal wells both on-site and off-site.

(x) Buildings; treatment, storage, or disposal operations; or other structures, recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.

(xi) Barriers for drainage or flood control.

(xii) Location of operational units within hazardous waste management facility site, where hazardous waste is, or will be, treated, stored, or disposed, include equipment cleanup areas.

(20) Applicants may be required to submit such information as may be necessary to enable the Executive Secretary and the Board to carry out duties under State laws and Federal laws as specified in 40 CFR 270.3.

(21) For land disposal facilities, if a case-by-case extension has been approved under R315-13, which incorporates by reference 40 CFR 268.5, or a petition has been approved under R315-13, which incorporates by reference 40 CFR 268.6, a copy of the notice of approval for the extension is required.

(22) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comment or materials submitted at the meeting, as required under R315-4-2.31(c).

(c) Additional information requirements.

The following additional information regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing a regulated unit except as otherwise provided in R315-8-6.1(b).

(1) A summary of the groundwater monitoring data obtained during the interim status period under R315-7-13 where applicable.

(2) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for the identification, i.e., the information obtained from hydrogeologic investigations of the facility area.

(3) On the topographic map required under R315-3-2.5(b)(19), a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined in R315-8-6.6, the proposed location of groundwater monitoring wells as required by R315-8-6.8 and, to the extent possible, the information required in R315-3-2.5(c)(2);

(4) A description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that:

(i) Delineates the extent of the plume on the topographic map required under R315-3-2.5(b)(19);

(ii) Identifies the concentration of each constituent listed in R315-50-14, which incorporates by reference Appendix IX of 40 CFR 264, throughout the plume or identifies the maximum concentrations of each constituent listed in R315-50-14 in the plume.

(5) Detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of R315-8-6.8.

(6) If the presence of hazardous constituents has not been detected in the groundwater at the time of permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of R315-8-6.9. This submission shall address the following items as specified under R315-8-6.9:

(i) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;

(ii) A proposed groundwater monitoring system;

(iii) Background values for each proposed monitoring parameters or constituent, or procedures to calculate the values; and

(iv) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.

(7) If the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of R315-8-6.10. Except as provided in R315-8-6.9(g)(5), the owner or operator shall also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of R315-8-6.11, unless the owner or operator obtains written authorization in advance from the Executive Secretary to submit a proposed permit schedule for submittal of a plan. To demonstrate compliance with R315-8-6.10, the owner or operator shall address the following items:

(i) A description of the wastes previously handled at the facility;

(ii) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;

(iii) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with R315-8-6.8 and R315-8-6.10;

(iv) Proposed concentration limits for each hazardous constituent, based on the criteria set forth in R315-8-6.5(a) including a justification for establishing any alternate concentration limits;

(v) Detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of R315-8-6.8, and

(vi) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.

(8) If hazardous constituents have been measured in the groundwater which exceed the concentration limits established under R315-8-6.5 Table 1, or if groundwater monitoring conducted at the time of permit application under R315-8-6.1 through R315-8-6.5 at the waste boundary indicates the presence of hazardous

constituents from the facility in groundwater over background concentrations, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of R315-8-6-11. However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the Executive Secretary that alternate concentration limits will protect human health and the environment after considering the criteria listed in R315-8-6.5(b). An owner or operator who is not required to establish a corrective action program for this reason shall instead submit sufficient information to establish a compliance monitoring program which meets the requirements of R315-8-6.10 and R315-3-2.5(c)(6). To demonstrate compliance with R315-8-6.11, the owner or operator shall address, at a minimum, the following items:

(i) A characterization of the contaminated groundwater, including concentration of hazardous constituents;

(ii) The concentration limit for each hazardous constituent found in the groundwater as set forth in R315-8-6.5;

(iii) Detailed plans and engineering report describing the corrective action to be taken; and

(iv) A description of how the groundwater monitoring program will assess the adequacy of the corrective action.

(v) The permit may contain a schedule for submittal of the information required in R315-3-2.5(c)(8)(iii) and (iv) provided the owner or operator obtains written authorization from the Executive Secretary prior to submittal of the complete permit application.

(9) An intended schedule of construction shall be submitted with the permit application and will be incorporated into the permit as an approval condition. Facility permits shall be reviewed by the Executive Secretary no later than 18 months from the date of permit issuance, and periodically thereafter, to determine if a program of continuous construction is proceeding. Failure to maintain a program of continuous construction may result in revocation of the permit.

(d) Information requirements for solid waste management units.

(1) The following information is required for each solid waste management unit at a facility seeking a permit:

(i) The location of the unit on the topographic map required under R315-3-2.5(b)(19);

(ii) Designation of type of unit;

(iii) General dimensions and structural description, supply any available drawings;

(iv) When the unit was operated; and

(v) Specification of all wastes that have been managed at the unit, to the extent available.

(2) The owner or operator of any facility containing one or more solid waste management units shall submit all available information pertaining to any release of hazardous wastes or hazardous constituents from the unit or units.

(3) The owner or operator shall conduct and provide the results of sampling and analysis of groundwater, land surface, and subsurface strata, surface water, or air, which may include the installation of wells, where the Executive Secretary ascertains it is necessary to complete a RCRA Facility Assessment that will determine if a more complete investigation is necessary.

2.6 SPECIFIC PART B INFORMATION REQUIREMENTS FOR CONTAINERS

Facilities that store containers of hazardous waste, except as otherwise provided in R315-8-9.1, shall provide the following additional information:

(a) A description of the containment system to demonstrate compliance with R315-8-9.6. Show at least the following:

(1) Basic design parameters, dimensions, and materials of construction.

(2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system.

(3) Capacity of the containment system relative to the number and volume of containers to be stored.

(4) Provisions for preventing or managing run-on.

(5) How accumulated liquids can be analyzed and removed to prevent overflow.

(b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with R315-8-9.6(c) including:

(1) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(2) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.

(c) Sketches, drawings, or data demonstrating compliance with R315-8-9.7, location of buffer zone and containers holding ignitable or reactive wastes, and R315-8-9.8(c), location of incompatible wastes, where applicable.

(d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with R315-8-9.8(a) and (b) and R315-8-2.8(b) and (c).

(e) Information on air emission control equipment as required in R315-3-2.18, which incorporates by reference 40 CFR 270.27.

2.7 SPECIFIC PART B INFORMATION REQUIREMENTS FOR TANK SYSTEMS

For facilities that use tanks to store or treat hazardous waste, the requirements of 40 CFR 270.16, 1996 ed., are adopted and incorporated by reference.

2.8 SPECIFIC PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS

Facilities that store, treat, or dispose of hazardous waste in surface impoundments, except as otherwise provided in R315-8-1.1, shall provide the following additional information:

(a) A list of the hazardous wastes placed or to be placed in each surface impoundment;

(b) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of R315-8-2.10, R315-8-11.2, R315-8-11.9, R315-8-11.10, addressing the following items:

(1) The liner system, except for an existing portion of a surface impoundment. If an exemption from the requirement for a liner is sought as provided by R315-8-11.2(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;

(2) The double liner and leak, leachate, detection, collection, and removal system, if the surface impoundment must meet the

requirements of R315-8-11.2(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by R315-8-11.2(d), (e), or (f), submit appropriate information;

(3) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(4) The construction quality assurance, CQA, plan if required under R315-8-2.10;

(5) Proposed action leakage rate, with rationale, if required under R315-8-11.9, and response action plan, if required under R315-8-11.10;

(6) Prevention of overtopping; and

(7) Structural integrity of dikes.

(c) A description of how each surface impoundment, including the double liner, leak detection system, cover system, and appurtenances for control of overtopping, will be inspected in order to meet the requirements of R315-8-11.3(a), (b), and (d). This information should be included in the inspection plan submitted under R315-3-2.5(b)(5);

(d) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under R315-8-11.3(c). For new units, the owner or operator shall submit a statement by a qualified engineer that he will provide a certification upon completion of construction in accordance with the plans and specifications;

(e) A description of the procedure to be used for removing a surface impoundment from service, as required under R315-8-11.4(b) and (c). This information should be included in the contingency plan submitted under R315-3-2.5(b)(7);

(f) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under R315-8-11.5(a)(1). For any wastes not to be removed from the unit upon closure, the owner or operator shall submit detailed plans and an engineering report describing how R315-8-11.5(a)(2) and (b) will be complied with. This information should be included in the closure plan, and, where applicable, the post-closure plan submitted under R315-3-2.5(b)(13);

(g) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how R315-8-11.6 will be complied with;

(h) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how R315-8-11.7 will be complied with.

(i) A waste management plan for EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of R315-8-11.8. This submission shall address the following items as specified in R315-8-11.8:

(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) The attenuative properties of underlying and surrounding soils or other materials;

(3) The mobilizing properties of other materials co-disposed with these wastes; and

(4) The effectiveness of additional treatment, design, or monitoring techniques.

(j) Information on air emission control equipment as required by R315-3-2.18, which incorporates by reference 40 CFR 270.27.

2.9 SPECIFIC PART B INFORMATION REQUIREMENTS FOR WASTE PILES

Facilities that store or treat hazardous waste in waste piles, except as otherwise provided in R315-8-1, shall provide the following additional information:

(a) A list of hazardous wastes placed or to be placed in each waste pile;

(b) If an exemption is sought to R315-8-12.2 and R315-8-6 as provided by R315-8-12.1(c) or R315-8-6(b)(2), an explanation of how the standards of R315-8-12.1(c) will be complied with or detailed plans and an engineering report describing how the requirements of R315-8-6(b)(2) will be met.

(c) Detailed plans and an engineering report describing how the waste pile is or will be designed, constructed, operated and maintained to meet the requirements of R315-8-2.10, R315-8-12.2, R315-8-12.8, and R315-8-12.9, addressing the following items:

(1)(i) The liner system, except for an existing portion of a waste pile, if the waste pile must meet the requirements of R315-8-12.2(a). If an exemption from the requirement for a liner is sought as provided by R315-8-12.2(b), submit detailed plans, and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(ii) The double liner and leak, leachate, detection, collection, and removal system, if the waste pile must meet the requirements of R315-8-12.2(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by R315-8-12.2(d), (e), or (f), submit appropriate information;

(iii) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(iv) The construction quality assurance (CQA) plan if required under R315-8-2.10;

(v) Proposed action leakage rate, with rationale, if required under R315-8-12.8, and response action plan, if required under R315-8-12.9;

(2) Control of run-on;

(3) Control of run-off;

(4) Management of collection and holding units associated with run-on and run-off control systems; and

(5) Control of wind dispersal of particulate matter, where applicable;

(d) A description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of R315-8-12.3(a), (b), and (c). This information shall be included in the inspection plan submitted under R315-3-2.5(b)(5);

(e) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(f) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of R315-8-12.4 will be complied with;

(g) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how R315-8-12.5 will be complied with;

(h) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under R315-8-12.6(a). For any waste not to be removed from the waste pile upon closure, the owner or operator shall submit detailed plans and an engineering report describing how R315-8-14.5(a) and (b) will be complied with. This information should be included in the closure plan, and, where applicable, the post-closure plan submitted under R315-3-2.5(b)(13);

(i) A waste management plan for EPA Hazardous Waste Nos. F020, F021, F022, F023, F026 and F027 describing how a waste pile that is not enclosed, as defined in R315-8-12.1(c) is or will be designed, constructed, operated, and maintained to meet the requirements of R315-8-12.7. This submission shall address the following items as specified in R315-8-12.7:

(1) The volume, physical, and chemical characteristics of the wastes to be disposed in the waste pile, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) The attenuative properties of underlying and surrounding soils or other materials;

(3) The mobilizing properties of other materials co-disposed with these wastes; and

(4) The effectiveness of additional treatment, design, or monitoring techniques.

2.10 SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS

For facilities that incinerate hazardous waste, except as R315-8-15.1 provides otherwise, the applicant shall fulfill the requirements of R315-3-2.10(a), (b), or (c).

(a) When seeking exemption under R315-8-15.1(b) or (c) (ignitable, corrosive or reactive wastes only):

(1) Documentation that the waste is listed as a hazardous waste in R315-2-10 solely because it is ignitable, Hazard Code I, corrosive, Hazard Code C, or both; or

(2) Documentation that the waste is listed as a hazardous waste in R315-2-10 solely because it is reactive, Hazard Code R, for characteristics other than those listed in R315-2-9(f)(1)(iv) and (v), and will not be burned when other hazardous wastes are present in the combustion zone; or

(3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under R315-2-9; or

(4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in R315-2-9(f)(i), (ii), (iii), (vi), (vii), or (viii) and that it will not be burned when other hazardous wastes are present in the combustion zone; or

(b) Submit a trial burn plan or the results of the trial burn, including all required determinations, in accordance with R315-3-6.3; or

(c) In lieu of a trial burn, the applicant may submit the following information:

(1) An analysis of each waste or mixture of wastes to be burned including:

(i) Heat value of the waste in the form and composition in which it will be burned.

(ii) Viscosity, if applicable, or description of physical form of the waste.

(iii) An identification of any hazardous organic constituents listed in R315-50-10, which incorporates by reference 40 CFR part 261 Appendix VIII, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, which would reasonably not be expected to be found in the waste. The constituents excluded from analysis shall be identified and the basis for their exclusion stated. The waste analysis shall rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, see R315-1-2, or their equivalent.

(iv) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, see R315-1-2.

(v) A quantification of those hazardous constituents in the waste which may be designated as POHC's based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in R315-8-15.4.

(2) A detailed engineering description of the incinerator, including:

(i) Manufacturer's name and model number of incinerator.

(ii) Type of incinerator.

(iii) Linear dimension of incinerator unit including cross sectional area of combustion chamber.

(iv) Description of auxiliary fuel system, type/feed.

(v) Capacity of prime mover.

(vi) Description of automatic waste feed cutoff system(s).

(vii) Stack gas monitoring and pollution control monitoring system.

(viii) Nozzle and burner design.

(ix) Construction materials.

(x) Location and description of temperature, pressure, and flow indicating devices and control devices.

(3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in R315-3-2.10(c)(1). This analysis should specify the POHC's which the applicant has identified in the waste for which a permit is sought, and any differences from the POHC's in the waste for which burn data are provided.

(4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available.

(5) A description of the results submitted from any previously conducted trial burn(s) including:

(i) Sampling and analysis techniques used to calculate performance standards in R315-8-15.4.

(ii) Methods and results of monitoring temperatures, waste feed rates, air feed rates, and carbon monoxide, and an appropriate indicator of combustion gas velocity, including a statement concerning the precision and accuracy of this measurement,

(6) The expected incinerator operation information to demonstrate compliance with R315-8-15.4 and R315-8-15.6 including:

(i) Expected carbon monoxide (CO) level in the stack exhaust gas.

(ii) Waste feed rate.

(iii) Combustion zone temperature.

(iv) Indication of combustion gas velocity.

(v) Expected stack gas volume, flow rate, and temperature.

(vi) Computed residence time for waste in the combustion zone.

(vii) Expected hydrochloric acid removal efficiency.

(viii) Expected fugitive emissions and their control procedures.

(ix) Proposed waste feed cut-off limits based on the identified significant operating parameters.

(7) Any supplemental information as the Executive Secretary finds necessary to achieve the purposes of this paragraph.

(8) Waste analysis data, including that submitted in R315-3-2.10(c)(1), sufficient to allow the Executive Secretary to specify as permit Principal Organic Hazardous Constituents (POHC's) those constituents for which destruction and removal efficiencies will be required.

(d) The Executive Secretary shall approve a permit application without a trial burn if he finds that:

(1) The wastes are sufficiently similar; and

(2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify, under R315-8-15.6, operating conditions that will ensure that the performance standards in R315-8-15.4 will be met by the incinerator.

2.11 SPECIFIC PART B INFORMATION REQUIREMENTS FOR LAND TREATMENT FACILITIES

Facilities that use land treatment to dispose of hazardous waste, except as otherwise provided in R315-8-1.1, shall provide the following additional information:

(a) A description of plans to conduct a treatment demonstration as required under R315-8-13.3. The description shall include the following information:

(1) The wastes for which the demonstration will be made and the potential hazardous constituents in the wastes;

(2) The data sources to be used to make the demonstration, e.g., literature, laboratory data, field data, or operating data;

(3) Any specific laboratory or field test that will be conducted, including:

(i) The type of test, e.g., column leaching, degradation;

(ii) Materials and methods, including analytical procedures;

(iii) Expected time for completion;

(iv) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

(b) A description of a land treatment program, as required under R315-8-13.2. This information shall be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program shall address the following items:

(1) The wastes to be land treated;

(2) Design measures and operating practices necessary to maximize treatment in accordance with R315-8-13.4(a) including:

(i) Waste application method and rate;

(ii) Measures to control soil pH;

(iii) Enhancement of microbial or chemical reactions;

(iv) Control of moisture content.

(3) Provisions for unsaturated zone monitoring including:

(i) Sampling equipment, procedures and frequency;

(ii) Procedures for selecting sampling locations;

(iii) Analytical procedures;

(iv) Chain of custody control;

(v) Procedures for establishing background values;

(vi) Statistical methods for interpreting results;

(vii) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for the selection in R315-8-13.6(a);

(4) A list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to R315-8-2.4, which incorporates by reference 40 CFR 264.13;

(5) The proposed dimensions of the treatment zone;

(c) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of R315-8-13.4. This submission shall address the following items:

(1) Control of run-on;

(2) Collection and control of run-off;

(3) Minimization of run-off of hazardous constituents from the treatment zone;

(4) Management of collection and holding facilities associated with run-on and run-off control systems;

(5) Periodic inspection of the unit. This information should be included in the inspection plan submitted under R315-3-2.5(b)(5).

(6) Control of wind dispersal of particulate matter, if applicable;

(d) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under R315-8-13.5(a) will be conducted including:

(1) Characteristics of the food-chain crop for which the demonstration will be made;

(2) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(3) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(4) Characteristics of the comparison crop including the location and conditions under which it was or will be grown.

(e) If food-chain crops are to be grown, and cadmium is present in the land treated waste, a description of how the requirements of R315-8-13.5(b) will be complied with;

(f) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under R315-8-13.8(a)(8) and R315-8-13.8(c)(2). This information should be included in the closure plan, and, where applicable, the post-closure care plan submitted under R315-3-2.5(b)(13).

(g) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of R315-8-13.9 will be complied with;

(h) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how R315-8-13.10 will be complied with.

(i) A waste management plan for EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of R315-8-13.11. This submission shall address the following items as specified in R315-8-13.11:

(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) The attenuative properties of underlying and surrounding soils or other materials;

(3) The mobilizing properties of other materials co-disposed with these wastes; and

(4) The effectiveness of additional treatment, design, or monitoring techniques.

2.12 SPECIFIC PART B INFORMATION REQUIREMENTS FOR LANDFILLS

Facilities that dispose of hazardous waste in landfills, except as otherwise provided in R315-8-1.1, shall provide the following additional information:

(a) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;

(b) Detailed plans and an engineering report describing how the landfill is designed and is or will be constructed, operated, and maintained to comply with the requirements of R315-8-2.10, R315-8-14.2., R315-8-14.3, and R315-8-14.12, addressing the following items:

(1)(i) The liner system, except for an existing portion of a landfill, if the landfill must meet the requirements of R315-8-14.2(a). If an exemption from the requirement for a liner is sought as provided by R315-8-14.2(b), submit detailed plans, and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;

(ii) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of R315-8-14.2(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by R315-8-14.2(d), (e), or (f), submit appropriate information;

(iii) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(iv) The construction quality assurance, CQA, plan if required under R315-8-2.10;

(v) Proposed action leakage rate, with rationale, if required under R315-8-14.12, and response action plan, if required under R315-8-14.3;

(2) Control of run-on;

(3) Control of run-off;

(4) Management of collection and holding facilities associated with run-on and run-off control systems; and

(5) Control of wind dispersal of particulate matter, where applicable.

(c) A description of how each landfill, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of R315-8-14.3(a), (b), and (c). This information shall be included in the inspection plan submitted under R315-3-2.5(b)(5);

(d) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of R315-8-14.3(a) and (b). This information should be included in the inspection plan submitted under R315-3-2.5(b)(5).

(e) Detailed plans and engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with R315-8-14.5(a), and a description of how each landfill will be maintained and monitored after closure in accordance with R315-8-14.5(b). This information should be included in the closure and post-closure plans submitted under R315-3-2.5(b)(13).

(f) If ignitable or reactive wastes will be landfilled, an explanation of how the requirements of R315-8-14.6 will be complied with;

(g) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how R315-8-14.7 will be complied with;

(h) If bulk or non-containerized liquid waste or wastes containing free liquids is to be landfilled prior to May 8, 1985, an explanation of how the requirements of R315-8-14.8(a) will be complied with;

(i) If containers of hazardous waste are to be landfilled, an explanation of how the requirements of R315-8-14.9 or R315-8-14.10 as applicable, will be complied with.

(j) A waste management plan for EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of R315-8-14.11. This submission shall address the following items as specified in R315-8-14.11:

(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) The attenuative properties of underlying and surrounding soils or other materials;

(3) The mobilizing properties of other materials co-disposed with these wastes; and

(4) The effectiveness of additional treatment, design, or monitoring techniques.

2.13 SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE

For facilities that burn hazardous wastes in boilers and industrial furnaces which R315-14-7 applies, which incorporates by reference 40 CFR subpart H, 266.100 through 266.112, the requirements of 40 CFR 270.22, 1991 ed., as amended by 56 FR 32688, July 17, 1991, are adopted and incorporated by reference with the following exception:

Substitute "Executive Secretary" for "Director."

2.14 SPECIFIC PART B INFORMATION REQUIREMENTS FOR MISCELLANEOUS UNITS

Facilities that treat, store or dispose of hazardous waste in miscellaneous units except as otherwise provided in R315-8-16, which incorporates by reference 40 CFR 264.600, shall provide the following additional information:

(a) A detailed description of the unit being used or proposed for use, including the following:

(1) Physical characteristics, materials of construction, and dimensions of the unit;

(2) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of R315-8-16, which incorporates by reference 40 CFR 264.601 and 264.602; and

(3) For disposal units, a detailed description of the plans to comply with the post-closure requirements of R315-8-16, which incorporates by reference 40 CFR 264.603.

(b) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of R315-8-16, which incorporates by reference 40 CFR 264.601. If the applicant can demonstrate that he does not violate the environmental performance standards of R315-8-16, which incorporates by reference 40 CFR 264.601 and the Executive Secretary agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.

(c) Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of these exposures;

(d) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data;

(e) Any additional information determined by the Executive Secretary to be necessary for evaluation of compliance of the unit with the environmental performance standards of R315-8-16, which incorporates by reference 40 CFR 264.601.

2.15 SPECIFIC PART B INFORMATION REQUIREMENTS FOR PROCESS VENTS

For facilities that have process vents to which R315-8-17 applies, which incorporates by reference 40 CFR subpart AA of 264, the requirements of 40 CFR 270.24, 1991 ed., regarding information requirements for process vents are adopted and incorporated by reference with the following exception:

Substitute "Executive Secretary" for "Regional Administrator."

2.16 SPECIFIC PART B INFORMATION REQUIREMENTS FOR EQUIPMENT

For facilities that have equipment to which R315-8-18 applies, which incorporates by reference 40 CFR subpart BB of 264, the requirements of 40 CFR 270.25, 1991 ed., regarding information requirements for equipment are adopted and incorporated by reference with the following exception:

Substitute "Executive Secretary" for "Regional Administrator."

2.17 SPECIFIC PART B INFORMATION REQUIREMENTS FOR DRIP PADS

For facilities that have drip pads to which R315-8-19 applies, which incorporates by reference 40 CFR subpart W, 264.570 through 264.575, the requirements of 40 CFR 270.26, 1991 ed., are adopted and incorporated by reference with the following exception:

Substitute "Executive Secretary" for "Director."

2.18 SPECIFIC PART B INFORMATION REQUIREMENTS FOR AIR EMISSION CONTROLS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

The requirements as found in 40 CFR 270.27 1996 ed., as amended by 61 FR 59931, November 25, 1996, are adopted and incorporated by reference.

2.19 PART B INFORMATION REQUIREMENTS FOR POST-CLOSURE PERMITS

For post-closure permits, the owner or operator is required to submit only the information specified in R315-3-2.5(b)(1), (4), (5), (6), (11), (13), (14), (16), (18), (19), and R315-3-2.5(c) and (d), unless the Executive Secretary determines that additional information from R315-3-2.5, R315-3-2.7, which incorporates by reference 40 CFR 270.16, R315-3-2.8, R315-3-2.9, R315-3-2.11, or R315-3-2.12 is necessary. The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post-closure permit as provided in R315-3-1.3(e)(7).

2.20 PERMIT DENIAL

The Executive Secretary may, pursuant to the procedures in R315-4, deny the permit application either in its entirety or as to the active life of a hazardous waste management facility or unit only.

• • • • • • • • • • •

KEY: hazardous waste

2000	**19-6-105**
Notice of Continuation March 12, 1997	**19-6-106**

Environmental Quality, Solid and Hazardous Waste

R315-4

Procedures for Decisionmaking

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 22775

FILED: 08/11/2000, 14:23

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule is a result of comments received during the public comment period.

SUMMARY OF THE RULE OR CHANGE: This change in proposed rule specifies that challenges to denials of requests for permit modification, revocation, or termination follow the same procedures as challenges to other "initial orders" by the

Executive Secretary. It also specifies when a final permit decision becomes effective.
(**DAR Note:** The original proposed repeal and reenact upon which this change in proposed rule is based was published in the May 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-106
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Since the changes are clarifying when a permit becomes effective or the procedures for modifying, revoking, or terminating a permit, there will be no cost or savings impact.
❖LOCAL GOVERNMENTS: Since the changes are clarifying when a permit becomes effective or the procedures for modifying, revoking, or terminating a permit, there will be no cost or savings impact.
❖OTHER PERSONS: Since the changes are clarifying when a permit becomes effective or the procedures for modifying, revoking, or terminating a permit, there will be no cost or savings impact.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule changes are clarifying when a permit becomes effective and the procedures for modifying, revoking, or terminating a permit.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule will have no fiscal impact on businesses--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Toronto at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at storonto@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/20/2000

AUTHORIZED BY: Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board

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R315. Environmental Quality, Solid and Hazardous Waste.
R315-4. Procedures for Decisionmaking.

R315-4-1. General Program Requirements.

1.4 CONSOLIDATION OF PERMIT PROCESSING

(a) If the Executive Secretary decides that a site visit is necessary for any reason in conjunction with the processing of an application, he shall notify the applicant and a reasonable date shall be scheduled.

(b) The effective date of an application is the date on which the Executive Secretary notifies the applicant that the application is complete as provided in R315-3-2.1(c).

(c) For each application from a major new hazardous waste management facility, the Executive Secretary shall no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule shall specify target dates by which the Executive Secretary intends to:

(1) Prepare a draft permit;

(2) Give public notice;

(3) Complete the public comment period, including any public hearing; and

(4) Issue a final permit.

1.5 MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF PERMITS

(a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person, including the permittee, or upon the Executive Secretary's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in R315-3-4.2 or R315-3-4.4. All requests shall be in writing and shall contain facts or reasons supporting the request.

(b) If the Executive Secretary decides the request is not justified, [~~they~~]he shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings. Denials by the Executive Secretary may be appealed to the Board under R315-12-3 by filing a Request for Agency Action pursuant to R315-12-3.1[~~a letter briefly setting forth the relevant facts. The Board may direct the Executive Secretary to begin modification, revocation and reissuance, or termination proceedings under R315-4-1.5(c). The Board shall take action on any request within 60 days after receiving it. The Board shall either approve or deny the request, or advise the requestor that an extension of time is necessary for the Board to render a decision on the request~~].

(c)(1) If the Executive Secretary tentatively decides to modify or revoke and reissue a permit under R315-3-4.2 or R315-3-4.3, which incorporates by reference 40 CFR 270.42(c), he shall prepare a draft permit under R315-4-1.6 incorporating the proposed changes. The Executive Secretary may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the Executive Secretary shall require the submission of a new application.

(2) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified plan. When a plan is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding, the permittee

shall comply with all conditions of the existing permit until a new final permit is reissued.

(3) Classes 1 and 2 modifications, as defined in R315-3-4.3, which incorporates by reference 40 CFR 270.42(a) and (b), are not subject to the requirements of this section.

(d) If the Executive Secretary tentatively decides to terminate a permit under R315-3-4.4, he shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under R315-4-1.6.

1.6 DRAFT PERMIT

(a) Once an application is complete, the Executive Secretary shall tentatively decide whether to prepare a draft permit or to deny the application.

(b) If the Executive Secretary tentatively decides to deny the plan, he shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this section. If the Executive Secretary's final decision is that the tentative decision to deny the permit application was incorrect, he shall withdraw the notice of intent to deny and proceed to prepare a draft permit under R315-4-1.6(c).

(c) If the Executive Secretary decides to prepare a draft permit, he shall prepare a draft permit that contains the following information:

(1) All conditions under R315-3-3.1 and R315-3-3.3;

(2) All compliance schedules under R315-3-3.4;

(3) All monitoring requirements under R315-3-.2; and

(4) Standards for treatment, storage, or disposal or all and other permit conditions under R315-3-3.1.

(d) All draft permits prepared by the Executive Secretary under this section shall be publicly noticed and made available for public comment. The Executive Secretary shall give notice of opportunity for a public hearing, issue a final decision, and respond to comments.

1.8 FACT SHEET REQUIRED

(a) A fact sheet shall be prepared by the Executive Secretary for every draft permit. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Executive Secretary shall send this fact sheet to the applicant and, on request, to any other person.

(b) The fact sheet shall include, when applicable:

(1) A brief description of the type of facility or activity which is the subject of the draft permit.

(2) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged.

(3) A brief summary of the basis of the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references.

(4) Reasons why any requested variance or alternatives to required standards do or do not appear justified.

(5) A description of the procedures for reaching a final decision on the draft permit including:

(i) The beginning and ending dates of the comment period under R315-4-1.10 and the address where comments will be received;

(ii) Procedures for requesting a hearing and the nature of that hearing; and

(iii) Any other procedures by which the public may participate in the final decision.

(6) Name and telephone number of a person to contact for additional information.

1.10 PUBLIC NOTICE OF PERMIT ACTIONS AND PUBLIC COMMENT PERIOD

(a) Scope.

(1) The Executive Secretary shall give public notice that the following actions have occurred:

(i) The permit application has been tentatively denied under R315-4-1.6(b).

(ii) A draft permit has been prepared under R315-4-1.6(c).

(iii) A hearing has been scheduled under R315-4-1.12; or

(iv) An appeal has been granted by the Board.

(2) No public notice is required when a request for a permit modification, revocation and reissuance, or termination is denied under R315-4-1.5(b). Written notice of that denial shall be given to the requestor and to the permittee.

(3) Public notices may describe more than one permit or permit action.

(b) Timing.

(1) Public notice of the preparation of a draft permit, including a notice of intent to deny a permit application, required under R315-4-1.10(a), shall allow at least 45 days for public comment.

(2) Public notice of a public hearing shall be given at least 30 days before the hearing. Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.

(c) Methods.

Public notices of activities described in R315-4-1.10(a)(1) shall be given by the following methods:

(1) By mailing a copy of a notice to the following persons:

(i) The applicant;

(ii) Any other agency which the Executive Secretary knows has issued or is required to issue a permit, for the same facility or activity including EPA;

(iii) Federal and State agencies with jurisdiction over fish, and wildlife resources, State Historic Preservation Officers, and other appropriate government authorities;

(iv) Persons on a mailing list developed by:

(A) Including those who request in writing to be on the list;

(B) Soliciting persons for area lists from participants in past permit proceedings in the area of the facility; and

(C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in regional- and state-funded newsletters, environmental bulletins, or law journals. The Executive Secretary may update the mailing list by requesting written indication of continued interest from those listed. The Executive Secretary may delete from the list the name of any person who fails to respond to a request from the Executive Secretary to remain on the mailing list; and

(v)(A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located;

(B) To each State agency having any authority under State law with respect to the construction or operation of the facility.

(2) Publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity and broadcast over local radio stations;

(3) In a manner constituting legal notice to the public under State law; and

(4) Any other method reasonably calculated to give actual notice of the action in question to the person potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(d)(1) All public notices issued under this section shall contain the following minimum information:

(i) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(ii) A brief description of the business conducted at the facility or activity described in the permit application or draft permit;

(iii) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit or fact sheet, and the application;

(iv) A brief description of the comment procedures required by R315-4-1.11 and R315-4-1.12, and the time and place of any hearing that will be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled and other procedures by which the public may participate in the final permit decision; and

(v) Any additional information considered necessary or proper.

(2) Public notices of hearings. In addition to the general public notice described in R315-4-1.10(d)(1), the public notice of a hearing under R315-4-1.12, shall contain the following information:

(i) Reference to the date of previous public notices relating the permit;

(ii) Date, time, and place of the hearing;

(iii) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and

(e) In addition to the general public notice described in R315-4-1.10(d)(1), all persons identified in R315-4-1.10(c)(1)(i), (ii), and (iii) shall be mailed a copy of the fact sheet.

1.11 PUBLIC COMMENTS AND REQUESTS FOR PUBLIC HEARINGS

During the public comment period provided under R315-4-1.10, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in R315-4-1.17.

1.12 PUBLIC HEARINGS

(a)(1) The Executive Secretary shall hold a public hearing whenever he finds, on the basis of requests, a significant degree of public interest in a draft permit.

(2) The Executive Secretary may also hold a public hearing at his discretion, whenever, for instance, a hearing might clarify one or more issues involved in the permit decision.

(3)(i) The Executive Secretary shall hold a public hearing whenever he receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under R315-4-1.10(b).

(ii) Whenever possible the Executive Secretary shall schedule a hearing under this section at a location convenient to the nearest population center to the proposed facility.

(4) Public notice of the hearing shall be given as specified in R315-4-1.10.

(b) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under R315-4-1.10 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.

(c) A tape recording or written transcript of the hearing shall be made available to the public.

1.15 ISSUANCE AND EFFECTIVE DATE OF PERMIT

(a) After the close of the public comment period under R315-4-1.10 on a draft permit, the Executive Secretary shall issue a final permit decision (or a decision to deny a permit for the active life of a hazardous waste management facility or unit under R315-3-2.20). The Executive Secretary shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a hazardous waste permit or a discussion to terminate a hazardous waste permit. For the purposes of R315-4-1.15, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) A final permit decision (or a decision to deny a permit for the active life of a hazardous waste management facility or unit under R315-3-2.20) shall become effective [~~30 days after the service of notice of the decision~~]upon issuance unless:

(1) A later effective date is specified in the decision; or

(2) [~~Review is requested under R315-3-2.10; or~~

~~(3) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.~~]The permit decision is challenged under R315-12-3 and a stay of the decision is granted under R315-12-8.

1.17 RESPONSE TO COMMENTS

(a) At the time that any final permit decision is issued, the Executive Secretary shall issue a response to comments. This response shall:

(1) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

(2) Briefly describe and respond to all significant comments on the draft permit or permit application raised during the public comment period, or during any hearing.

(b) The response to comments shall be available to the public.

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KEY: hazardous waste

2000 **19-6-105**

Notice of Continuation March 12, 1997 **19-6-106**

Environmental Quality, Solid and Hazardous Waste
R315-5
Hazardous Waste Generator Requirements

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 22776
FILED: 08/11/2000, 14:23
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule is a result of comments received during the public comment period.

SUMMARY OF THE RULE OR CHANGE: This change in proposed rule adds a paragraph that was omitted in the original proposed rule change that requires the generator include on the manifest a description of hazardous wastes as set forth in the regulations of the U.S. Dept. of Transportation. (**DAR Note:** The original proposed repeal and reenact upon which the change in proposed rule is based was published in the May 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-106
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Since the change is adding what was in the original regulations, there will be no cost or savings impact.
❖LOCAL GOVERNMENTS: Since the change is adding what was in the original regulations, there will be no cost or savings impact.
❖OTHER PERSONS: Since the change is adding what was in the original regulations, there will be no cost or savings impact.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change is only adding what has already been in the regulations.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule will have no fiscal impact on businesses--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Toronto at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at storonto@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/20/2000

AUTHORIZED BY: Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board

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R315. Environmental Quality, Solid and Hazardous Waste.
R315-5. Hazardous Waste Generator Requirements.

. . . . . .

R315-5-2. The Manifest.

A sample hazardous waste manifest form containing information required pursuant to these rules is found in the Appendix to 40 CFR 262. All applicable sections of each manifest shall be completely and legibly filled out.

2.20 GENERAL REQUIREMENTS

(a) A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal shall prepare a Manifest OMB control number 2050-0039 on EPA form 8700-22, and, if necessary, EPA form 8700-22A, according to the instructions, including the additional information requirements, found in R315-50-1, which incorporates by reference 40 CFR 262, Appendix.

(b) A generator shall designate on the manifest one facility which is permitted to handle the waste described on the manifest.

(c) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.

(e) These manifest requirements do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1000 kg in a calendar month where:

(1) The waste is reclaimed under a contractual agreement pursuant to which:

(i) The type of waste and frequency of shipments are specified in the agreement;

(ii) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

(2) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.

(f) The requirements of R315-5-2 and R315-5-3.32(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property

under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding R315-6-1.10(a), the generator or transporter shall comply with the requirements for transporters set forth in R315-9-1 and R315-9-3 in the event of a discharge of hazardous waste on a public or private right-of-way.

2.21 ACQUISITION OF MANIFESTS

(a) If the State to which the shipment is manifested (consignment State) supplies the manifest and requires its use, then the generator must use that manifest.

(b) If the consignment State does not supply the manifest, but the State in which the generator is located, generator State, supplies the manifest and requires its use, then the generator must use that State's manifest.

(c) If neither the generator State nor the consignment State supplies the manifest, then the generator may obtain the manifest from any source.

2.22 NUMBER OF COPIES

The manifest shall consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

2.23 USE OF THE MANIFEST

(a) The generator shall:

(1) Sign the manifest certification by hand; and

(2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

(3) Retain one copy, in accordance with R315-5-4.40(a).

(b) The generator shall give the transporter the remaining copies of the manifest.

(c) Hazardous wastes to be shipped within Utah solely by water (bulk shipments only) require that the generator send three copies of the manifest dated and signed in accordance with this section to the owner and operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(d) For rail shipments of the hazardous wastes within Utah which originate at the site of generation, the generator shall send at least three copies of the manifest dated and signed in accordance with this section to:

(1) The next non-rail transporter, if any; or

(2) The designated facility if transported solely by rail; or

(3) The last rail transporter to handle the waste in the United States if exported by rail.

(e) The generator shall include on the manifest a description of the hazardous waste(s) as set forth in the regulations of the U.S. Department of Transportation in 49 CFR 172.101, 172.202, and 172.203.

([~~e~~]f) For shipments of hazardous waste to a designated facility in an authorized state which has not yet obtained federal authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

. . . . . .

KEY: hazardous waste

2000	**19-6-105**
Notice of Continuation March 12, 1997	**19-6-106**

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Environmental Quality, Solid and Hazardous Waste

R315-6

Hazardous Waste Transporter Requirements

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 22777
FILED: 08/11/2000, 14:23
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule is a result of comments received during the public comment period.

SUMMARY OF THE RULE OR CHANGE: This change in proposed rule adds a paragraph that was omitted in the original proposed rule change that requires the transporter to not transport containers that are not properly labeled, leaking, or are damaged.
(**DAR Note:** The original proposed repeal and reenact upon which this change in proposed rule is based was published in the May 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-106
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Since the change is adding what was in the original regulations, there will be no cost or savings impact.
❖LOCAL GOVERNMENTS: Since the change is adding what was in the original regulations, there will be no cost or savings impact.
❖OTHER PERSONS: Since the change is adding what was in the original regulations, there will be no cost or savings impact.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change is only adding what has already been in the regulations.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule will have no fiscal impact on businesses--Dianne R. Nielson

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

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Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

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Susan Toronto at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at storonto@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/20/2000

AUTHORIZED BY: Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board

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R315. Environmental Quality, Solid and Hazardous Waste.
R315-6. Hazardous Waste Transporter Requirements.

. . . . . .

R315-6-2. Compliance With the Manifest System and Recordkeeping.

2.20 THE MANIFEST SYSTEM

(a) A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of R315-5-2.20. In the case of exports other than those subject to R315-5-8, which incorporates by reference 40 CFR 262 subpart H, a transporter may not accept hazardous waste from a primary exporter or other person if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and unless, in addition to a manifest signed in accordance with the provisions of R315-5-2.20, the waste is also accompanied by an EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest, or shipping paper for exports by water (bulk shipment). For exports of hazardous waste subject to the requirements of R315-5-8, which incorporates by reference 40 CFR 262 subpart H, a transporter may not accept hazardous waste without a tracking document that includes all information required by 40 CFR 262.84, which R315-5-8 incorporates by reference.

(b) Before transporting the hazardous waste, the transporter shall hand sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator before leaving the generator's property.

(c) The transporter shall ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter shall ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.

(d) A transporter who delivers a hazardous waste to another transporter or to the designated facility shall:

(1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and

(2) Retain one copy of the manifest in accordance with R315-6-5; and

(3) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(e) The requirements of R315-6-2.10(c), (d), and (f) do not apply to water (bulk shipment) transporters if:

(1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and

(2) A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generators certification, and signatures) and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste; and

(3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and

(4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the manifested facility; and

(5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with R315-6-2.22.

(f) For shipments involving rail transportation, the requirements of R315-6-2.20(c), (d) and (e) do not apply and the following requirements do apply:

(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:

(i) Sign and date the manifest acknowledging acceptance of the hazardous waste;

(ii) Return a signed copy of the manifest to the non-rail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next non-rail transporter, if any; or

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States.

(iv) Retain one copy of the manifest and rail shipping paper in accordance with R315-6-2.22.

(2) Rail transporters shall ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste at all times.

(3) When delivering hazardous waste to the designated facility, a rail transporter shall:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper, if the manifest has not been received by the facility; and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with R315-6-2.22.

(4) When delivering hazardous waste to a non-rail transporter a rail transporter shall:

(i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with R315-6-2.22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.

(g) Transporters who transport hazardous waste out of the United States shall:

(1) Indicate on the manifest the date the hazardous waste left the United States; and

(2) Sign the manifest and retain one copy as specified in R315-6-2.22(d); and

(3) Return a signed copy of the manifest to the generator; and

(4) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

(h) A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms of hazardous waste in a calendar month need not comply with the requirements of R315-6-2.20 or those of R315-6-2.22 provided that:

(1) The waste is being transported pursuant to a reclamation agreement as provided for in R315-5-2.20(e);

(2) The transporter records, on a log or shipping paper, the following information for each shipment:

(i) The name, address, and U.S. EPA Identification Number of the generator of the waste;

(ii) The quantity of waste accepted;

(iii) All DOT-required shipping information;

(iv) The date the waste is accepted; and

(3) The transporter carries this record when transporting waste to the reclamation facility; and

(4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

(i) A transporter shall not transport hazardous waste not properly labeled or hazardous waste containers which are leaking or appear to be damaged, since those packages become the transporter's responsibility during transport.

2.21 COMPLIANCE WITH THE MANIFEST

(a) The transporter shall deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

(1) The designated facility listed on the manifest; or

(2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(3) The next designated transporter; or

(4) The place outside the United States designated by the generator.

(b) If the hazardous waste cannot be delivered in accordance with R315-6-2.21(a), the transporter shall contact the generator for further directions and shall revise the manifest according to the generator's instructions.

2.22 RECORDKEEPING

(a) A transporter of hazardous waste shall keep a copy of the manifest signed by the generator, himself, and the next designated transporter of the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(b) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter shall retain a copy of the shipping paper containing all the information required in R315-6-2.20(e)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(c) For shipments of hazardous waste by rail within the United States:

(1) The initial rail transporter shall keep a copy of the manifest and shipping paper with all the information required in R315-6-2.20(f)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter; and

(2) The final rail transporter shall keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(d) A transporter who transports hazardous waste out of the United States shall keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(e) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Executive Secretary.

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KEY: hazardous waste
2000 **19-6-105**
Notice of Continuation March 12, 1997 **19-6-106**

Environmental Quality, Solid and Hazardous Waste

R315-8

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 22779
FILED: 08/11/2000, 14:23
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule is a result of comments received during the public comment period.

SUMMARY OF THE RULE OR CHANGE: This change in proposed rule corrects a reference to a rule citation and corrects a typographical error.

(**DAR Note:** The original proposed amendment upon which this change in proposed rule is based was published in the May 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-106
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: Since the change is correcting typographical errors, there will be no cost or savings impact.
❖LOCAL GOVERNMENTS: Since the change is correcting typographical errors, there will be no cost or savings impact.
❖OTHER PERSONS: Since the change is correcting typographical errors, there will be no cost or savings impact.
COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change is only correcting some typographical errors.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule will have no fiscal impact on businesses--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Toronto at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at storonto@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/20/2000

AUTHORIZED BY: Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board

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R315. Environmental Quality, Solid and Hazardous Waste.
R315-8. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.

. . . . . .

R315-8-6. Groundwater Protection.

6.1 APPLICABILITY

(a)(1) Except as provided in R315-8-6.1(b), R315-8-6 applies to owners or operators of facilities that treat, store or dispose of hazardous waste. The owner or operator shall satisfy the requirements identified in R315-8-6.1(a)(2) for all wastes, or constituents thereof, contained in solid waste management units at the facility, regardless of the time at which waste was placed in the units.

(2) All solid waste management units shall comply with the requirements in R315-8-6.12. A surface impoundment, waste pile, and land treatment unit or landfill that receives hazardous waste after July 26, 1982, hereinafter referred to as a "regulated unit", shall comply with the requirements of R315-8-6.2 through R315-8-6.11 in lieu of R315-8-6.12 for purposes of detecting, characterizing and responding to releases to the uppermost aquifer. The financial responsibility requirements of R315-8-6.12 apply to regulated units.

(3) Groundwater monitoring shall be required at non-land disposal facilities as determined to be necessary and appropriate by the Executive Secretary.

(b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under R315-8-6 if:

(1) The owner or operator is exempted under R315-8-1(e) or

(2) He operates a unit which the Board finds:

(i) Is an engineered structure.

(ii) Does not receive or contain liquid waste or waste containing free liquid.

(iii) Is designed and operated to exclude liquid, precipitation, and other run-on and run-off.

(iv) Has both inner and outer layers of containment enclosing the waste.

(v) Has a leak detection system built into each containment layer.

(vi) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods, and

(vii) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period.

(3) The Board finds pursuant to R315-8-13.11(d) that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of R315-8-13.9 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption under this paragraph can only relieve an owner or operator of responsibility to meet the requirements of this subpart during the post-closure care period; or

(4) The Board finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit, including the closure period and the post-closure care period specified under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120. This demonstration shall be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator shall base any predictions made under this paragraph on assumptions that maximize the rate of liquid migration.

(5) He designs and operates a waste pile in compliance with R315-8-12.1(c).

(c) The regulations under this section apply during the active life of the regulated unit, including the closure period. After closure of the regulated unit, the regulations in this section:

(1) Do not apply if the waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure;

(2) Apply during the post-closure care period under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264-120, if the owner or operator is conducting a detection monitoring program under R315-8-6.9;

(3) Apply during the compliance period under R315-8-6.7 the owner is conducting a compliance monitoring program under R315-8-6.10 or a corrective action program under R315-8-6.11.

(d) Requirements in this section may apply to miscellaneous units when necessary to comply with R315-8-24, which incorporates by reference 40 CFR 264.601 - 264.603.

(e) The regulations of R315-8-6 apply to all owners and operators subject to the requirements of R315-3-[~~3~~]1.1(e)(7), when the Executive Secretary issues either a post-closure permit or an enforceable document, as defined in R315-3-[~~3~~]1.1(e)(7), at the facility. When the Executive Secretary issues an enforceable document, references in R315-8-6 to "in the permit" mean "in the enforceable document."

(f) The Executive Secretary may replace all or part of the requirements of R315-8-6.2 through R315-8-6.11 applying to a regulated unit with alternative requirements for groundwater monitoring and corrective action for releases to groundwater set out in the permit, or in an enforceable document, as defined in R315-3-[~~3~~]1.1(e)(7) where the Executive Secretary determines that:

(1) The regulated unit is situated among solid waste management units, or areas of concern, a release has occurred, and both the regulated unit and one or more solid waste management unit(s), or areas of concern, are likely to have contributed to the release; and

(2) It is not necessary to apply the groundwater monitoring and corrective action requirements of R315-8-6.2 through R315-8-6.11 because alternative requirements will protect human health and the environment.

6.2 REQUIRED PROGRAMS

(a) Owners and operators subject to this section shall conduct a monitoring and response program as follows:

(1) Whenever hazardous constituents under R315-8-6.4, from a regulated unit are detected at the compliance point under R315-8-6.6, the owner or operator shall institute a compliance monitoring program under R315-8-6.10. Detected is defined as statistically significant evidence of contamination as described in R315-8-6.9(f);

(2) Whenever the groundwater protection standard under R315-8-6.3, is exceeded, the owner or operator shall institute a corrective action program under R315-8-6.11. "Exceeded" is defined as statistically significant evidence of increased contamination as described in R315-8-6.10(d);

(3) Whenever hazardous constituents under R315-8-6.4, from a regulated unit exceed concentration limits under R315-8-6.5 in groundwater between the compliance point under R315-8-6.6 and the downgradient facility property boundary, the owner or operator shall institute a corrective action program under R315-8-6.11; or

(4) In all other cases, the owner or operator shall institute a detection monitoring program under R315-8-6.9.

(b) The Executive Secretary will specify in the facility permit the specific elements of the monitoring and response program. The Executive Secretary may include one or more of the programs identified in R315-8-6.2(a) in the facility permit as may be necessary to protect human health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the Executive Secretary will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate this type of a program could be taken.

6.3 GROUNDWATER PROTECTION STANDARD

The owner or operator shall comply with conditions specified in the facility permit that are designed to ensure that hazardous constituents under R315-8-6.4 that are detected in the groundwater from a regulated unit do not exceed the concentration limits under R315-8-6.5 in the uppermost aquifer underlaying the waste management area beyond the point of compliance under R315-8-6.6 during the compliance period under R315-8-6.7. The Executive Secretary will establish this groundwater protection standard in the facility permit when hazardous constituents have been detected in the groundwater.

6.4 HAZARDOUS CONSTITUENTS

(a) The Executive Secretary will specify in the facility permit the hazardous constituents to which the groundwater protection standard of R315-8-6.3 applies. Hazardous constituents are constituents identified in R315-50-10, which incorporates by reference 40 CFR 261, Appendix VIII, that have been detected in groundwater in the uppermost aquifer underlaying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the Executive Secretary has excluded them under paragraph 8.6.4(b).

(b) The Executive Secretary will exclude an R315-50-10 constituent from the list of hazardous constituents specified in the facility permit if he finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the Executive Secretary will consider the following:

(1) Potential adverse effects on groundwater quality, considering:

(i) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

(ii) The hydrogeological characteristics of the facility and surrounding land;

(iii) The quantity of groundwater and the direction of groundwater flow;

(iv) The proximity and withdrawal rates of groundwater users;

(v) The current and future uses of groundwater in the area;

(vi) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(vii) The potential for health risks caused by human exposure to waste constituents;

(viii) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(ix) The persistence and permanence of the potential adverse effects; and

(2) Potential adverse effects on hydraulically-connected surface water quality, considering:

(i) The volume and physical and chemical characteristics of the waste in the regulated unit;

(ii) The hydrogeological characteristics of the facility and surrounding land;

(iii) The quantity and quality of groundwater and the direction of groundwater flow;

(iv) The patterns of rainfall in the region;

(v) The proximity of the regulated unit to surface waters;

(vi) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(vii) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(viii) The potential for health risks caused by human exposure to waste constituents;

(ix) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(x) The persistence and permanence of the potential adverse effects.

(c) In making any determination under R315-8-6.4(b) about the use of groundwater in the area around the facility, the Executive Secretary will consider any identification of underground sources of drinking water.

6.5 CONCENTRATION LIMITS

(a) The Executive Secretary will specify in the facility permit concentration limits in the groundwater for hazardous constituents established under R315-8-6.4. The concentration of a hazardous constituent:

(1) Shall not exceed the background level of that constituent in the groundwater at the time that limit is specified in the permit; or

(2) For any of the constituents listed in Table 1, shall not exceed the respective value given in that Table if the background level of the constituent is below the value given in Table 1; or

TABLE 1
Maximum Concentration of Constituents for Groundwater Protection

CONSTITUENT		MAXIMUM CONCENTRATION(1)
Arsenic		0.05
Barium		1.0
Cadmium		0.01
Chromium		0.05
Lead		0.05
Mercury		0.002
Selenium		0.01
Silver		0.05
Endrin	(1,2,3,4,10,10-hexachloro-1, 7-epoxy-1,4,4a,5,6,7,8, 9a-octahydro-1, 4-endo, endo-5,8-dimethano naphthalene)	0.0002
Lindane	(1,2,3,4,5,6,-hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor	(1,1,1-Trichloro-2,2-bis (p-methoxyphenylethane)	0.1
Toxaphene	(C10H10C18, Technical chlorinated camphene, 67-69 percent chlorine)	0.005
2,4-D	(2,4-Dichlorophenoxyacetic acid)	0.1
2,4,5-TP Silvex	(2,4,5-Trichlorophenoxypropionic acid)	0.01

(1)Milligrams per liter

(3) Shall not exceed an alternate limit established by the Executive Secretary under R315-8-6.5(b).

(b) The Executive Secretary will establish an alternate concentration limit for a hazardous constituent if they find that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the Executive Secretary will consider the following factors:

(1) Potential adverse effects on groundwater quality, considering:

(i) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

(ii) The hydrogeological characteristics of the facility and surrounding land;

(iii) The quantity of groundwater and the direction of groundwater flow;

(iv) The proximity and withdrawal rates of groundwater users;

(v) The current and future uses of groundwater in the area;

(vi) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(vii) The potential for health risks caused by human exposure to waste constituents;

(viii) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(ix) The persistence and permanence of the potential adverse effects; and

(2) Potential adverse effects on hydraulically connected surface water quality, considering:

(i) The volume and physical and chemical characteristics of the waste in the regulated unit;

(ii) The hydrogeological characteristics of the facility and surrounding land;

(iii) The quantity and quality of groundwater, and the direction of groundwater flow;

(iv) The patterns of rainfall in the region;

(v) The proximity of the regulated unit to surface waters;

(vi) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(vii) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(viii) The potential for health risks caused by human exposure to waste constituents;

(ix) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(x) The persistence and permanence of the potential adverse effects.

(c) In making any determination under R315-8-6.5(b) about the use of groundwater in the area around the facility the Board will consider any identification of underground sources of drinking water.

6.6 POINT OF COMPLIANCE

(a) The Executive Secretary will specify in the facility permit the point of compliance at which the groundwater protection standard of R315-8-6.3 applies and at which monitoring shall be conducted. The point of compliance is a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer underlaying the regulated units.

(b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit.

(1) The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit.

(2) If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

6.7 COMPLIANCE PERIOD

(a) The Executive Secretary will specify in the facility permit the compliance period during which the groundwater protection standard of R315-8-6.3 applies. The compliance period is the number of years equal to the active life of the waste management area, including any waste management activity prior to permit and the closure period.

(b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of R315-8-6.9.

(c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in R315-8-6.7(a), the compliance period is extended until the owner or operator can demonstrate that the groundwater protection standard of R315-8-6.3 has not been exceeded for a period of three consecutive years.

6.8 GENERAL GROUNDWATER MONITORING REQUIREMENTS

The owner or operator shall comply with the following requirements for any groundwater monitoring program developed to satisfy R315-8-6.9, R315-8-6.10, or R315-8-6.11:

(a) The groundwater monitoring system shall consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that:

(1) Represent the quality of background water that has not been affected by leakage from a regulated unit;

(i) A determination of background quality may include sampling of wells that are not hydraulically upgradient of the waste management area where:

(A) hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient; and

(B) Sampling at other wells will provide an indication of background groundwater quality that is representative or more representative than that provided by the upgradient wells;

(2) represent the quality of groundwater passing the point of compliance; and

(3) allow for the detection of contamination when hazardous waste or hazardous constituents have migrated from the waste management area to the uppermost aquifer.

(b) If a facility contains more than one regulated unit, separate groundwater monitoring systems are not required for each regulated unit provided that provisions for sampling the groundwater in the uppermost aquifer will enable detection and measurement at the compliance point of hazardous constituents from the regulated units that have entered the groundwater in the uppermost aquifer.

(c) All monitoring wells shall be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing shall be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space, i.e., the space between the bore hole and well casing, above the sampling depth shall be sealed to prevent contamination of samples and the groundwater.

(d) The groundwater monitoring program shall include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the waste management area. At a minimum the program shall include procedures and techniques for:

(1) Sample collection;

(2) Sample preservation and shipment;

(3) Analytical procedures; and

(4) Chain of custody control.

(e) The groundwater monitoring program shall include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents in groundwater samples.

(f) The groundwater monitoring program shall include a determination of the groundwater surface elevation each time groundwater is sampled.

(g) In detection monitoring or where appropriate in compliance monitoring, data on each hazardous constituent specified in the permit will be collected from background wells and wells at the compliance point. The number and kinds of samples collected to establish background shall be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size should be as large as necessary to ensure with reasonable confidence that a contaminant release to groundwater from a facility will be detected. The owner or operator will determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit which shall be specified in the unit permit upon approval by the Executive Secretary. This sampling procedure should be:

(1) a sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductivity, and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or

(2) an alternate sampling procedure proposed by the owner or operator and approved by the Executive Secretary.

(h) The owner or operator will specify one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent, upon approval by the Executive Secretary, will be specified in the unit permit. The statistical test chosen shall be conducted separately for each hazardous constituent in each well. Where practical quantification limits, pql's, are used in any of the following statistical procedures to comply with R315-8-6.8(i)(5), the pql shall be proposed by the owner or operator and approved by the Executive Secretary. Use of any of the following statistical methods shall be protective of human health and the environment and shall comply with the performance standards outlined in R315-8-6.8(i).

(1) a parametric analysis of variance, ANOVA, followed by multiple comparisons procedures to identify statistical significant evidence of contamination. The method shall include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent;

(2) an analysis of variance, ANOVA, based on ranks followed by multiple comparisons procedures to identify statistical significant evidence of contamination. The method shall include estimation and testing of the contrasts between compliance well's median and the background median levels for each constituent;

(3) a tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit;

(4) a control chart approach that gives control limits for each constituent;

(5) another statistical test method submitted by the owner or operator and approved by the Executive Secretary.

(i) Any statistical method chosen under R315-8-6.8(h) for specification in the unit permit shall comply with the following performance standards, as appropriate:

(1) The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.

(2) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experimentwise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons shall be maintained. This performance standard does not apply to tolerance intervals, predictions intervals or control charts.

(3) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be proposed by the owner or operator and approved by the Executive Secretary if he finds it to be protective of human health and the environment.

(4) If a tolerance interval or a prediction interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval shall contain, shall be proposed by the owner or operator and approved by the Executive Secretary if he finds these parameters to be protective of human health and the environment. These parameters will be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(5) The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantification limit, pql, approved by the Executive Secretary under R315-8-6.8(h) that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(6) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

(j) Groundwater monitoring data collected in accordance with R315-8-6.8(g) including actual levels of constituents shall be maintained in the facility operating record. The Executive Secretary will specify in the permit when the data shall be submitted for review.

6.9 DETECTION MONITORING PROGRAM

An owner or operator required to establish a detection monitoring program under this section shall, at a minimum, discharge the following responsibilities:

(a) The owner or operator shall monitor for indicator parameters, e.g., specific conductance, pH, total organic carbon, or total organic halogen, waste constituents, or reaction products that provide a reliable indication of the presence of hazardous constituents in groundwater. The Executive Secretary will specify the parameters or constituents to be monitored in the facility permit after considering the following factors:

(1) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;

(2) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;

(3) The detectability of indicator parameters, waste constituents, and reaction products in groundwater; and

(4) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the groundwater background.

(b) The owner or operator shall install a groundwater monitoring system at the compliance point as specified under R315-8-6.6. The groundwater monitoring system shall comply with R315-8-6.8(a)(2), (b), and (c).

(c) The owner or operator shall conduct a groundwater monitoring program for each chemical parameter and hazardous constituent specified in the permit pursuant to R315-8-6.9(a) in accordance with R315-8-6.9(g). The owner or operator shall maintain a record of groundwater analytical data as measured and in a form necessary for the determination of statistical significance under R315-8-6.8(h).

(d) The Executive Secretary will specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or hazardous constituent specified in the permit under R315-8-6.9(a) in accordance with R315-8-6.8(g). A sequence of at least four samples from each well, background and compliance wells, shall be collected at least semiannually during detection monitoring.

(e) The owner or operator shall determine the groundwater flow rate and direction in the uppermost aquifer at least annually.

(f) The owner or operator shall determine whether there is statistically significant evidence of contamination for any chemical parameter of hazardous constituent specified in the permit pursuant to R315-8-6.9(a) at a frequency specified under R315-8-6.9(d).

(1) In determining whether statistically significant evidence of contamination exists, the owner or operator shall use the method specified in the permit under R315-8-6.8(h). This method shall compare data collected at the compliance point to the background groundwater quality data.

(2) The owner or operator shall determine whether there is statistically significant evidence of contamination at each monitoring well as the compliance point within a reasonable period of time after completion of sampling. The Executive Secretary will specify in the facility permit what period of time is reasonable, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

(g) If the owner or operator determines pursuant to R315-8-6.9(f) that there is statistically significant evidence of contamination for chemical parameters of hazardous constituents specified pursuant to R315-8-6.9(a) at any monitoring well at the compliance point, he shall:

(1) notify the Executive Secretary of this finding in writing within seven days. The notification shall indicate what chemical parameters or hazardous constituents have shown statistically significant evidence of contamination;

(2) immediately sample the groundwater in all monitoring wells and determine whether constituents in the list of R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, are present, and if so, in what concentration;

(3) for any R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, compounds found in the analysis pursuant to R315-8-6.9(g)(2), the owner or operator may resample within one month and repeat the analysis for these compounds detected. If the results for the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds found pursuant to R315-8-6.9(g)(2), the hazardous constituents found during this initial R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, analysis will form the basis for compliance monitoring;

(4) within 90 days, submit to the Executive Secretary an application for a permit modification to establish a compliance monitoring program meeting the requirements of R315-8-6.10. The application shall include the following information;

(i) an identification of the concentration of any R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, constituent detected in the groundwater at each monitoring well at the compliance point;

(ii) any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of R315-8-6.10;

(iii) any proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of R315-8-6.10;

(iv) for each hazardous constituent detected at the compliance point, a proposed concentration limit under R315-8-6.10(a)(1) or (2), or a notice of intent to seek an alternate concentration limit under R315-8-6.5(b); and

(5) within 180 days, submit to the Executive Secretary:

(i) all data necessary to justify an alternate concentration limit sought under R315-8-6.5(b); and

(ii) an engineering feasibility plan for a corrective action program necessary to meet the requirement of R315-8-6.11, unless:

(A) all hazardous constituents identified under R315-8-6.9(g)(2) are listed in R315-8-6.5, Table 1 and their concentrations do not exceed their respective values given in that table; or

(B) the owner or operator has sought an alternate concentration limit under R315-8-6.5(b) for every hazardous constituent identified under R315-8-6.9(g)(2).

(6) If the owner or operator determines, pursuant to R315-8-6.9(f), that there is a statistically significant difference for chemical parameters or hazardous constituents specified pursuant to R315-8-6.9(a) at any monitoring well at the compliance point, he may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. The owner or operator may make a demonstration under R315-8-6.9(g)(6) in addition to, or in lieu of, submitting a permit modification application under R315-8-6.9(g)(4); however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in R315-8-6.9(g)(4) unless the demonstration made under R315-8-6.9(g)(6) successfully shows that a source other than the regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under R315-8-6.9(g)(6), the owner or operator shall:

(i) notify the Executive Secretary in writing within seven days of determining statistically significant evidence of contamination at the compliance point that he intends to make a demonstration under this paragraph;

(ii) within 90 days, submit a report to the Executive Secretary which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;

(iii) within 90 days, submit to the Executive Secretary an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and

(iv) continue to monitor in accordance with the detection monitoring program established under R315-8-6.9.

(h) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this section, he shall, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

6.10 COMPLIANCE MONITORING PROGRAM

An owner or operator required to establish a compliance monitoring program under this section shall, at a minimum, discharge the following responsibilities:

(a) The owner or operator shall monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under R315-8-6.3. The Executive Secretary will specify the groundwater protection standard in the facility permit including:

(1) A list of the hazardous constituents identified under R315-8-6.4;

(2) Concentration limits under R315-8-6.5 for each of those hazardous constituents;

(3) The compliance point under R315-8-6.6;

(4) The compliance period under R315-8-6.7.

(b) The owner or operator shall install a groundwater monitoring system at the compliance point as specified under R315-8-6.6. The groundwater monitoring system shall comply with R315-8-6.8(a)(2), (b) and (c).

(c) The Executive Secretary will specify the sampling procedures and statistical methods appropriate for the constituents and the facility, consistent with R315-8-6.8(g) and (h).

(1) The owner or operator shall conduct a sampling program for each chemical parameter or hazardous waste constituent in accordance with R315-8-6.8(g).

(2) The owner or operator shall record groundwater analytical data as measured and in form necessary for the determination of statistical significance under R315-8-6.8(h) for the compliance period of the facility.

(d) The owner or operator shall determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, pursuant to R315-8-6.10(a), at a frequency specified under R315-8-6.10(f).

(1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator shall use the method specified in the permit under R315-8-6.5. The method shall compare data collected at the compliance point to a concentration limit developed in accordance with R315-8-6.8(h).

(2) The owner or operator shall determine whether there is statistically significant evidence of increase contamination at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The Executive Secretary will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

(e) The owner or operator shall determine the groundwater flow rate and direction in the uppermost aquifer at least annually.

(f) The Executive Secretary will specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with R315-8-6.8(g). A sequence of at least four samples from each well, background and compliance wells, shall be collected at least semi-annually during the compliance period of the facility.

(g) The owner or operator shall analyze samples from all monitoring wells at the compliance point for all constituents contained in R315-50-14, which incorporates by reference 40 CFR, Appendix IX, at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in R315-8-6.9(f). If the owner or operator finds R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, constituents in the groundwater that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month and repeat the R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, analysis. If the second analysis confirms the presence of new constituents, the owner or operator shall report the concentration of these additional constituents to the Executive Secretary within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then he shall report the concentrations of these additional constituents to the Executive Secretary within seven days after completion of the initial analysis and add them to the monitoring list.

(h) If the owner or operator determines pursuant to R315-8-6.10(d) that any concentration limits under R315-8-6.5 are being exceeded at any monitoring well at the point of compliance he shall:

(1) Notify the Executive Secretary of this finding in writing within seven days. The notification shall indicate which concentration limits have been exceeded;

(2) Submit to the Executive Secretary an application for a permit modification to establish a corrective action program meeting the requirements of R315-8-6.11, within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the Executive Secretary under R315-8-6.9(h)(5). The application shall at a minimum include the following information:

(i) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under R315-8-6.10(a); and

(ii) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. The groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.

(i) If the owner or operator determines, pursuant to R315-8-6.10(d), that the groundwater concentration limits under R315-8-6.10 are being exceeded at any monitoring well at the point of compliance, he may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. In making a demonstration under R315-8-6.10(i), the owner or operator shall:

(1) Notify the Executive Secretary in writing within seven days that he intends to make a demonstration under R315-8-6.10(i);

(2) Within 90 days, submit a report to the Executive Secretary which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

(3) Within 90 days, submit to the Executive Secretary an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and

(4) Continue to monitor in accord with the compliance monitoring program established under this section.

(j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, he shall within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

6.11 CORRECTIVE ACTION PROGRAM

An owner or operator required to establish a corrective action program under this section shall, at a minimum, discharge the following responsibilities:

(a) The owner or operator shall take corrective action to ensure that regulated units are in compliance with the groundwater protection standard under R315-8-6.3. The Executive Secretary will specify the groundwater protection standard in the facility permit, including:

(1) A list of hazardous constituents identified under R315-8-6.4;

(2) Concentration limits under R315-8-6.5 for each of those hazardous constituents;

(3) The compliance point under R315-8-6.6; and

(4) The compliance period under R315-8-6.7.

(b) The owner or operator shall implement a corrective action program that prevents hazardous constituents from exceeding their respective concentration limits at the compliance point by removing the hazardous waste constituents or treating them in place. The permit will specify the specific measures that will be taken.

(c) The owner or operator shall begin corrective action within a reasonable time period after the groundwater protection standard is exceeded. The Executive Secretary will specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and the requirement will operate in lieu of R315-8-6.10(i)(2).

(d) In conjunction with a corrective action program, the owner or operator shall establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program. The monitoring program may be based on the requirements for a compliance monitoring program under R315-8-6.10 and shall be as effective as that program in determining compliance with the groundwater protection standard under R315-8-6.3 and in determining the success of a corrective action program under R315-8-6.11(e), where appropriate.

(e) In addition to the other requirements of this section, the owner or operator shall conduct a corrective action program to remove or treat in place any hazardous constituents under R315-8-6.4 that exceed concentration limits under R315-8-6.5 in groundwater:

(1) between the compliance point under R315-8-6.6 and the downgradient facility property boundary; and

(2) beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the Executive Secretary that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake the action. The owner or operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address the releases will be determined on a case-by-case basis.

(3) Corrective action measures under R315-8-6.11(e) shall be initiated and completed within a reasonable period of time considering the extent of contamination.

(4) Corrective action measures under this paragraph may be terminated once the concentration of hazardous constituents under R315-8-6.4 is reduced to levels below their respective concentration limits under R315-8-6.5.

(f) The owner or operator shall continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, he shall continue that corrective action for as long as necessary to achieve compliance with the groundwater protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area, including the closure period if he can demonstrate, based on data from the groundwater monitoring program under R315-8-6.11(d), that the groundwater protection standard of R315-8-6.3 has not been exceeded for a period of three consecutive years.

(g) The owner or operator shall report in writing to the Executive Secretary on the effectiveness of the corrective action program. The owner or operator shall submit these reports semi-annually.

(h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, he shall within 90 days, submit an application for a permit modification to the program.

6.12 CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

(a) The owner or operator of a facility seeking a permit for the treatment, storage or disposal of hazardous waste shall institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in the unit.

(b) Corrective action will be specified in the permit in accordance with R315-8-6-12 and R315-8-21, which incorporates by reference 40 CFR 264.552 and 264.553. The permit will contain schedules of compliance for the corrective action, where such corrective action cannot be completed prior to issuance of the permit, and assurances of financial responsibility for completing the corrective action.

(c) The owner or operator shall implement corrective actions beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the Executive Secretary that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake the actions. The owner or operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address the releases will be determined on a case-by-case basis. Assurances of financial responsibility for corrective action shall be provided.

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R315-8-15. Incinerators.

15.1 APPLICABILITY

(a) The rules in this section apply to owners or operators of facilities that incinerate hazardous waste, as defined in 40 CFR 260.10, except as R315-8-1.1 provides otherwise.

(b) After consideration of the waste analysis included with part B of the permit, the Executive Secretary, in establishing the permit conditions, shall exempt the applicant from all requirements of this section except R315-8-15.2, Waste Analysis and R315-8-15.12 Closure.

(1) If the Executive Secretary finds that the waste to be burned is:

(i) Listed as a hazardous waste in R315-2-10 or R315-2-11 solely because it is ignitable, Hazard Code I, corrosive Hazard Code C, or both; or

(ii) Listed as a hazardous waste in R315-2-10 or R315-2-11 solely because it is reactive, Hazard Code R, for characteristics other than those listed in R315-2-9(f)(1)(iv) and (v), and will not be burned when other hazardous wastes are present in the combustion zone; or

(iii) A hazardous waste solely because it possesses the characteristics of ignitability, corrosivity, or both, as determined by the test for characteristics of hazardous wastes under R315-2-9, or

(iv) A hazardous waste solely because it possesses any of the reactivity characteristics described by R315-2-9(f)(1)(i), (ii), (iii), (vi), (vii), and (viii) and will not be burned when other hazardous wastes are present in the combustion zone; and

(2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, which could reasonably be expected to be in the waste.

(c) If the waste to be burned is one which is described by R315-8-15.1(b)(1)(i), (ii), (iii), or (iv) and contains insignificant concentrations of the hazardous constituents listed in R315-50-10, which incorporates by Reference 40 CFR 261 Appendix VIII, then the Executive Secretary may, in establishing permit conditions, exempt the applicant from all requirements of this section except R315-8-15.2, Waste analysis and R315-8-15.12, Closure, after consideration of the waste analysis included with part B of the permit, unless the Executive Secretary finds that the waste will pose a threat to human health and the environment when burned in an incinerator.

(d) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of R315-3-6.3.

15.2 WASTE ANALYSIS

(a) As a portion of the trial burn plan required by R315-3-6.3 or with part B of the permit the owner or operator shall have included an analysis of the waste feed sufficient to provide all information required by R315-3-6.3(b) or R315-3-2.10. Owners or operators of new hazardous waste incinerators shall provide the information required by R315-3-6.3(c) or R315-3-2.10 to the greatest extent possible.

(b) Throughout normal operation the owner or operator shall conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit, R315-8-15.6.

15.3 PRINCIPAL ORGANIC HAZARDOUS CONSTITUENTS (POHCS)

(a) Principal Organic Hazardous Constituents (POHCs) in the waste feed shall be treated to the extent required by the performance standard of R315-8-15.4.

(b)(1) One or more POHCs will be specified in the facility's permit, from among these constituents listed in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, for each waste feed to be burned. This specification will be based on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses and trial burns or alternative data submitted with part B of the permit. Organic constituents which represent the greatest degree of difficulty of incineration will be those most likely to be designated as POHCs. Constituents are more likely to be designated as POHCs if they are present in large quantities or concentrations in the waste.

(2) Trial POHCs will be designated for performance of trial burns in accordance with the procedure specified R315-3-6.3 for obtaining trial burn permits[s].

15.4 PERFORMANCE STANDARDS

An incinerator burning hazardous waste shall be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under R315-8-15.6, it will meet the following performance standards:

(a)(1) An incinerator burning hazardous waste shall achieve a destruction and removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated, R315-8-15.3, in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$DRE = (W_{in} - W_{out}) / W_{in} \times 100\%$

Where:

W_{in} = Mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator, and

W_{out} = Mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

(2) An incinerator burning hazardous waste and producing stack emissions of more than 1.8 kilograms per hour, 4 pounds per hour, of hydrogen chloride (HC1) shall control HC1 emissions so that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or one percent of the HC1 in the stack gas prior to entering any pollution control equipment.

(b) An incinerator burning hazardous waste shall not emit particulate matter in excess of 180 milligrams per dry standard cubic meter, 0.08 grains per dry standard cubic foot, when corrected for the amount of oxygen in the stack gas according to the formula:

$P_c = P_m \times 14 / (21-Y)$

When P_c is correct concentration of particulate matter, P_m is the measured concentration of particulate matter, and Y is the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, as presented in 40 CFR 60 Appendix A Method 3. This correction procedure is to be used by all hazardous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the Executive Secretary will select an appropriate correction procedure, to be specified in the facility permit.

(c) For purposes of permit enforcement, compliance with the operating requirements specified in the permit under R315-8-15.6 will be regarded as compliance with this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of this section may be "information" justifying modification, revocation, or reissuance of a permit under R315-3-4.2.

(d) An incinerator burning hazardous wastes F020, F021, F022, F023, F026, or F027 shall achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic hazardous constituent (POHC) designated, under R315-8-15.3, in its permit. This performance shall be demonstrated on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in R315-8-15.4(a)(1). In addition, the owner or operator of the incinerator shall notify the Executive Secretary of his intent to incinerate hazardous wastes F020, F021, F022, F023, F026, or F027.

15.5 HAZARDOUS WASTE INCINERATOR PERMITS

(a) The owner or operator of a hazardous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under 8.15.6., except:

(1) In approved trial burns, R315-3-6.3, or

(2) Under exemptions created by R315-8-15.1.

(b) Other hazardous wastes may be burned after operating conditions have been specified in a new permit or a permit modification, as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with part B of a permit under R315-3-2.10.

(c) The permit for a new hazardous waste incinerator shall establish appropriate conditions for each of the applicable requirements of this section including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of R315-8-15.6, sufficient to comply with the following standards:

(1) For the period beginning with initial introduction of hazardous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in R315-8-15.5(c)(2), not to exceed a duration of 720 hours operating time for treatment of hazardous waste, the operating requirements shall be those most likely to ensure compliance with the performance standards in R315-8-15.4 based on the Executive Secretary's engineering judgement. The Executive Secretary may extend the duration of this period once for up to 720 additional hours when good cause for the extension is demonstrated by the applicant;

(2) For the duration of the trial burn, the operating requirements shall be sufficient to demonstrate compliance with the performance standards of R315-8-15.4 and shall be in accordance with the approved trial burn plan;

(3) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Executive Secretary, the operating requirements shall be those most likely to ensure compliance with the performance standards of R315-8-15.4 based on the Executive Secretary's engineering judgement.

(4) For the remaining duration of the permit, the operating requirements shall be those demonstrated, in a trial burn or by alternative data specified in R315-3-2.10(c), as sufficient to ensure compliance with the performance standards of R315-8-15.4.

15.6 OPERATING REQUIREMENTS

(a) An incinerator shall be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated, in a trial burn or in alternative data as specified in R315-8-15.5(b), and included with part B of a facility's permit to be sufficient to comply with the performance standards of R315-8-15.4.

(b) Each set of operating requirements will specify the composition of the waste feed, including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance requirements of R315-8-15.4, to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:

(1) Carbon monoxide (CO) level in the stack exhaust gas;

(2) Waste feed rate;

(3) Combustion temperature;

(4) An appropriate indicator of combustion gas velocity;

(5) Allowable variations in incinerator system design or operating procedures; and

(6) Any other operating requirements as are necessary to ensure that the performance standards of R315-8-15.4 are met.

(c) During start-up and shut-down of an incinerator, hazardous waste, except wastes exempted in accordance with R315-8-15.1, shall not be fed into the incinerator unless the incinerator is operating within the conditions of operation, temperature, air feed rate, etc., specified in the plan.

(d) Fugitive emissions from the combustion zone shall be controlled by:

(1) Keeping the combustion zone totally sealed against fugitive emissions; or

(2) Maintaining a combustion zone pressure lower than atmospheric pressure; or

(3) An alternative means of control demonstrated, with part B of the permit to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

(e) An incinerator shall be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under R315-8-15.6(a).

(f) An incinerator shall cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

15.7 MONITORING AND INSPECTIONS

(a) The owner or operator shall conduct, as a minimum, the following monitoring while incinerating hazardous waste:

(1) Combustion temperature, waste feed rate, and the indicator of combustion gas velocity specified in the facility plan shall be monitored on a continuous basis.

(2) Carbon monoxide (CO) shall be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere.

(3) Upon request by the Board, sampling and analysis of the waste and exhaust emissions shall be conducted to verify that the operating requirements established in the plan achieve the performance standards of R315-8-15.4.

(b) The incinerator and associated equipment, pumps, valves, conveyors, pipes, etc., shall be subjected to thorough visual inspection, at least daily, for leaks, spills, fugitive emissions, and signs of tampering.

(c) The emergency waste feed cutoff system and associated alarms shall be tested at least weekly to verify operability, unless the applicant demonstrates to the Board that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing shall be conducted at least monthly.

(d) This monitoring and inspection data shall be recorded and the records shall be placed in the operating record required by R315-8-5.3, which incorporates by reference 264.73.

15.8 CLOSURE

At closure the owner or operator shall remove all hazardous waste and hazardous waste residues, including, but not limited to, ash, scrubber waters, and scrubber sludges, from the incinerator site.

At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with R315-2-3(d), that the residue removed from the incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with applicable requirements. R315-4 - R315-9.

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KEY: hazardous waste
2000 **19-6-105**
Notice of Continuation March 12, 1997 **19-6-106**

Environmental Quality, Solid and Hazardous Waste

R315-301

Solid Waste Authority, Definitions, and General Requirements

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 22855
FILED: 08/11/2000, 09:17
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed as a result of comments received during the recent public comment period.

SUMMARY OF THE RULE OR CHANGE: Waste asphalt is included in the definition of the term "special waste" and the requirements for the management of waste asphalt are moved from Section R315-301-4 to a new section of Rule R315-315, Special Waste Requirements. The exempting of animal feeding operations from certain requirements of the Solid Waste Rules is moved from Section R315-301-4 to Section R315-312-1.
(**DAR Note:** The original proposed amendment upon which this change in proposed rule is based was published in the June 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105, 19-6-108, and 19-6-109
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 258 (1999)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The actual requirements of the rule are not changed. Therefore, there is no anticipated cost or savings to the state budget.
❖LOCAL GOVERNMENTS: The actual requirements of the rule are not changed. Therefore, there is no anticipated cost or savings to local governments.
❖OTHER PERSONS: The actual requirements of the rule are not changed. Therefore, there is no anticipated cost or savings to other persons.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the actual requirements of the rule are not changed, the compliance costs for affected persons will not change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since the actual requirements of the rule are not changed, it is anticipated that the proposed changes in the rule will cause no fiscal impact on businesses--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/05/2000

AUTHORIZED BY: Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board

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

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

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

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

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

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

(5) "Asbestos Waste" means friable asbestos, which is any material containing more than 1% asbestos as determined using the method specified in Appendix A, 40 CFR Part 763.1, 1991 ed., which is adopted and incorporated by reference, that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

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

(7) "Class I landfill" means a municipal landfill or a commercial landfill solely under contract with a local government taking municipal waste generated within the boundaries of the local government and receiving, on a yearly average, over 20 tons of solid waste per day.

(8) "Class II landfill" means a municipal landfill or a commercial landfill solely under contract with a local government taking municipal waste generated within the boundaries of the local government and receiving, on a yearly average, 20 tons, or less, of solid waste per day.

(9) "Class III landfill" means a non-commercial landfill that is to receive only industrial solid waste, but excluding farms and ranches.

(10) "Class IV landfill" means a landfill that is to receive only construction/demolition waste, yard waste, inert waste, dead animals, or upon meeting the requirements of Section 19-6-804 and Section R315-320-3, waste tires and materials derived from waste tires.

(11) "Class V landfill" means a commercial landfill which receives any nonhazardous solid waste for disposal. Class V landfill does not include a landfill that is solely under contract with a local government within the state to dispose of nonhazardous solid waste generated within the boundaries of the local government.

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

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

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

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

(16) "Construction/demolition waste" means waste from building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures. Such waste may include: bricks, concrete, other masonry materials, soil, asphalt, rock, untreated lumber, rebar, and tree stumps. It does not include asbestos, contaminated soils or tanks resulting from remediation or clean-up at any release or spill, waste paints, solvents, sealers, adhesives, or similar hazardous or potentially hazardous materials.

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

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

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

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

(21) "Existing facility" means any facility that was receiving solid waste on or before July 15, 1993.

(22) "Expansion of a solid waste disposal facility" means any lateral or vertical expansion beyond or above the boundaries outlined in the initial permit application. Where no boundaries were designated in the disposal facility permit, expansion shall apply to all new land purchased or acquired after the effective date of these rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(39) "Lateral expansion of a solid waste disposal facility" means any horizontal expansion of the waste boundaries of an existing landfill cell, module, or unit or expansions not consistent with past normal operating practices.

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

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

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

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

(44) "Maximum horizontal acceleration in lithified earth material" means the maximum expected horizonal acceleration depicted on a seismic hazard map, with a 90% or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on site specific seismic risk assessment.

(45) "Municipal landfill" means a landfill that is not for profit and is either owned and operated by a local government or a government entity such as a city, town, county, service district, or an entity created by interlocal agreement of local governments, or is solely under contract with a local government or government entity.

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

(47) "New facility" means any facility that begins receiving solid waste after July 15, 1993.

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

(49) "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way,

provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing, as opposed to going along the right-of-way. Property separated by a private right-of-way, which the site owner or operator controls, and to which the public does not have access, is also considered on-site property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(63) "Scavenging" means the uncontrolled removal of solid waste from a facility.

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

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

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

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

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

(b) water supply treatment plant;

(c) car wash facility;

(d) air pollution control facility; or

(e) any other such waste having similar characteristics.

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

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

(70) "Special waste" means discarded materials which may require special handling or may pose a threat to public safety, human health, or the environment. Special waste may include ash, automobile bodies, furniture and appliances, infectious waste, tires, dead animals, asbestos, industrial waste, wastes exempt from the hazardous waste classifications under the Federal Resource Conservation and Recovery Act, U.S.C., Section 6901, et seq., PCBs, petroleum contaminated soils, waste asphalt, and sludge.

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

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

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

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

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

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

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

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

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

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

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

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

(a) A waste tire storage facility includes:

(i) whole waste tires used as a fence;

(ii) whole waste tires used as a windbreak; and

(iii) waste tire generators where more than 1,000 waste tires are held.

(b) A waste tire storage facility does not include:

(i) a site where waste tires are stored exclusively in buildings or in trailers;

(ii) if whole waste tires are stored for five or fewer days, the site of a registered tire recycler or a processor for a registered tire recycler;

(iii) a permitted solid waste disposal facility that stores whole tires in piles for not longer than one year;

(iv) a staging area where tires are temporarily placed on the ground, not stored, to accommodate activities such as sorting, assembling, or loading or unloading of trucks; or

(v) a site where waste tires or material derived from waste tires are stored for five or fewer days and are used for ballast to maintain covers on agricultural materials or to maintain covers at a construction site or are to be recycled or applied to a beneficial use.

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

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

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

R315-301-4. Prohibition of Illegal Disposal or Incineration of Solid Waste.

(1) No person shall incinerate, burn, or otherwise dispose of any solid waste in any place except at a facility which is in compliance with the requirements of Rules R315-301 through 320 and other applicable rules.

(2) When deposition or disposal of the following materials does not cause a hazard to human health or the environment or cause a public nuisance, the requirements of Rules R315-301 through 320 do not apply to:

(a) inert waste used as fill material;

(b) the disposal of mine tailings and overburden;

(c) the disposal of vegetative material generated as a result of land clearing; or

(d) the disposal of vegetative agricultural waste[~~;~~].[

~~(e) the deposition or disposal of manure and vegetative materials from animal feeding operations that operate under a Comprehensive Nutrient Management Plan; or~~

~~(f) the recycling of waste asphalt as specified in Subsection R315-301-4(3).~~

~~(3) Recycling of waste asphalt occurs when it is used:~~

~~(a) as a feedstock in the manufacture of new hot or cold mix asphalt;~~

~~(b) as underlayment in road construction;~~

~~(c) as subgrade in road construction when the asphalt is above the historical high level of ground water;~~

~~(d) under parking lots when the asphalt is above the historical high level of ground water; or~~

~~(e) as road shoulder when the use meets engineering requirements.~~]

KEY: solid waste management, waste disposal

2000	**19-6-105**
Notice of Continuation April 2, 1998	**19-6-108**
	19-6-109
	40 CFR 258

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Environmental Quality, Solid and Hazardous Waste

R315-315-8

Petroleum Contaminated Soils

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 22858
FILED: 08/11/2000, 09:17
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed in response to comments received during a recent public comment period.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to allow petroleum contaminated soils that are not a hazardous waste to be disposed in Class III Landfills (industrial landfills). (**DAR Note:** The original proposed amendment upon which this change in proposed rule is based was published in the June 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-105

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The proposed rule change does not affect state entities. Therefore, there is no anticipated cost or savings to the state budget.
❖LOCAL GOVERNMENTS: The proposed rule change does not affect local governments. Therefore, there is no anticipated cost or savings impact to local governments.
❖OTHER PERSONS: An industry that operates a Class III Landfill may dispose nonhazardous petroleum contaminated soils at their own landfill at a lower cost than they would usually experience if these soils were to be disposed at an off-site Class I, II, or V Landfill. An estimate of the aggregate cost savings to these industries cannot be made.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Industries that operate their own Class III Landfills could realize a cost savings of approximately $10 to $35 per ton of nonhazardous petroleum contaminated soils by being allowed to dispose of these waste in their own landfill.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Industries that generate nonhazardous petroleum contaminated soils may realize a cost savings of approximately $10 to $35 per ton by being allowed to dispose of these waste soils in their own landfill instead of another class of landfill--Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/05/2000

AUTHORIZED BY: Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board

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R315. Environmental Quality, Solid and Hazardous Waste.
R315-315. Special Waste Requirements.
R315-315-8. Petroleum Contaminated Soils.

(1) Petroleum contaminated soils that are not a hazardous waste may be accepted for disposal at a:
(a) Class I Landfill;
(b) Class II Landfill:[~~ or,~~]
(c) Class III Landfill; or
[~~(c)~~](d) Class V Landfill, except for a Class V Landfill that is permitted to accept exclusively construction/demolition waste.

(2) Petroleum contaminated soils containing petroleum materials at or below the following levels and are otherwise not a hazardous waste, may be accepted for disposal at[~~ a Class III Landfill,~~] a Class IV Landfill[~~,~~] or a Class V Landfill that is permitted to accept exclusively construction/demolition waste:
(a) TPH gasoline, 1,500 mg/kg;
(b) TPH diesel, 5,000 mg/kg;
(c) TRPH 10,000 mg/kg;
(d) Benzene, 0.03 mg/kg;
(e) Ethylbenzene, 13 mg/kg;
(f) Toluene, 12 mg/kg; and
(g) Xylenes, 200 mg/kg.

KEY: solid waste management, waste disposal
2000 **19-6-105**
Notice of Continuation April 28, 1998

Health, Epidemiology and Laboratory Services, Environmental Services
R392-400
Temporary Mass Gatherings Sanitation

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 22739
FILED: 08/15/2000, 11:34
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After further review, additional changes needed to be made.

SUMMARY OF THE RULE OR CHANGE: The rule is made to be gender-neutral. Emergency medical equipment is specified. These reflect the standard of care currently used in emergency medical services activities. Clarification is made

that operators are financially responsible for required dedicated stand-by ambulances. The operator is given a duty to submit completed medical assistance forms to the Department. The operator is given a duty to assure that food vendors obtain the required local food establishment permit. (**DAR Note:** The original proposed repeal and reenact upon which this change in proposed rule is based was published in the May 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-15-2

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: This rule will not affect State government.
❖LOCAL GOVERNMENTS: There are no additional costs or savings beyond those identified in the original proposed repeal and reenact.
❖OTHER PERSONS: The aggregate costs cannot be determined. Operators will have increased emergency medical costs if they have not utilized adequate emergency medical services in the past. In some cases local EMS will donate their services, so the increased cost will not happen in all cases.
COMPLIANCE COSTS FOR AFFECTED PERSONS: As emergency medical equipment is specified in the change, operators who have not utilized adequate emergency medical services in the past will see increased costs. These increased costs will not happen in those cases where EMS services are donated. The presence of an ambulance meets the rule requirements; and most temporary mass gatherings have an ambulance on hand. Further, an operator can rent the required equipment from the Utah Department of Health for $74 per day, except for the defibrillator unit. This unit can be rented from EMS agencies for $35-$50 per hour at most.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Affected local health departments and Olympic venue organizers have had significant input on the development of this updated rule. Costs to businesses appear to be minimal and appropriate--Rod L. Betit

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

Health
Epidemiology and Laboratory Services,
Environmental Services
Second Floor, Cannon Health Building
288 North 1460 West
PO Box 142103
Salt Lake City, UT 84114-2103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Richard Clark at the above address, by phone at (801) 538-6750, by FAX at (801) 538-6036, or by Internet E-mail at rwclark@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/03/2000

AUTHORIZED BY: Rod L. Betit, Executive Director

R392. Health, Epidemiology and Laboratory Services, Environmental Services.
R392-400. Temporary Mass Gatherings Sanitation.

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R392-400-3. Definitions.

(1) "Department" means the Utah Department of Health (UDOH).

(2) "Director" means the executive director of the Utah Department of Health or [~~his or her~~]the executive director's designee.

(3) "Drinking Water Station" means a location where a person may obtain safe drinking water free of charge.

(4) "First Aid Station" means a temporary or permanent enclosed space or structure where a person can receive first aid and emergency medical care.

(5) "Health Officer" means the director of the local health department having jurisdiction or [~~his or her~~]the health officer's designee.

(6) "Operator" means a person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of a temporary mass gathering.

(7) "Owner" means any person who alone, jointly, or severally with others:

(a) has legal title to any premises, with or without accompanying actual possession thereof or;

(b) has charge, care, or control of any premises, as legal or equitable owner, agent of the owner, or lessee.

(8) "Permit" means a written form of authorization written in accordance with this rule.

(9) "Person" means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law.

(10) "Safe Drinking Water" means potable water meeting State safe drinking water rules or bottled water as regulated by the Utah Department of Agriculture and Food.

(11) "Safe Drinking Water System" means a system for delivering safe drinking water that is approved by the local health officer.

(12) "Solid Waste" means garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi liquid waste, other spent, useless, worthless, or discarded materials or materials stored or accumulated for the purpose of discarding, materials that have served their original intended purpose.

(13) "Staff' means any person who:

(a) works for or provides services for or on behalf of the operator or a vendor, or

(b) is a vendor at a gathering.

(14) "Temporary Mass Gathering" or "Gathering" means an actual or reasonably anticipated assembly of 500 or more people, which continues or can reasonably be expected to continue for two or more hours per day, at a site for a purpose different from the designed use and usual type of occupancy. A temporary mass gathering does not include an assembly of people at a location with permanent facilities designed for that specific assembly, such as a fair at a fair park, unless the designed occupancy levels are exceeded.

(15) "Vendor" means any person who sells or offers food for public consumption.

(16) "Wastewater" means used water or water carried wastes produced by man, animal, or fowl.

R392-400-4. Permit To Operate Required.

(1) A person may not operate a temporary mass gathering without a valid written permit issued by the health officer.

(2) The health officer may exempt a parade from the permit requirement if[~~:~~

~~(a)~~] the operator submits an application as required in Section R392-400-6 and the health officer determines that the availability of existing public sanitary facilities, drinking water and trash containers is sufficient to protect public health[~~, and~~

~~(b) the operator has met the requirement of Subsection R392-400-12-2~~].

(3) A temporary mass gathering may not exceed 30 days.

R392-400-5. Gathering Operator Required On Site.

(1) The operator shall establish a headquarters at the gathering site.

(2) The operator or [~~his or her~~]the operator's designee shall be present at the gathering at all times during operating hours.

R392-400-6. Permit Application Required.

(1) The health officer shall prescribe the application process, and shall require the applicant to submit an application at least 15 days prior to the first advertisement of the gathering and at least 30 days prior to the first day of the gathering. The health officer may grant an exception to this requirement on a case by case basis because of the nature of the event, scarcity of problems associated with the event in the past or other public health related criteria.

(2) An application for a permit shall be in writing to the health officer and include the following information:

(a) name, address, telephone number, and fax number (if applicable) of the operator;

(b) number of people expected to attend the gathering;

(c) a description of the type of gathering to be held with the date(s) and times the gathering will be held;

(d) estimated length of stay of attendees;

(e) name, address, telephone number, and fax number (if applicable) of property owner;

(f) location of the gathering and a site plan delineating the area where the gathering is to be held including the following:

(i) the parking area available for patrons;

(ii) location of entrance, exit, and interior roadways and walks;

(iii) [~~location of all first aid stations and emergency medical resources;~~

~~(iv)~~]location, type, and provider of restroom facilities;

([~~v~~]iv) location and description of water stations;

([~~vi~~]v) location and number of food stands, and the types of food to be served if known;

([~~vii~~]vi) location, number, type, and provider of solid waste containers;

([~~viii~~]vii) location of operator's headquarters at the gathering;

([~~ix~~]viii) a plan to provide lighting adequate to ensure the comfort and safety of attendees and staff;

(ix) location of all parking areas designated for the gathering and under the operator's control.

(g) the name of the solid and liquid waste haulers with whom the operator has contracted, unless exempted by this rule;

(h) a site clean up plan after the gathering;

(i) total number, and qualifications of first aid station personnel;

(j) plan for directional and exit signs;

(k) a plan developed by the operator to address nuisances or health hazards associated with animals present at the gathering;

(l) plans to address hazardous conditions as required in Section R392-400-13;

(m) emergency medical services operational plan approved by the local licensed emergency medical services agency director, including the location of all first aid stations and emergency medical resources;

([~~m~~]n) any other information specifically requested by the health officer as necessary to protect public health.

(3) The health officer shall require a separate application for each temporary mass gathering.

(4) The health officer shall consider the proximity and risk of known health hazards when determining the acceptability of a proposed gathering site.

R392-400-7. Permit.

(1) The health officer may attach conditions or grant waivers to a permit, in accordance with this rule, in order to meet specific public health and safety concerns.

(2) The health officer may deny a permit for any of the following reasons:

(a) failure of the applicant to show that the gathering will be held or operated in accordance with the requirements and standards of this rule;

(b) submission of incorrect, incomplete, or false information in the application ;

(c) the gathering will be in violation of law.

(3) The health officer shall return a denied permit application to the applicant within 5 working days of submission, specifying the basis for denial in writing.

(4) The applicant may appeal a denied permit in accordance with the procedures established by the local Board of Health.

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R392-400-9. Notice Of Violation Or Closing.

(1) The health officer may issue a notice of violation to the owner, operator or [~~his or her~~]the operator's designee if the gathering fails to meet the requirements of this rule or the conditions of the permit.

(2) The health officer shall, in accordance with R392-100 Food Service Sanitation, direct the disposition of any food items, including ice and water, that have been adulterated or are otherwise unfit for human consumption.

(3) The health officer may issue a notice of closure of the gathering or part thereof to the owner, operator or [~~his or her~~]the operator's designee if [~~he or she~~]the health officer determines that conditions at the gathering constitute a serious or imminent health hazard.

(4) No gathering site or part thereof that has been closed may be used for a gathering until the department or health officer determines that the conditions causing the closure have been abated and written approval is received from the department or health officer. The director or health officer shall remove the posted notice whenever the violation(s) upon which closing, and posting were based has been remedied.

(5) No unauthorized person may deface or remove a posted notice from any gathering site that has been closed by the director or local health officer.

(6) The operator may appeal a notice or closure in accordance with the procedures established by the local Board of Health or the Utah Administrative Procedures Act, whichever is applicable.

R392-400-10. Solid Waste Management.

(1) The operator shall contract with a solid waste hauler approved by health officer. The operator is exempt from this requirement if [~~he~~]the operator is approved by the health officer as a solid waste hauler and [~~has~~]is identified[~~himself~~] as the solid waste hauler for the gathering. The health officer shall establish written criteria for approving a solid waste hauler.

(2) The operator shall provide and strategically locate a sufficient number of covered waste containers approved by the health officer to effectively accommodate the solid waste generated at the gathering.

(3) The operator shall ensure that the waste containers are emptied as often as necessary to prevent overflowing, littering, or insect or rodent infestation.

(4) The operator shall ensure that solid waste and litter are cleaned from the property periodically during the gathering and that, within 24 hours following the gathering, the property is free of solid waste and is clean. On a case by case basis, the health officer may allow for more than 24 hours to clean up the site because of the time of year, nature of the event or other extenuating circumstances if the health officer is satisfied that the extension will not adversely affect the public health

(5) The operator shall ensure that litter is prevented from being blown from the gathering site onto adjacent properties.

(6) The operator shall ensure that all solid waste is collected and disposed of at a solid waste disposal or recycling facility meeting State and local solid waste disposal facility requirements.

(7) The operator, staff, participants, and spectators shall comply with all applicable State and local requirements for solid waste management.

R392-400-11. Site Maintenance.

(1) All buildings or structures provided for the gathering shall be maintained in a safe, clean condition, in good repair, and in compliance with all applicable laws.

(2) A gathering that provides overnight parking for occupied recreational vehicles in connection with the gathering, shall comply with R392-301 Recreational Vehicle Park Sanitation and local recreational vehicle parks regulations.

(3) The operator shall eliminate any infestation of vermin within any part of a structure intended for occupancy, food storage, or restroom facilities prior to, during, and immediately following a gathering.

(4) The operator is responsible for the maintenance and sanitary condition of the gathering site and facilities. [~~He~~]The operator shall prevent the occurrence of any nuisance and immediately take steps to cause the abatement of any nuisance or insanitary condition that may develop.

(5) A gathering site shall be constructed to provide surface drainage adequate to prevent flooding of the gathering site and to prevent water related nuisances on adjacent properties.

(6) Sufficient signs shall identify and show the location of first aid, restroom and drinking water facilities so spectators and participants can readily find them from any place on the gathering site.

(7) The operator shall provide lighting adequate to ensure the comfort and safety of attendees.

(8) All parking areas used for the gathering and under the control of the gathering operator must meet the requirements of this rule.

R392-400-12. Emergency Medical Care Requirements.

(1) The operator shall ensure that the gathering has at least one[~~properly equipped~~] first aid station. The health officer or local licensed emergency medical services agency director(s) may require more than one first aid station as [~~he~~]they deem[~~s~~] necessary because of the nature of the event, time of year, risk of injuries or other public health and safety needs.

(2) [~~The operator shall review the gathering's emergency medical care plans with a local emergency medical services agency at least one day prior to the start date of the gathering.~~]First aid stations shall contain the following minimum equipment and maintain the minimum levels over the duration of the gathering:

(a) 1 Bag mask ventilation unit with adult, child, and infant mask sizes

(b) 3 Oropharyngeal airways, adult, child, and infant sizes

(c) 1 Pocket mask

(d) 1 portable oxygen apparatus (tank, regulator, case)

(e) 1 Oxygen extension tubing

(f) 2 adult and 1 child nasal cannula

(g) 2 adult and 1 child non-rebreather mask

(h) 1 adult and 1 child blood pressure cuff

(i) 1 stethoscope

(j) 2 pillows

(k) 2 emesis basins

(l) 4 blankets

(m) 4 sheets

(n) 12 towels

(o) six 5x9 or 8x10 trauma dressings

(p) thirty 4x4 gauze dressings

(q) 12 kerlix or other roller bandage
(r) 3 roles of adhesive tape
(s) 3 cervical collars, 1 regular, 1 no-neck, one pediatric
(t) 1 back board with straps
(u) 6 non-traction extremity splints (e.g.,cardboard, ladder, SAM splints, air splints)
(v) 10 triangular bandages
(w) 2 pair of shears
(x) 1 obstetrical kit
(y) 2 pen lights
(z) 100 assorted bandaids
(aa) 1 traction splint
(bb) 2 tubes of oral glucose
(cc) 1 box of exam gloves
(dd) 4 biohazard bags
(ee) 1 portable suction device
(ff) 1 basic life support jump kit for every 2 gathering medical providers
(gg) 1 automatic external defibrillator
(hh) 1 examination table, cot or bed.

(3) First aid stations shall afford privacy to a person receiving care or treatment.

(4) First aid stations shall be of sufficient size to accommodate the number of care givers required, and the predicted number of sick or injured persons.

(5) First aid stations shall be strategically located to provide expedient medical care for those attending or participating in the gathering.

(6) First aid stations shall be easily accessible by emergency vehicles. The operator shall provide the local licensed emergency medical services director(s) a map of the gathering site which includes location of first aid stations, emergency vehicle ingress and egress routes, landing zones (if applicable) and rendezvous locations.

(7) A first aid station shall be clearly marked and identifiable as a first aid station.

(8) At least two state-licensed or certified medical providers, such as an emergency medical technician, paramedic, nurse, physician's assistant or medical doctor shall be present to staff each first aid station. A gathering having more than 2,500 attendees shall have at least [~~one~~]two additional emergency medical providers for each additional [~~2,500~~]5,000 attendees or fraction thereof. The health officer or local licensed emergency medical services agency director(s) may require additional emergency medical services personnel as deemed necessary because of the nature of the event, time of year, risk of injuries or other public health and safety needs.

(9) First aid stations shall be staffed by individuals meeting the following minimum requirements:

(a) is at least 18 years of age;

(b) has a current state license or certification showing competency to be an emergency medical technician, paramedic, nurse, physician's assistant or physician.

(10) [~~A first aid station may be staffed by a currently certified Red Cross Emergency Responder if he is under the direct on-site supervision of an emergency medical technician, paramedic, nurse, physician's assistant or physician.~~

~~(11)~~]The operator shall ensure that the medical staff have access to telephones or radios to contact outside emergency medical. The operator shall provide the local licensed emergency medical services director(s) the telephone numbers and radio frequencies for accessing the gathering medical providers.

(11) The local health officer or local licensed emergency medical services agency director may require the operator to provide dedicated stand-by ambulances and personnel at the gathering. The operator will be financially responsible for the costs of funding dedicated stand-by ambulances and personnel, but not for the costs of providing transportation services to individual patients.

(12) The operator shall ensure that [~~T~~]the staff person in charge of the first aid station keeps[~~shall ensure that~~] accurate records of patients and treatment[~~are kept~~], and that the health officer is notified of all cases involving a serious injury or communicable disease in accordance with R386-702 Communicable Disease Rule and R386-703 Injury Reporting Rule.

(13) The operator shall ensure that the staff person in charge of the first aid station completes a Department approved pre-hospital care form showing all assistance given each person attended and that these forms are submitted to the Department within 72 hours following the gathering.

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R392-400-14. Food Protection.

(1) The operator and vendors shall comply with R392-100 Food Service Sanitation.

(2) The operator shall assure that food vendors obtain required food service operating permits from the health officer.

R392-400-15. Safe Drinking Water Supply Requirements.

(1) The operator shall ensure that all drinking water is from a state-approved safe drinking water supply or bottled water approved by the Utah Department of Agriculture and Food.

(2) Safe drinking water hauled to the gathering shall be hauled and dispensed in a manner that protects public health as determined by the health officer.

(3) The operator shall provide and strategically locate drinking water stations to effectively meet the drinking water needs of attendees and staff. At least four drinking water stations are required. An additional drinking water station is required for each additional 150 attendees or fraction thereof, above 500 persons. The health officer may require additional drinking water stations as[~~he~~] deem[~~s~~]ed necessary because of the time of year, heat index, nature of the event or other public health related criteria. If containers are needed to drink the water at the required drinking water stations, the operator must provide single use containers.

R392-400-16. Wastewater Disposal Requirements.

(1) All wastewater shall discharge to a public wastewater treatment system unless no such system is available or practical for use as determined by the health officer.

(2) Where a public sewer is not available or practical for connection, wastewater shall discharge into a wastewater treatment system approved in accordance with State and local wastewater rules.

(3) The health officer may allow portable restroom facilities and wastewater holding tanks only where an approved sewer system is not available or practical for connection.

(4) The number of toilets and facilities shall be provided in accordance with the following Table.

TABLE

Minimum Numbers of Toilets Required

Average Time at Gathering (hours)

Peak Crowd	1	2	3	4	5
500	2	4	4	5	6
1000	4	6	8	8	9
2000	5	6	9	12	14
3000	6	9	12	16	20
4000	8	13	16	22	25
5000	12	15	20	25	31
6000	12	15	23	30	38
7000	12	18	26	35	44
8000	12	20	30	40	50
10000	15	25	38	50	63
12500	18	31	47	63	78
15000	20	38	56	75	94
17500	22	44	66	88	109
20000	25	50	75	100	125
25000	38	69	99	130	160
30000	46	82	119	156	192
35000	53	96	139	181	224
40000	61	109	158	207	256
45000	68	123	178	233	288
50000	76	137	198	259	320
55000	83	150	217	285	352
60000	91	164	237	311	384
65000	98	177	257	336	416
each additional 10,000	15	25	38	50	63

(table continued for 6-10 hours)

Peak Crowd	6	7	8	9	10
500	7	9	9	10	12
1000	9	11	12	13	13
2000	16	18	20	23	25
3000	24	26	30	34	38
4000	30	35	40	45	50
5000	38	44	50	56	63
6000	45	53	60	68	75
7000	53	61	70	79	88
8000	60	70	80	90	100
10000	75	88	100	113	125
12500	94	109	125	141	156
15000	113	131	150	169	188
17500	131	153	175	197	219
20000	150	175	200	225	250
25000	191	221	252	282	313
30000	229	266	302	339	376
35000	267	310	352	395	438
40000	305	354	403	452	501
45000	343	398	453	508	563
50000	381	442	503	564	626
55000	419	486	554	621	688
60000	457	531	604	677	751
65000	495	575	654	734	813
each additional 10,000	75	88	100	113	125

(a) If alcoholic beverages are consumed at the gathering, the operator shall increase the number of required toilets by 40%.

(b) For one year following the effective date of this rule the health officer may allow portable multi-urinal stations to substitute for up to 1/3 of the estimated men's portion of the required toilets.

(c) The operator shall provide a minimum of one toilet that is accessible by handicapped persons and at a rate of 5% of total toilets.

(d) Toilet facilities for men and women located in the same building and adjacent to each other shall be separated by an opaque, sound resistant wall. Direct line of sight from outside a toilet facility to the toilets and urinals shall be effectively obstructed.

(e) The operator shall locate portable toilets a minimum of 100 feet from any food service operation and not more than 300 feet from grand stand or spectator or from other areas of activity which pertain to the gathering, as outlined in the permit application. Where site conditions limit the placement of portable toilets, the health officer may allow exemptions to these distances.

(f) The operator shall provide working hand wash stations at a minimum rate of one per 10 portable toilets or portion thereof. The operator shall provide soap, water and single use towels at each hand wash station. Where conditions make the use of soap and water impractical, the health officer may allow sanitizing gel in place of soap and water. Sanitizing gel may not be used in place of soap and water at hand wash stations used by food service workers.

(g) The operator shall provide a minimum of one covered trash container for every 10 portable toilets or portion thereof.

(h) The operator or coordinator shall ensure that all portable toilets are of sound construction (such as non-absorbent polyethylene), easily cleanable, and durable.

(i) The tank capacity of each portable toilet shall not be less than 60 gallons. Chemicals used for sanitizing agents in portable toilets must be acceptable for use by the treatment facility accepting the sewage.

(j) Each portable toilet must be secured against vandalism and adverse weather conditions by tie downs, anchors or similar effective means.

(k) The operator shall contract with a liquid waste hauler that meets local health department requirements. The operator is exempt from this requirement if [~~he~~]the operator is approved by the health officer as a liquid waste hauler and [~~has~~]is identified [~~himself~~]as the liquid waste hauler for the gathering.

(i) the operator shall require in the contract with the liquid waste hauler that the hauler shall meet the requirements of this Subsection.

(ii) the liquid waste hauler shall have a written contract with a wastewater treatment facility indicating that [~~it~~]the wastewater treatment facility will accept the wastewater.

(iii) the liquid waste hauler must manifest all disposal of liquid waste materials. The liquid waste hauler shall present the manifest to the health officer for [~~his or her~~]the health officer's review upon request.

(l) The operator shall ensure that all wastewater is removed from each portable toilet at least once every 24 hours. On a case by case basis, the health officer may change this frequency because of the time of year, weather conditions, nature of the event or other public health related criteria. All wastewater removed shall be disposed of at a wastewater treatment facility in accordance with State and local wastewater disposal laws.

(m) Each portable toilet must be serviced and sanitized at time intervals that will maintain sanitary conditions of each toilet.

(n) At the conclusion of the gathering, each portable restroom unit must be serviced and removed within 48 hours. The health officer may extend or shorten this time because of the time of year, weather conditions, the nature of the event or to meet other public health needs.

. . . . . .

KEY: public health, temporary mass gatherings, special events
2000 26-15-2

Regents (Board of), Administration
R765-171
Postsecondary Proprietary School Act Rules

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 22951
FILED: 08/07/2000, 16:12
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To make additional amendments to the proposed rule to conform to actions of the State Board of Regents when they adopted the rule August 3, 2000.
(**DAR Note:** Although the rule has been adopted by the Board of Regents, it will not become effective and enforceable until a notice of effective date is filed for this change in proposed rule.)

SUMMARY OF THE RULE OR CHANGE: Subsection R765-171-6(6.1.4) is revised to reflect the change in administration of the incorporation process from the Lieutenant Governor to the Division of Corporations. Subsection R765-171-7(7.8.3) is added to clarify that increased registration fees will be used to enhance the administration of the Act. Subsection R765-171-7(7.16) is amended to make either tuition and fees of less the $500 or a training period of less than one month a reason for exemption from the bond requirement. Subsection R765-171-8(8.3.5) was added to limit the unescrowed collection of tuition and fees to training periods of six months.
(**DAR Note:** The original proposed amendment upon which this change in proposed rule is based was published in the July 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53B, Chapter 5

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: The requirement that registration fees will be used only to enhance the administration of the Act might mean those funds would not be available to offset State budget support for other programs, but the impact will be minimal.
❖LOCAL GOVERNMENTS: None--the Act and these amendments do not involve any local government action.
❖OTHER PERSONS: Some low cost, short training period schools may not have to bond and could avoid having to increase student tuition in order to offset the additional costs of surety bonds.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs may be lower for some low cost, short training period schools which do not have to bond. There may be some costs associated with the escrow of funds collected for training beyond six months. Some schools may eliminate prepaid training beyond six months in order to avoid these costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The increased administrative oversight use of registration fees and the surety bond requirement are generally viewed by the participating schools as improvements in the program that are worth the additional costs. The proprietary schools will be more closely monitored and prospective students will have greater confidence in the stability and quality of the schools' offerings.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Regents (Board of)
Administration
3 Triad Center, Suite 550
355 West North Temple
Salt Lake City, UT 84180, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Harden R. Eyring at the above address, by phone at (801) 321-7106, by FAX at (801) 321-7199, or by Internet E-mail at heyring@utahsbr.edu.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/02/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 10/03/2000

AUTHORIZED BY: Harden R. Eyring, Executive Assistant to the Commissioner

R765. Regents (Board of), Administration.
R765-171. Postsecondary Proprietary School Act Rules.

. . . . . .

R765-171-6. Rules Relating to 53B-5-106.

6.1. The registration statement combined with an attached current catalog or information bulletin as outlined in subsection 4.4 of this chapter shall provide information and assertions as follows:

6.1.1. the institution's name, address, and telephone number;

6.1.2. the names of all persons involved in the operation of the institution and a stipulation that the resumes are on file at the institution and available to the students.

6.1.3. a current financial report, as described in subsection 7.9;

6.1.4. that its articles of incorporation have been registered and accepted by the [~~Lieutenant Governor's office~~]Utah Department of Commerce, Division of Corporations and Commercial Code and it has a local business license, if necessary;

6.1.5. that its facilities, equipment, and materials meet minimum standards for the training and assistance necessary to prepare students for employment;

6.1.6. that it maintains accurate attendance records, progress and grade reports, and information on tuition and fee payments appropriately accessible to students;

6.1.7. that its maintenance and operation is in compliance with all ordinances, laws, and codes relative to the safety and health of all persons upon the premises; and

6.1.8. that it maintains adequate insurance continuously in force to protect its assets.

6.2. The institution provides copies of the following documents:

6.2.1. a sample of the credential(s) awarded upon completion of a program;

6.2.2. a sample of current advertising including radio, television, newspaper and magazine advertisements, and listings in telephone directories; and

6.2.3. a copy of the student enrollment agreement.

6.3. A new institution not previously in operation in Utah and which intends to solicit and enroll students in this state, shall demonstrate as part of its registration statement that there is:

6.3.1. sufficient student interest in Utah in its courses; and

6.3.2. reasonable employment potential in those areas of study in which credentials will be awarded.

6.4. In addition, a branch institution whose parent campus is located outside of the state of Utah shall:

6.4.1. provide a copy of the authorization granted by the state of the parent institution;

6.4.2. designate a Utah resident as a permanent contact authorized to legally accept the responsibility to respond to student inquiries; and

6.4.3. make available a listing of which programs are offered in whole or in part in Utah and whether the student can complete his or her program without having to take residence at the parent campus;

6.5. Correspondence institutions, within or without the state of Utah shall demonstrate that:

6.5.1. their educational objectives can be achieved through home study;

6.5.2. their programs, instructional material, and methods are sufficiently comprehensive, accurate, and up-to-date to meet the announced institutional course and program objectives;

6.5.3. they provide adequate interaction between student and instructor, through the submission and correction of lessons, assignments, examinations, and such other methods as are recognized as characteristic of this particular learning technique and

6.5.4. any degrees and certificates earned through correspondence study meet the requirements and criteria of 4.1.

6.6. An authorized officer of each institution not exempted from this chapter shall sign a statement that:

6.6.1. discloses whether the institution, or any owner, administrator, faculty, staff, or agent of the institution has violated laws, federal regulations or state rules related to the operation of educational institutions as determined in a criminal, civil or administrative proceeding within five years preceding the filing of the registration statement; and

6.6.2. the information which the institution has provided in its registration statement is true and correct.

6.7. Upon receipt of a registration statement and its attachments, the board, within thirty (30) days, shall either issue a certificate, request further information or conduct a site visit to the institution as detailed in subsection 11.1.

6.8. A certificate of registration shall be issued by the board, if after review of an institution's registration statement, it is satisfied that the interests of the public will be served. This certificate is valid until it expires or is renewed, supplemented, canceled, or forfeited.

6.9. A registered institution shall notify the Board of circumstances that will result in a change in any information contained on the certificate, including name, type of institution, ownership or management, exemption status, academic programming, facilities, new or additional locations, etc. The Board shall determine whether the change necessitates a new registration application.

6.10. An institution ceasing its operations shall inform the board and provide the board with student records in accordance with 53B-5-109.

R765-171-7. Rules Relating to 53B-5-107.

7.1. An authorized officer of the institution to be registered under this chapter shall sign a certificate as to whether the institution or an owner, administrator, faculty, staff, or agent of the institution has violated laws, federal regulations or state rules as determined in a criminal, civil or administrative proceeding.

7.2. The Board shall refuse to register an institution when it determines that the institution or an owner, administrator, faculty, staff, or agent of the institution has violated laws, federal regulations or state rules as determined in a criminal, civil or administrative proceeding and as a consequence of such violation(s) the Board determines the violation(s) to be relevant to the appropriate operation of the school and has a reasonable doubt that the institution will function in accordance with these laws and rules or provide students with an appropriate learning experience.

7.3. A change in the ownership of an institution, as defined in subsection 53B-5-103(8), occurs when there is a merger or change of ownership or partnership or stock or assets of more than 50 percent within a three-year period. When this occurs the following information is submitted to the board for its review:

7.3.1. a copy of any new articles of incorporation;

7.3.2. a current financial statement, as outlined in subsection 7.9;

7.3.3. a listing of all institutional personnel that have changed as a result of the ownership transaction, together with complete resumes and qualifications;

7.3.4. a detailed description of any material modifications to be made in the operation of the institution; and

7.3.5. payment of the appropriate fee.

7.4. Procedures for filing a renewal application consist of:

7.4.1. the board will notify the institution approximately sixty (60) days prior to the expiration date of its certificate of registration of the requirements for re-registration;

7.4.2. prior to thirty (30) days before expiration date, the institution shall submit the new registration statement with its attachments to the board, along with the appropriate fee.

7.4.3. within thirty (30) days after receipt of the new registration form and its attachments, the board shall either issue a certificate, request further information or conduct a site visit to the institution; and

7.4.4. when all requirements have been satisfied, a new certificate shall be issued.

7.5. If an institution fails to comply with the requirements to re-register stated above, its registration may be suspended or revoked.

7.6. To be reinstated an institution must submit evidence of compliance, together with payment of a penalty fee of $50, in addition to any other fees owed in accordance with 7.8.

7.7. Although a certificate of registration is valid for two (2) years, the board may request periodic updates of financial statements and the following statistical information:

7.7.1. number of students enrolled from September 1 through August 31;

7.7.2. number of students who completed and received a credential;

7.7.3. number of students who terminated or withdrew;

7.7.4. number of administrators, faculty, supporting staff, and agents; and

7.7.5. new catalog, information bulletin, or supplements.

7.8. The board collects the following fees in accordance with Section 53B-5-107(5):

7.8.1. initial registration application fees will be based on the expected gross income of the registered program during the first year of operation. The initial application fee shall be computed as one-half of one percent of the gross tuition income of the registered program(s) expected during the first year, but not less than $100 or more than $1,000. The institution shall provide documentation to substantiate the amount of the fee, in a form specified by the Board.

7.8.2. the board also collects annual registration fees computed as one-half of one percent of the gross tuition income of the registered program(s) during the previous year, but not less than $100 or more than $1,000. The institution shall provide documentation to substantiate the amount of the fee, in a form specified by the Board. The annual registration fee is due on the anniversary date of the institution's certificate of registration.

7.8.3. All registration fees collected by the Board will be used to enhance the administration of the Act and Rules.

7.9. The institution must have, in addition to other criteria contained in this chapter, sufficient financial resources to fulfill its commitments to students and staff members, and to meet its other obligations as evidenced by the following financial statements:

7.9.1. a current financial report prepared in accordance with generally accepted accounting principles including a balance sheet and an income statement for the most recent fiscal year with all applicable footnotes;

7.9.2. pro forma financial statements until actual information is available when an institution has not operated long enough to complete a fiscal year; and/or

7.9.3. a certified fiscal audit of its operations or such other documentation of financial status as may be required by the board.

7.10. Before an institution is registered or re-registered, a surety bond must be provided by the institution. The obligation of the bond will be that the institution, its officers, agents, and employees will (1) faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the institution and persons enrolling as students, and (2) conform to the provisions of the Utah Postsecondary Proprietary School Act and Rules. The bond must be executed by the institution and issued by a surety company authorized to do business in Utah. The bond must be payable to the Board, in such form as approved by the Board, and is to be used only for payment of a refund of tuition, book fees, supply fees, equipment fees, and other instructional fees due to a student or potential student, enrollee, or his or her parent or guardian.

7.11. The bond company may not be relieved of liability on the bond unless it gives the institution and the Board ninety calendar days notice by certified mail of the company's intent to cancel the bond. The cancellation or discontinuance of bond coverage after such notice does not discharge or otherwise affect any claim filed by a student, enrollee or his/her parent or guardian for damage resulting from any act of the institution alleged to have occurred while the bond was in effect, or for an institution's ceasing operations during the term for which tuition had been paid while the bond was in force. If at any time the company that issued the bond cancels or discontinues the coverage, the institution's registration is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage unless a replacement bond is obtained and provided to the Board.

7.12. Before an original registration is issued, the institution shall secure and submit to the Board a surety bond in an amount of seventy-five thousand dollars ($75,000) for schools expecting to enroll more than 100 separate individual students (non-duplicated enrollments) during the first year of operation, fifty thousand dollars ($50,000) for schools expecting to enroll between 50 and 99 separate individual students during the first year, and twenty-five thousand dollars ($25,000) for institutions expecting to enroll less than 50 separate individual students during the first year. Institutions that submit evidence acceptable to the board that the school's gross tuition income from any source during the first year will be less than ten thousand dollars ($10,000) may provide a bond of five thousand dollars ($5,000) for the first year of operation.

7.13. The minimum amount of surety bond to be submitted annually after the first year of operation will be based on ten percent of the annual gross tuition income from registered program(s) for the previous year, with a minimum bond amount of five thousand dollars ($5,000) and a maximum bond amount of seventy-five thousand dollars ($75,000). The institutional surety bond must be renewed each year by the anniversary date of the school's certificate of registration, and also included as a part of each two-year application for registration renewal. No additional programs may be offered without appropriate adjustment to the bond amount.

7.14. The institution shall provide a statement by a school official regarding the calculation of gross tuition income and written evidence confirming that the amount of the bond meets the requirements of this rule. The Board may require that such statement be verified by an independent certified public accountant

if the Board determines that the written evidence confirming the amount of the bond is questionable.

7.15. Instead of the surety bond, the institution may pledge certificates of deposit, irrevocable letters of credit, or other means of collateral acceptable to the Board, in an aggregate market value of the required bond.

7.16. An institution with a total cost per program of five hundred dollars or less [~~and~~]or a length of each such program of less than one month shall not be required to have a bond.

7.17. The board will not register a program at a proprietary institution if it determines that the educational credential associated with the program may be interpreted by employers and the public to represent the undertaking or completion of educational achievement that has not been undertaken and earned.

7.18. Acceptance of registration statements and the issuing of certificates of registration to operate a school signifies that the legal requirements prescribed by statute and regulations have been satisfied. It does not mean that the board supervises, recommends, nor accredits institutions whose statements are on file and who have been issued certificates of registration to operate.

R765-171-8. Rules Relating to 53B-5-108.

8.1. The information required by 53B-5-108(1) shall be contained in the institution's catalog or information bulletin as set forth in subsection 4.4.

8.2. An institution, as part of its assessment for enrollment, shall consider the applicant's basic skills, aptitude, and physical qualifications, as these relate to the choice of program and to anticipated employment and shall not admit a student to a program unless there is a reasonable expectation that the student will succeed, as prescribed by 4.3.

8.3. Financial dealings with students shall reflect standards of ethical practice and provide for the following:

8.3.1. a three-day cooling-off period, commencing with the day the contract with the applicant is signed until midnight of the third business day following such date, exclusive of Sundays and holidays, during which time the contract may be rescinded.

8.3.2. a fair and equitable refund policy including:

8.3.2.1. a three-business-day cooling-off period, commencing with the day an enrollment agreement with the applicant is signed or an initial deposit or payment toward tuition and fees of the institution is made, until midnight of the third business day following such date or from the date that the student first visits the institution, whichever is later, during which time the contract may be rescinded and all monies paid refunded. Evidence of personal appearance at the institution or deposit of a written statement of withdrawal for delivery by mail or other means shall be deemed as meeting the terms of the cooling off period.

8.3.2.2. a student enrolled for non-traditional instruction may withdraw from enrollment following the cooling off period, prior to submission by the student of any lesson materials or within a ten-day review period after receipt of course materials, whichever comes first, and effective upon deposit of a written statement of withdrawal for delivery by mail or other means, and the institution shall be entitled to retain no more than $200 in tuition or fees as registration charges or an alternative amount that the institution can demonstrate to have been expended in preparation for that particular student's enrollment.

8.3.2.3. after the three-business-day cooling-off period or after a student enrolled for non-traditional instruction has submitted lesson materials or been in receipt of course materials for a period of ten days, the withdrawn or dismissed student shall be refunded, within thirty days of his/her discontinuing, a percentage of all tuition paid over and above a nonrefundable registration fee not to exceed $200 or an alternative amount that the institution can demonstrate to have been expended in undertaking that particular student's instruction. The balance due the student, over and above the nonrefundable registration fee will be calculated using the following schedule:

TABLE

Date of Withdrawal as a Percent of the Enrollment Period for Which the Student was Obligated	Portion of Tuition and Fees Obligated and Paid that are Eligible to be Retained by the Institution
Within 1st 10%	10%
Within 2nd 10%	25%
Within 3rd 10%	40%
Within 4th 10%	50%
Within 5th 10%	70%
Within 6th 10%	100%

8.3.3. a written enrollment agreement, to be signed by the student and a representative of the institution, that clearly describes the cooling-off period, nonrefundable registration fee, and refund policy and schedule, including the rights of both the student and the institution, with copies provided to each, and[~~.~~]

8.3.4. complete written information on repayment obligations to all applicants for financial assistance before an applicant student assumes such responsibilities.

8.3.5. A pay-as-you-learn payment schedule that limits the unescrowed collection of prepaid or unearned tuition and fees to six months of training, plus registration or start-up costs not to exceed $200 or an alternative amount that the institution can demonstrate to have spent in undertaking a student's instruction.

8.4. Following the satisfactory completion of his or her training and education, a student is provided with appropriate educational credentials that show the program in which he or she was enrolled, together with a transcript of courses completed and grades or other performance evaluations received.

8.5. No institution shall use the designation of 'college' nor 'university' in its title nor in conjunction with its operation unless it actually confers a standard college degree as one of its credentials.

8.5.1. Such an institution which has, prior to the effective date of this chapter, used the designation of 'college' or 'university' in its title or in conjunction with its operation, may continue that practice.

8.5.2. The name of the institution shall not contain any reference that could mislead potential students or the general public as to the type or nature of its educational services, affiliations or structure.

8.6. Advertising standards consist of the following:

8.6.1. the institution's chief administrative officer assumes all responsibility for the content of public statements made on behalf of the institution and instructs all personnel, including agents, as to this chapter and other appropriate laws regarding the ethics of advertisement and recruitment;

8.6.2. advertising shall be clear, factual, supportable, and shall not include any false or misleading statements with respect to the

institution, its personnel, its courses and programs, its services, nor the occupational opportunities for its graduates;

8.6.3. the institution shall not advertise in conjunction with any other business or establishment, nor advertise in "help wanted" nor in "employment opportunity" columns of newspapers, magazines or similar publications in such a way as to lead readers to believe that they are applying for employment rather than education and training. It must disclose that it is primarily operated for educational purposes, if this is not apparent from its legal name;

8.6.4. an institution, its employees and agents, shall refrain from other forms of ambiguous or deceptive advertising, such as:

8.6.4.1. claims as to endorsement by manufacturers or businesses or organizations until and unless written evidence supporting this fact is on file; and

8.6.4.2. representations that students completing a course or program may transfer either credits or credentials for acceptance by another institution, state agency, or business, unless written evidence supporting this fact is on file;

8.6.5. an institution shall maintain a file of all promotional information and related materials for a period of three (3) years;

8.6.6. the board may require an institution to submit its advertising prior to its use; and

8.6.7. pursuant to subsections 53B-5-107(8) and 7.11, the only statement authorized for use in advertising is 'Registered under the Utah Postsecondary Proprietary School Act. UCA 53B-5-107(8)'.

8.7. Recruitment standards include the following:

8.7.1. recruiting efforts shall be conducted in a professional and ethical manner and free from 'high pressure' techniques; and

8.7.2. an institution shall not use loans, scholarships, discounts, or other such enrollment inducements, where such result in unfair or discriminatory practices.

8.8. An agent or sales representative may not be directly or indirectly portrayed as 'counselor,' 'advisor,' or any other similar title to disguise his or her sales function.

8.9.[~~-~~] an agent or representative is responsible to have a clear understanding and knowledge of the programs and courses, tuition, enrollment requirements, enrollment agreement, support services, and the general operational procedures thereof;

8.10. An institution is responsible to provide indemnification to any student suffering loss as a result of any fraud or other form of misrepresentation used by an agent in the recruitment process.

8.11. An institution operating in Utah but domiciled outside the state shall designate a Utah resident as its contact as set forth in subsection 6.4.2.

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KEY: education, postsecondary proprietary school*, registration
2000 53B-5
Notice of Continuation December 3, 1997

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 responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Environmental Quality, Air Quality
R307-170
Continuous Emission Monitoring Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23090
FILED: 08/07/2000, 11:00
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-2-104(1)(c)(i) allows the Air Quality Board to make rules as necessary requiring installation, maintenance and operation of emission monitoring devices.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: COMMENT 1: CORRECTION OF TYPOGRAPHICAL ERRORS: R307-170-5(1)(b) refers to "unavoidableD breakdown;" it should be "unavoidable." In the first sentence of R307-170-8, correct typo: "Each source IS subject to..." The last sentence of R307-170-9(6)(a) should read: ...only when accurate emission data ARE being reported. RESPONSE: We will correct these. Other changes are made in R307-170-5(1)(b) due to Comment #4 below.
COMMENT 2: In R307-170-4, the term Excess Emissions is defined to include emissions resulting from a) failure to curtail or reduce production..., b) bypassing control equipment..., or c) failure to maintain control equipment in good operating condition. This definition has the effect of leaving out excess emissions resulting from loss of externally supplied electrical power, and thus those emissions would not be reported in the Excess Emission Report. Is that intended? In addition, the definition is confusing when considered with the definition of "breakdown" in R307-101-2 and the requirements of the Unavoidable Breakdown rule, R307-107-1 which reads: "Breakdown means any malfunction or procedural error...causing emissions in excess of those allowed by approval order or title R307...If excess emissions are predictable, they must be authorized under the variance procedure in R307-102-4." Thus a source could be required to report breakdown emissions under R307-107-2 but not under R307-170-9. Further, the proposed definition of "Excess Emissions" would require a source to get a variance for predictable activities fitting in categories a, b, and c above. We recommend retaining the "Excess Emissions" definition as it is presently.
COMMENT 3: The definition of "Excess Emissions" in R307-170-4 does not allow for the reporting of excess emissions or opacity occurring following an upset condition where the process is temporarily halted, but would not really be classified as offline. KUC currently reports these excess emissions, but classifies them as exempt since they do not fall under the old rule definition of "Nonexempt Exceedance," but they are included in the old definition of "Excess Emissions". We suggest you retain the definition of "Excess Emissions" in its current form and also retain the definition of Nonexempt Exceedance presently in the old rule. RESPONSE: Paragraphs a, b, and c should be removed. However, some modification to the existing definition is needed for consistency within the rule. The new definition should read: `"Excess Emissions" means the amount by which recorded emissions exceed those allowed by approval orders, operating permits, the State Implementation Plan, or any other provision of R307.'
COMMENT 4: The term "unavoidable breakdown" should be defined in the rule. RESPONSE: The term "unavoidable breakdown" appears once in R307-170-5 General Requirements of the new rule and refers to monitor breakdowns. The word "unavoidable" should be struck from the rule, and the rule should specify that it applies to CMS (Continuous Monitoring System) breakdowns, not breakdowns of other equipment. Therefore language from 40 CFR 51 Subsection 1.4 should be used in order to specify under what conditions a breakdown will not constitute a violation of the rule. The word "outage" should be changed to "unavailability" to be consistent with the definitions. It also

needs to be clear that the exemption includes quality assurance under R307-170 not required by 40 CFR 60.13. The rule should read as follows: "(b) a monitor's unavailability due to calibration checks, zero and span check, or adjustments required in 40 CFR 60.13 or R307-170 will not be considered a violation of R307-170. (c) monitor unavailability due to continuous monitoring system breakdowns will not be considered a violation provided that the owner or operator of the source demonstrates, to the satisfaction of the executive secretary, that the malfunction was unavoidable and is being repaired as expeditiously as practicable." Other changes are made in R307-170-5(1) due to Comment #10 below.

COMMENT 5: We suggest revising the definition of Monitor Unavailability to clarify and be more consistent with the general requirements in R307-170-5. The proposed definition does not consider data lost due to quality assurance activities as unavailable, but under the general requirements of R307-170-5(1)(b) it appears this data loss would be reported as unavailable but would not be considered a violation. If the definition of "Monitor Unavailability" is followed as proposed, the data lost to calibration checks or zero and span adjustments would not even be reported as unavailable, making the general requirement confusing. We believe the intent of the condition is to report lost data due to calibrations and zero and span checks of gaseous monitoring systems, where minimum data capture is not met, but that data loss will be considered exempt when considering total data recovery for the system. Data loss when minimum data capture is still met will not even be reported, and data loss for daily calibrations of opacity monitors (usually only 6 - 12 minutes per day) will not be reported as unavailable. Data loss resulting from quarterly audits and calibrations of opacity monitors where significant data is lost (usually more than one hour) will be reported as unavailable, but will also be considered exempt when considering total data recovery for the system. We suggest the following revision of the definition of "Monitor Unavailability": `"Monitor Unavailability" means, except for short periods during daily quality assurance activities of opacity monitors (usually 6 to 18 minutes), any period in which the source of emissions is operating and the continuous monitoring system is: a) not operating or minimum data capture did not occur, b) not generating data, not recording data, or data is lost, c) out-of-control in the case of a continuous emissions monitor used for continuous compliance purposes.' RESPONSE: The Division of Air Quality (DAQ) is in agreement with this comment and the definition for "Monitor Unavailability" should be modified. The subparagraphs of this definition clearly show that if the monitor is not generating emission data it is unavailable. This means that time spent conducting quality assurance activities such as calibration checks and adjustments on the CMS would be reported, but that does not mean that the information would be used in an enforcement action against the source (see R307-170-5(1)(b)). It also means that if a monitor is removed from service while the source of emissions is operating the monitor is unavailable. Therefore the reference to calibration checks and zero and span adjustments should be removed from the definition. The definition for "Monitor Unavailability" should be modified to read: `"Monitor Unavailability" means any period in which the source of emissions is operating and the continuous monitoring system is: a. not operating or minimum data capture did not occur, b. not generating data, not recording data, or data is lost, or c. out-of-control in the case of a continuous emissions monitor used for continuous compliance purposes.'

COMMENT 6: The definition of "Summary Report" in R307-170-4 should be modified so that only excess emissions are required: `"Summary Report" means the summary of all monitor and excess emission information which occurred during a monitoring period.' RESPONSE: This is the intent in defining the term. The language in this definition should be changed to read "excess emission" instead of "emission."

COMMENT 7: One critical item has been omitted--the reference to 40 CFR 51 Appendix P. It should be added into R307-170-5(1): "Each source required to operate a continuous monitoring system is subject to the breakdown and operating requirements of 40 CFR 51 Appendix P and 40 CFR 60.13(b) through (j), except as follows:..." RESPONSE: The DAQ is attempting to create a CMS rule that meets the minimum requirements for continuous emission monitoring and recording as outlined in 40 CFR 51, Appendix P that each State Implementation Plan must include in order to be approved under the provisions of 40 CFR 51.165(b). Following is a summary of the relationship between R307-170 and the components of Appendix P. Section 1.0 - Purpose. Sets forth the minimum requirements for continuous emission monitoring and recording that each State implementation plan must include in order to be approved. 40 CFR 51 was used to establish minimum monitoring requirements found in R307-170. Subsection 1.1 - Applicability. R307-170 has adopted the applicability requirements of 40 CFR Part 51 Appendix P. Refer to R307-170-3 Applicability and R307-170-6 Minimum Monitoring requirements. Subsection 1.2 - Exemptions. R307-170-3 establishes exemptions, this section does not establish exemptions for sources scheduled for retirement. Subsection 1.3 - Extensions. R307-170 does not allow for reasonable extensions of the time provided for installation of monitors for facilities to meet the prescribed time frame (i.e., 18 months from plan approval). A source can apply for an extension by petitioning the Executive Secretary. Subsection 1.4 - Monitoring System Malfunction. R307-170-5 General Requirements provides guidance for monitor breakdowns/malfunctions, but does not exempt a source from reporting requirements. Section 2.0 - Minimum Monitoring Requirements. DAQ has adopted language from 40 CFR 51 Appendix P, Section 2.0 into R307-170-5. General Requirements. Section 3.0 - Minimum Specifications. This section requires all State plans to require owners or operators of monitoring equipment to conform with performance specifications set forth in Appendix B of Part 60. R307-170-5(5) General Requirements requires each source to install, operate, maintain and calibrate in accordance with applicable performance specifications found in 40 CFR 60 Appendix B and Appendix F. R307-170-7(6)(b) Performance Specifications requires sources to conform to all applicable monitoring requirements found in 40 CFR 60 and applicable performance specifications. R307-170 does not adopt alternative procedures as allowed in 40 CFR 51,

subsection 3.9. Section 4.0 - Minimum Data Requirements. R307-170-8 Record keeping was developed to meet all of Section 4.0 and 40 CFR 60.7 notification and record keeping requirements. Section 5.0 - Data Reduction. R307-170-7(1)(a) Performance Specification Audits requires sources to report in units of their emission standard, and does not stipulate the conversion factors and equations to be used. Section 6.0 - Special Consideration. R307-170-9 make special considerations for a source that encounters data capture and monitor availability problems.

COMMENT 8: R307-170-5(1) states that all continuous monitoring systems are subject to the requirements of 40 CFR 60.13(b) through (j). We believe that (b) and (c) are not universally applicable to all CMS because (b) and (c) apply to sources subject to New Source Performance standards (NSPS) and must conduct performance tests in accordance with 40 CFR 60.8. Not all CMS are installed on NSPS sources subject to 60.8 tests, and it appears to be inappropriate to include (b) and (c) in the general requirements portion of the rule. We recommend the following: "Each source required to operate a continuous monitoring system is subject to the requirements of 40 CFR 60.13(d) through (j)..." RESPONSE: The suggested change is made. R307-170-5(1) now reads: "Each source required to operate a continuous monitoring system is subject to the requirements of 40 CFR 60.13(d) through (j)..."

COMMENT 9: We believe the intent of R307-170-5(2) is for sources to monitor and record the required emissions data when the source is operating and not when the source is shut down. We propose the following to clarify: "Except for source shutdowns, each source shall monitor and record all emissions data during all phases of source operations. All phases of operations includes the process of starting-up, and shutting-down a source as well as operation during source upsets or malfunctions."

COMMENT 10: It is impractical to keep CEMs online during control equipment process malfunctions such as unavoidable breakdowns or maintenance periods, because the instruments are incapable of measuring high concentrations of sulfur in our raw untreated gas streams, and because leaving the monitors on-line during periods of elevated uncontrolled emission concentrations can cause serious damage to the monitoring equipment. The latter has serious potential to affect monitor availability once the control process is fully operational. Again it is our understanding that taking monitors off-line during a control equipment process malfunction does not constitute monitor unavailability provided that we conduct manual sampling in accordance with the methods previously agreed to by DAQ and Geneva Steel. We recommend that the language in R307-170-5(2) be clarified: "Each source shall monitor and record all emissions data during all phases of source operations, including start-ups, shutdowns, and process malfunctions, unless doing so in the absence of properly functioning control equipment would result in inaccurate data and potentially cause serious damage to the monitoring equipment. In cases during source operation where control processes are not operating and continuous monitoring is determined impractical, manual sampling methods can be applied to offset monitor unavailability." RESPONSE: The intent of R307-170-5(2) is to require a source to monitor during all phases that the regulated source of emissions is in operation. This should not be confused with the operation of control equipment, i.e., baghouses, amine plants, and tail gas incinerators. The word "shutdowns" found in R307-170-5(2) refers to shutting down the source of emissions and should not be confused with any period while the source of emissions is not operating. To clarify that alternative sampling methods may be used to supplement monitor unavailability, the applicable provision was moved from R307-170-9(4)(c) to R307-170-5(1)(d) and a provision for the Executive Secretary's approval of these methods was added. The phrase "as required in 40 CFR 60, Standards of Performance for New Stationary Sources" should be struck to allow sources that have minimum monitor data collection requirements to use alternative sampling methods to supplement monitor availability, and the sentence should be moved to R307-170-5(1)(d) to make the rule clearer: "(d) Each source with minimum continuous monitoring system data collection requirements, may conduct alternative sampling approved in writing by the Executive Secretary to supplement monitor availability requirements." R307-170-9(4)(c) should be changed to read: (c) "Alternative sampling methods approved in writing by the executive secretary may be used to supplement monitor availability and shall be reported by source, channel, start date and time, and end date and time, and may be used to offset monitor unavailability."

COMMENT 11: R307-170-5(3) creates a redundant reporting requirement. It states: "Each source shall notify the executive secretary by phone or facsimile of monitor availability in which six or more hours of valid monitoring data were lost." R307-170-9 already requires reporting monitor unavailability. The value of this is not apparent. We do not understand the significance of six hours since most emission limits are on a 24-hour basis. We recommend that R307-170-5(3) be deleted.

COMMENT 12: In R307-170-5(3), allowing 96 hours prior to notification seems unnecessary. It should be made as soon (within 24 hours) as the failure is identified. The state can then elect whether or not to 1) track the problem, 2) evaluate the cause of the problem, 3) the effectiveness of the fix, and 4) the validity of data preceding and following the failure. Notification is only communication of a problem and should demonstrate cooperative interaction with DAQ.

COMMENT 13: If the six-hour reporting requirement is retained in R307-170-5(3), then the definition of valid monitoring data must be addressed. We do not believe that data collected by a CEM during control process malfunctions would be considered valid monitoring data, and therefore notification of the executive secretary would not be required for periods in which six or more hours of monitoring data were lost as a result of bypassing the monitors during control equipment process malfunctions. If our interpretation is correct, then we believe the notifications and follow-up reporting required under the unavoidable breakdown provisions of R307-107 should be sufficient when CEM equipment is bypasses, and a second notification to the executive secretary would be unwarranted. RESPONSE: Comment 12 asks for more stringent reporting of monitor unavailability as it occurs while comment 11 and 13 ask for a relaxation of reporting, specifically notification when six

continuous hours of monitor unavailability occur. All sources are required to monitor all emissions generated during all phases that the regulated source of emissions is operating, this includes during control process malfunctions. When a monitor must be removed from service to protect the monitor from damage, it does not relieve the source from its monitoring responsibility. The rule allows the source to use an alternative sampling method which is approved in writing by the executive secretary to supplement monitor unavailability. If the monitor is removed from service while the regulated source of emissions is in operation and approved alternative sampling is not conducted the source must declare that monitoring was not conducted and report it in appropriate sections of the state electronic data report (SEDR) as monitor unavailability. Therefore, this notice requirement is not necessary and will be stricken from the rule; the following paragraphs are re-numbered.

COMMENT 14: Regarding R307-170-5(6), the use of strip chart recorders is archaic. Data acquisition and handling systems should be electronic and compatible with the electronic data reporting mechanism. RESPONSE: The DAQ agrees that strip chart recorders are archaic and should be replaced with better recording devices. The DAQ's intent is not to require upgrades of monitoring system equipment. The DAQ will allow the use of strip chart recorders that can provide the minimum data required in R307-170.

COMMENT 15: R307-170-5(8) states: "Any source that constructs two or more emission point sources which may interfere with visible emissions observations shall install a continuous opacity monitor to show compliance with visible emission limitations on each stack, duct or vent that has a visible emission limitation." The term interfere is not defined. This could require every stack, vent or duct at a facility with a visible emissions limitation to have an opacity monitor if two point sources interfere with one another. The requirement to install a continuous opacity monitor should apply where visible emission observations "Are" not feasible, not where they "may" not be feasible. The rule should allow for executive secretary discretion to waive the requirement in those cases where a monitor is not necessary or feasible even though unobstructed visible emissions observations are not possible. RESPONSE: R307-170-5(8), now re-numbered to R307-170-5(7), contains the existing language found in the old rule. The intent of this rule is to require monitoring only on stacks that have opacity limitations where method 9 visible emissions observations cannot be conducted because the plume is obscured or combined with a plume from other stacks. The DAQ has only imposed this rule on stacks which have opacity limitations and plume obscuration. To clarify this point the rule will be changed to say only "obstructed" stacks. The rule will now read: "(7) Any source that constructs two or more emission point sources which may interfere with visible emissions observations shall install a continuous opacity monitor to show compliance with visible emission limitations on each obstructed stack, duct or vent that has a visible emission limitation."

COMMENT 16: The last sentence in R307-170-7(1) talks about using a relative accuracy audit (RAA) each quarter for a dual range monitor. We think the intent is to use either RAA or a cylinder gas audit (CGA). It should be changed to read: "Each range of a dual range monitor shall be audited using a CGA or RAA at least three of the four calendar quarters."

COMMENT 17: The last sentence in R307-170-7(1) is confusing and implies a difference in auditing requirements for single and dual range monitors. In addition, it implies a RAA must be conducted in 3 out of 4 quarters for dual range monitors and a relative accuracy test audit (RATA) is required once each year. This effectively eliminates the possibility of performing a cylinder gas audit on a dual range monitor. We do not believe that was the intent and we propose a change in the language: "(1) Quarterly Audits. Each continuous emissions monitoring system shall be audited at least once each calendar quarter. Successive quarterly audits shall be conducted at least two months apart. A relative accuracy test audit shall be conducted at least once every four calendar quarters as described in the applicable performance specification of 40 CFR 60, Appendix B. (a) Relative accuracy shall be determined in units of the applicable emission limit. (b) An alternative relative accuracy test (cylinder gas audit or relative accuracy audit) may be conducted in three of the four calendar quarters in place of conducting a relative accuracy test audit, but in no more than three quarters in succession. Each range of a dual range monitor shall be audited if a cylinder gas audit is selected as the alternate relative accuracy test procedure."

COMMENT 18: In order to conduct a meaningful relative accuracy audit of a dual range monitor will it not be necessary for the facility to create a process-upset condition in order to obtain meaningful results? Is this actually referring to a cylinder gas audit? Similarly, is it actually the intent of the rule to require a relative accuracy audit once each quarter (3 out of 4) for dual-range CEMS? If that is the case it seems that would result in significantly higher costs to facilities than estimated in the rule analysis form. RESPONSE: A relative accuracy audit is an inadequate method to challenge each range of a dual range monitor. The source must be allowed to conduct a cylinder gas audit on each range of a dual range monitor. R307-170-7(1) should be change to read: "(1) Quarterly Audits. Each continuous emissions monitoring system shall be audited at least once each calendar quarter. Quarterly audits shall be conducted at least two months apart. A relative accuracy test audit shall be conducted at least once every four calendar quarters as described in the applicable performance specification of 40 CFR 60, Appendix B. (a) Relative accuracy shall be determined in units of the applicable emission limit. (b) An alternative relative accuracy test (cylinder gas audit or relative accuracy audit) may be conducted in three of the four calendar quarters in place of conducting a relative accuracy test audit, but in no more than three quarters in succession. (c) Each range of a dual range monitor shall be audited using an alternative relative accuracy audit procedure."

COMMENT 19: R307-170-7(3) states that all nine runs of a RATA must be completed if a fourth run is started. This wording leads us to believe that once the test moves beyond the fourth run all nine runs must be completed. The assumption is that one could declare a monitor out-of-control at any time during the test, stop the test and declare the monitor out-of-control; if that is not clear add the following language: "...ninth acceptable test run or stop the test and

immediately declare the monitor out-of-control." RESPONSE: A source should be allowed to declare a monitor out-of-control at any point during a relative accuracy test. R307-170-7(3) should be changed to read: "...If the fourth test run is started, testing shall be conducted until the completion of the ninth acceptable test run or the source may declare the monitor out-of-control and stop the test."

COMMENT 20: It is not clear what the purpose of this allowance is. If a RATA is initiated and it becomes clear by the end of the third test that the source would fail, those results should be reported to the state as a RATA failure. It seems critical to the effectiveness of these rules that the state be aware of the frequency that CEMS in an "as found" condition fail RATAs. If a CEMS failed the first three runs of a RATA what can be deduced regarding the accuracy of preceding data for the past year and the effectiveness of general operating and maintenance provisions for the CEMS? By allowing the RATA to be terminated after three runs the state is effectively accepting unreliable data for up to 364 days per year. In many cases, examination of the preceding data can allow a determination of precisely when the malfunction occurred as well as an estimate of the approximate error of recorded data to be made. It should be required that the failure or forfeiture of the RATA be reported as well as the cause of the failure and a description of the corrective action taken. This allowance is essentially saying: "we don't care what the accuracy of the system has been as long as you can pass on the RATA day." RESPONSE: The purpose of R307-170-7(3) is to reduce the expense that sources may incur conducting pre tests to determine if the monitoring system will pass the RATA. The language of R307-170-7(3) was adopted from EPA's Acid Rain program. It is not believed that the accuracy of the monitor will be placed in jeopardy by doing this.

COMMENT 21: R307-170-7(5) requires all relative accuracy performance specification test results to be submitted to the executive secretary no later than 60 days after completion of the test. Based on requirements under the former version of this rule, it is our understanding that this section applies only to annual RATA testing and not to quarterly CGA testing. CGA results are summarized and communicated to DAQ in the appropriate section of the quarterly SEDR and do not require separate submittal within 60 days. RESPONSE: A source must also report the results of the RATA in the SEDR. The language in R307-170-7(5) is a little unclear. Results should be changed to "report." The rule should read: "The source shall submit all relative accuracy performance specification test reports to the executive secretary no later than 60 days after completion of the test. (a) Test reports shall include..."

COMMENT 22: R307-170-7(1) through (5) lists requirements for quarterly audits for continuous emission monitoring systems. The definition of continuous emission monitoring system in R307-170-4 does not include opacity monitoring systems; therefore we conclude that continuous opacity monitoring systems are not required to undergo quarterly audits, though they must conduct daily drift tests as required in R307-170-7(6). If this understanding is not correct, please clarify. RESPONSE: The rule does not require a source to conduct quarterly performance specification test audits on their opacity monitors.

COMMENT 23: The use of the term "continuous monitoring system" is incorrect in R307-170-7(6) since the requirement applies to a gaseous emission monitor system, as indicated by the use of the term, "known value of the reference standards gas..." It should be changed to read: "Each source operating a continuous monitoring system shall conduct a daily zero and span calibration drift test as required in 40 CFR 60.13(d). For continuous emission monitors the zero and span drifts shall be determined by using raw continuous monitoring system response to a know value of the reference standards gas..." RESPONSE: The intent is to require all CMS to have daily calibration drift tests. The term gas should be deleted from the rule. R307-170-7(6) should be changed to read: "...The zero and span drifts shall be determined by using raw continuous monitoring system responses to a known value of the reference standard."

COMMENT 24: There is an inconsistency in R307-170-7(6)(a) which should be amended as follows: "...monitor used for compliance which fails the daily calibration drift test as outlined in R307-170-4 shall be declared out-of-control and..." The definition of the end of the out-of-control period in R307-170-4 is different from the definition in 40 CFR 60 Appendix F. RESPONSE: The definition "Out-of-Control Period" should be struck from the rule. R307-170-7(6)(a) should be changed to read: "A monitor used for compliance which fails the daily calibration drift test as outlined in 40 CFR 60 Appendix F, Subpart 4, shall be declared out-of-control, and the out-of-control period shall be documented in the state electronic data report. The source shall make corrective adjustments to the system promptly. Continuous emission monitoring system data collected during the out-of-control period may not be used to determine emission rates, and monitoring during the out-of-control period may not be used for monitor availability."

COMMENT 25: R307-170-9(1)(a) requires each source to submit a complete state electronic data report in an electronic format specified by the executive secretary. Based on our experience so far with the state's electronic format, we are concerned that future upgrades may create compliance liabilities for sources. Chevron personnel spent a minimum of 100 hours debugging early versions and bought new software to submit the reports. Later versions of the state report did not use that software. We have spent over $5000 since 1993 debugging and adapting our reporting procedures to be consistent with the state's format. We believe the rule should be modified so that all parties have the opportunity to contribute to future changes in the format: "Each source required to install a continuous monitoring system shall submit a complete report in an electronic format approved by the Board following a 30 day public comment period."

COMMENT 26: The current electronic format has not undergone public review and comment; we suggest a modification of the rule to require this. RESPONSE: The term "ASCII" should be included in R307-170-9. Staff appreciate the effort and expense by Chevron and other sources to implement an electronic submittal of the report. Changes in software and hardware are expensive for us too; we settled on an ASCII comma-delimited format because it is more compatible with the variety of software and hardware in use today and expected to be in use for the future. Before

proposing this language, staff have verified that all affected sources have the capability to report in the ASCII format. We will not propose changes in format without using consultative meetings with the regulated community, as we did to develop this format. The new rule should read: "Each source required to install a continuous monitoring system shall submit the state electronic data report including all information specified in (2) through (10) below. Each source shall submit a complete, unmodified report in an electronic ASCII format specified by the executive secretary." The reporting requirements required in this rule were developed from federal guidance in 40 CFR 51, Appendix P Subsection 4.0 Minimum Data Requirements, 40 CFR 60.7 Notification and Record Keeping, and applicable subparts.

COMMENT 27: R307-170-9(1)(b) determines whether a partial or full quarterly report is required based on percent of operating time. Reduced reporting should be allowed not only on a percentage basis but also on a time duration basis. With this language, a source which operated 4 days would be required to submit a full report if the total duration of excess emissions exceeded one hour (or if the monitor was unavailable for more than 5 hours). We recommend that reduced reporting be allowed for all emission sources that operated less than 10 days in a quarter. RESPONSE: The language found in R307-170-9(1)(b) is adapted from federal guidance. See 40 CFR 60.7 Notification and Record Keeping. No guidance for reduced reporting based on a time of operation has been developed. There is concern that allowing a source to reduce reporting based on minimum time may hide problems that the DAQ should be aware of. For example, if a source were to operate for a short period of time which would qualify them to submit a reduced report, but the majority of time had excess emissions they would not have to document the events inhibiting a thorough investigation. The DAQ does not feel that reducing reporting requirements based on time of operation is justifiable.

COMMENT 28: R307-170-9(1)(d) states: "The executive secretary may, with a written finding of cause, require a source to install equipment to collect and submit continuous real time data directly to the executive secretary." We have 4 objections to this requirement. First, the purpose of this rule as stated in R307-170-1 is to establish consistent requirements for all sources required to install a CEM, not to establish requirements specific to a single source. Second, if a source has a poor performance record, establishing a real time data requirement should be tied to an enforcement action and could be negotiated in the process of resolving that action. Third, the cost of a real time system is on the order of $500,000 as well as operating costs and would pose an enormous burden to the source with no economic benefit. Finally, all the data is collected and submitted quarterly, and is kept by the source for two years where it is available to the executive secretary. A real time data collection requirement is more stringent than that required under 40 CFR 60.7. The Division has not shown any technical or scientific justification for requiring a more stringent reporting requirement and therefore appears to be in violation of 19-2-106. We recommend that R307-170-9(1)(d) be deleted.

COMMENT 29: Regarding R307-170-9(1)(d), there should be a better definition or some boundaries set on what might trigger such a penalty since it could incur significant long-term costs to the facility. "Tampering" or repeated audit failures might be cited as automatic triggers.

COMMENT 30: R307-170-9(1)(d) is too general and difficult to interpret, and the potential monetary cost to sources is too high for inclusion of this condition in its present form. While an individual source may be required to report real time data directly to the Division as a condition of an enforcement action, it is unnecessary in the general provisions. The rule leaves unclear how with a written finding of cause is to be defined, as well as whether the rule applies to a source already operating a CEM or whether the rule could be applied to force a source to install a CEM as well as report data directly to the state. Unless this condition is clarified, we recommends it be deleted from this rule. If it is modified, we request the opportunity to review and comment prior to its implementation, as we considers this to be a significant change to the rule.

COMMENT 31: This requirement penalizes everyone subject to the rule in order to better manage a few sources who have demonstrated difficulty in CMS availability or operating within permit limits. DAQ already has enforcement authority to deal with those not demonstrating compliance. We are concerned about the process used to place this requirement into the proposed rule. A large group of industry representatives met with DAQ staff regularly over a long period to work out a proposed rule that will accomplish its purpose without undue burden to the regulated community. The real time data requirement was discussed and the group agreed it was better left out of the rulemaking. Including it seems to go against the process of cooperative scoping efforts that bring all stakeholders to the table. We urge that this be deleted. RESPONSE to 28-31: R307-170-9(1)(d) will be deleted from the rule.

COMMENT 32: In R307-170-9(6)(b)(ii), the need to include hours of startup and shutdown in the excess emission portion of the summary report is not evident. Emissions excursions in startup and shutdown periods appear to not qualify as excess emissions and therefore hour of startup and shutdown are not relevant to an excess emission report. We request that startup and shutdown hours be deleted from R307-170-9(6)(b)(ii). RESPONSE: Reporting of excess emissions generated during source start-up and shutdown are federally mandated. See 40 CFR 60.7 Notification and Record Keeping, and applicable subparts.

COMMENT 33: We appreciate that this new rule specifically exempts sources which operate CEMs for the sole purpose of generating emissions inventory data from the duplicative requirement to report excess daily emissions on the quarterly SEDR. It is our understanding that we will be required to submit only the summary portion of the SEDR during quarters when our CEM system downtime is less than 5% of the total operating time since we are not required to report excess emissions as a percentage of total operating time in our quarterly SEDR. When our CEM downtime is greater than 5% of the total operating time, we are required to submit all portions of the SEDR except the excess emission report required by R307-170(7)and the excess emissions summary report required by R307-170(6)(b). RESPONSE: We assume the intended citations are R307-170-9(7) and R307-170-9(6)(b), and agree with this interpretation of the rule.

COMMENT 34: The last sentence of R307-170-9(7)(a)(i) is misleading and can be misinterpreted: Our understanding is that when calculating the amount of time a source is in exceedance of an emission limit based on a rolling average, the duration is calculated and reported based on the update interval, not the averaging period of the limit. For example, the duration of an exceedance of a limit based on a rolling 3-hour average, updated hourly, is one hour. A new 3-hour average is calculated each hour. The maximum duration a source can be in exceedance during one calendar day is 24 hours. One could easily misinterpret the duration of the original exceedance to be 3 hours based on the proposed language. Taken a step further, a source could calculate a duration of 72 hours in exceedance in one day if the source exceeded the limit for the entire day. This is obviously incorrect. We recommend the following revision. "(7) Excess Emissions Report. (a) The magnitude and duration of all excess emissions shall be reported on an hourly basis in the excess emissions report. (i) The duration of excess emissions based on block averages shall be reported in terms of hours over which the emissions were averaged. Each source that averages opacity shall average it over a six minute block and shall report the duration of excess opacity in tenths of an hour. Sources using a rolling average shall report the duration of excess emissions in terms of the update interval of the rolling average (e.g. Duration of one hour for a rolling 3 hour average emissions limit updated hourly, or a duration of six minutes for a rolling 3-hour average opacity limit updated every 6 minutes.) (ii) Sources with multiple emission limitations per channel being monitored shall report the magnitude of excess emissions for each emission limitation." RESPONSE: The recommended change is more confusing than the existing language and doesn't take into account thirty-day rolling averages. R307-170-9(7)(a)(i) states: "The duration of excess emissions based on block averages shall be reported in terms of hours over which the emissions were averaged. Each source that averages opacity shall average it over a six minute block and shall report the duration of excess opacity in tenths of an hour. Sources using a rolling average shall report the duration of excess emissions in terms of the number of hours being rolled into the averaging period." This rule identifies two methods of averaging emissions, a block average and a rolling average. Block averaging averages emissions over a designated period of time, i.e., six minutes, hourly, three hours and so forth. Durations of excess emissions are then based on the amount of time the emission was averaged. That is to say, the duration of excess emissions averaged over one six-minute block would be reported as 0.1 hours, the duration of one three-hour block averaging time would then be three hours and so forth. Rolling averages are similar to block averages in that emissions are averaged over a specified block of time. The difference is that some emissions are being rolled into and out of the averaging time. Take, for example, a three hour rolling average. All of the emissions are averaged over a three hour period but as a new hour of emission data is generated it moves into the averaging period and the oldest hours of emission data is rolled out. The duration of the emissions is measured in terms of the amount of time rolled into the averaging period, i.e., the duration of a three hour rolling average that rolls one hour of emission data in and out of the three hour averaging period is one hour. The duration of an exceedance of a thirty day rolling average which rolls twenty-four hours of emission data would be twenty-four hours. At no time should a source report more hours of excess emissions than there are nor should a source under-report excess emissions.

COMMENT 35: A narrative description of each event of monitor unavailability or excess emissions as required in R307-170-9(10) appears unnecessary. A reason code is required by R307-170-9(7)(b). Requiring a narrative description defeats the purpose of the reason code, and is redundant. We request that R307-170-9(10) be deleted to minimize the reporting burden on sources. RESPONSE: The description of each event which is the cause of monitor unavailability or excess emissions is federally mandated. Without the description portion of the report the reason codes and action codes are meaningless. See 40 CFR 51, Appendix P 4.0 Minimum Data Requirements, 40 CFR 60.7 Notification and Record Keeping, and applicable subparts. The report was developed by the CMS regulated community.

COMMENT 36: Regarding monitor availability, the clarifications in the new rule are appropriate. This has been a source of confusion in the existing rule. Our understanding is that periods of manual sampling during control equipment breakdowns can be used to offset monitor unavailability. Continuous monitoring system outages or malfunctions are to be reported in the appropriate section of the SEDR but periods of monitor availability can be supplemented by using the manual sampling procedures previously agreed upon, and time during which manual sampling has been used to supplement monitor availability is not to be included in the total monitor downtime calculation in the summary section of the quarterly SEDR. RESPONSE: The DAQ agrees with this comment.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: 40 CFR Part 51, Appendix P and 40 CFR Part 60 require continuous emissions monitors for certain sources of air pollution. Rule R307-170 administers those requirements, allowing EPA to delegate new source permitting and enforcement to Utah.

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

Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-0099, or Internet E-mail at jmiller@deq.state.ut.us.

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

EFFECTIVE: 08/07/2000

Environmental Quality, Air Quality
R307-205
Emission Standards: Fugitive Emissions and Fugitive Dust

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 23089
FILED: 08/02/2000, 12:33
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-2-101(2) states: "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people..." Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source." These statutory provisions allow the Air Quality Board to enact Rule R307-205, which regulates emissions statewide from sand and gravel pits, construction and demolition sites, unpaved roads, mining activities, tailings piles and ponds, and fugitive emissions from sources outside Davis, Salt Lake, Utah, and Weber Counties.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Written comments were received only when Sections R307-205-1 through R307-205-4 were rewritten substantially, effective May 4, 1999, (DAR No. 21697, published in the December 15, 1998, issue of the *Utah State Bulletin*).

COMMENT 1: Our interest in this rule stems from our concern to protect visibility in the 5 Class I national parks in Utah (Arches, Bryce, Canyonlands, Capitol Reef, Zion). We have some reservations about the overall effectiveness of the rule based on the limited scope of the rule's applicability to certain fugitive dust generating sources. This rulemaking gives us the opportunity to inquire about the State's intent to assess the importance of all sources of fugitive dust that are in proximity to Class I areas in Utah, with particular emphasis on agricultural and horticultural activities. The Grand Canyon Visibility Transport Commission and its successor, the Western Regional Air Partnership, recognize that better information is needed to explain visual air quality conditions, and also to ensure equity in the treatment of all sources contributing to the problem. We request that you develop basic information regarding agricultural and horticultural activities and emissions as part of a comprehensive emissions inventory that will provide the basis for more informed air quality planning and sound management decisions. RESPONSE: Utah statute Section 19-2-114 specifies activities which are not in violation of the air quality statutes, and they include burning incident to agriculture and horticulture. Fugitive emissions and fugitive dust from these sources are not exempt under the statute, but they have always been exempt by rule, and the present proposals continue that practice. We are committed to collecting the information necessary to better understand the sources of visibility impairment in Class I areas. To that end, we have recently revised our rules for collecting emission inventories to require submission of information about ammonia emissions and other agricultural emissions. We expect to collect agriculture information from the U.S. Department of Agriculture, which keeps data by county. These new inventory provisions have been adopted by the Air Quality Board and will become effective on March 4, 1999.

COMMENT 2: In R307-205-2, it appears that sources constructed before 1971 are grandfathered from application of later regulations, and are allowed fugitive emissions of 40% opacity while newer sources are restricted to 20%. A source that has existed since before 1971 has had 27+ years to meet new standards. Grandfathered exemptions become an unfair advantage to a business. Can you include some time frame for the expiration of these advantages? I suggest 30% opacity for a few years, and then 20% like everyone else. RESPONSE: This needs further research before we attempt change it. We are not even sure how many of these sources remain. We intend to hold public meetings in outlying areas later to see if they want changes made in the rule applying to rural areas. These changes could be considered at that time.

COMMENT 3: In R307-205-3(2)(b)(iii), "and/or" is being changed to "and." In the current rule it is clear that either watering or chemical stabilization or both may be used to control dust, but the new language suggests that both must be used. A similar problem occurs in R307-205-6(2)(a) and (b). We suggest that you return to the original "and/or" or separate the items as follows to clarify that either may be used. "(b) The owner or operator of any land area greater than one-quarter acre in size that has been cleared or excavated shall take measures to prevent fugitive particulate matter from becoming airborne. Such measures may include: (i) planting vegetative cover, (ii) providing synthetic cover, (iii) watering, (iv) chemical stabilization, (v) wind breaks, and (vi) other equivalent methods or techniques approved by the executive secretary...(2) Any person owning or operating an existing tailings operation where fugitive dust results from grading, excavating, depositing, or natural erosion or other causes in association with such operation shall take steps to minimize fugitive dust from such activities. Such controls may include: (a) watering, (b) chemical stabilization, (c) synthetic covers, (d) vegetative covers, (e) wind breaks, (f) minimizing the area of disturbed tailings, (g)

restricting the speed of vehicles in and around the tailings operation, and (h) other equivalent methods or techniques which may be approvable by the executive secretary." RESPONSE: "And/or" is not appropriate construction in rulewriting language. Separating the items is a better idea.
COMMENT 4: Does R307-205-5, regarding mining activity, apply to our operations? We don't dig anything--we do solar evaporation. RESPONSE: Yes, you are subject to R307-205-5, and your approval order specifies your dust control requirements. You are, however, outside the area in which R307-309 is applicable.
COMMENT 5: In R307-205-3(2)(b), add additional control measures to the existing list: restricting speed of vehicles on site, restricting travel on site to authorized vehicles (make the site operator responsible to keep kids on dirt bikes off the site), and minimizing the area of disturbance. RESPONSE: We intend to hold public meetings in outlying areas later to see if they want changes made in the rule applying to rural areas. The present rule does not exclude these methods, and we do not want to be unnecessarily prescriptive.
COMMENT 6: In R307-205-4(1), 150 vehicle trips per day seems a very high trigger. That's one every ten minutes, and if they are round trips, one every five minutes. That's a busy unpaved road to me. How about one an hour, or 25? Such a trigger would allow regulation of speed and other effective actions to control dust. There should also be a requirement to review these actions periodically, perhaps every five or ten years, so that the state isn't stuck with grand-fathered roads that are problematic. RESPONSE: That provision has remained since the rule was written many years ago. Traffic is counted as a single vehicle passing a given point, so a round trip is counted as two trips. Reviewing the number of trips per day is best handled at the local level; if residents along the road believe there is too much dust from traffic, they can make a traffic count and request action. It is not so much the number of vehicles which is a problem--type of vehicle and speed contribute toward creating dust. We intend not to change that provision now. However, after we finish revising the rule for the urban counties, we intend to hold public meetings in outlying areas to see if they want changes made in the rule applying to rural areas.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Blowing dust from aggregate operations and construction sites has been the largest source of complaints to the Division of Air Quality in recent years. In addition, the rule has been approved by EPA as part of Utah's New Source Review program, and as part of the State Implementation Plan for PM10.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-0099, or Internet E-mail at jmiller@deq.state.ut.us.

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

EFFECTIVE: 08/02/2000

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Environmental Quality, Drinking Water
R309-150
Water System Rating Criteria

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 23099
FILED: 08/10/2000, 09:32
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-4-104 authorizes the Drinking Water Board to adopt rules to regulate public water systems with regard to water quality, monitoring, reporting and record keeping; the design, construction and maintenance of public water systems; protecting watersheds and water sources and granting variances and variances. This rule is a mechanism to measure the compliance of public water systems with regard to the requirements of existing rules. This rule does not add any additional 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 have been received by the Division with regard to this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will be instrumental in the prioritization of technical assistance and enforcement action with regard to the public water systems that are in noncompliance with: water quality, monitoring, reporting and record keeping requirements; the design, construction and maintenance requirements; and watershed and water source protection requirements.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Environmental Quality
Drinking Water
150 North 1950 West

PO Box 144830
Salt Lake City, Utah 84114-4830, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ken Bousfield at the above address, by phone at (801) 536-4207 or (801) 536-0089, by FAX at (801) 536-4211, or Internet E-mail at kbousfiel@deq.state.ut.us or pfauver@deq.state.ut.us .

AUTHORIZED BY: Kevin W. Brown, Division Director and Executive Secretary of the Drinking Water Board

EFFECTIVE: 08/10/2000

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-19A

Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 23085
FILED: 08/02/2000, 08:01
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-18-2.1 creates the Division, "which shall be responsible for Implementing, organizing, and maintaining the Medicaid program and the Utah Medical Assistance Program established in Section 26-18-10, in accordance with the provisions of this chapter and applicable federal law." Section 28-18-2.3 notes that the Division shall establish, on a statewide basis, a program to safeguard against unnecessary or inappropriate use of Medicaid services, excessive payments, or unnecessary or inappropriate hospital services or lengths of stay. Section 26-1-5 notes that "the department shall have the power adopt, amend, or rescind rules necessary to carry out the provisions of this title."

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.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule must be continued because it establishes guidelines for the provision of dialysis services for Medicaid eligible individuals. It establishes procedural safeguards and requirements that apply to an identified group of individuals. The rule establishes the right to the service as well as limitations on the service. No opposing comments were received.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Urla Jeanne Maxfield at the above address, by phone at (801) 538-9144, by FAX at (801) 538-6099, or Internet E-mail at umaxfiel@email.state.ut.us.

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 08/02/2000

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-33

Targeted Case Management Services

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 23086
FILED: 08/02/2000, 08:01
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-18-2.1 creates the Division, "which shall be responsible for implementing, organizing, and maintaining the Medicaid program and the Utah Medical Assistance Program established in Section 26-18-10, in accordance with the provisions of this chapter and applicable federal law." Section 26-18-2.3 notes that the Division "shall establish, on a statewide basis, a program to safeguard against unnecessary or inappropriate use of Medicaid services, excessive payments, or unnecessary or inappropriate hospital admissions or lengths of stay." Section 26-1-5 notes that "the department shall have the power to adopt, amend,

or rescind rules necessary to carry out the provisions of this title."

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.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule must be continued because it establishes guidelines for the provision of targeted case management services to individuals eligible to receive Medicaid. It establishes procedural safeguards and requirements that apply to an identified group of individuals. This rule establishes the right to the service as well as limitations on the service. No opposing comments were received.

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jeff Dean at the above address, by phone at (801) 538-6638, by FAX at (801) 538-6099, or Internet E-mail at jdean@email.state.ut.us.

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 08/02/2000

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Health, Health Care Financing, Coverage and Reimbursement Policy

R414-33A

Targeted Case Management for the Chronically Mentally Ill

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23087
FILED: 08/02/2000, 08:01
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-18-2.1 creates the Division, "which shall be responsible for implementing, organizing, and maintaining the Medicaid program and the Utah Medical Assistance Program established in Section 26-18-10, on accordance with the provisions of this chapter and applicable federal law." Section 26-18-2.3 notes that the Division "shall establish, on a state-wide basis, a program to safeguard against unnecessary or inappropriate use of Medicaid services, excessive payments, or unnecessary or inappropriate hospital admissions or lengths of stay." Section 26-1-5 notes that "the department shall have the power to adopt, amend, or rescind rules necessary to carry out the provisions of this title."

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.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule must be continued because it establishes guidelines for the provision of targeted case management for chronically mentally ill individuals eligible to receive Medicaid. It establishes procedural safeguards and requirements that apply to an identified group of individuals. The rule establishes the right to the service as well as limitations on the service. No opposing comments were received.

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Ford at the above address, by phone at (801) 538-6637, by FAX at (801) 538-6099, or Internet E-mail at kford@email.state.ut.us.

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 08/02/2000

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

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

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

Agriculture and Food
Animal Industry
No. 22930 (AMD): R58-1. Admission and Inspection of Livestock, Poultry, and Other Animals.
Published: July 1, 2000
Effective: August 2, 2000

No. 22932 (AMD): R58-18. Elk Farming.
Published: July 1, 2000
Effective: August 2, 2000

No. 22933 (AMD): R58-20. Domesticated Elk Hunting Parks.
Published: July 1, 2000
Effective: August 2, 2000

No. 22934 (NEW): R58-21. Trichomoniasis.
Published: July 1, 2000
Effective: August 2, 2000

No. 22935 (NEW): R58-22. Equine Infectious Anemia (EIA).
Published: July 1, 2000
Effective: August 2, 2000

Environmental Quality
Air Quality
No. 22727 (AMD): R307-102-1. Air Pollution Prohibited.
Published: May 1, 2000
Effective: August 3, 2000

Drinking Water
No. 22731 (AMD): R309-102. Responsibilities of Public Water System Owners and Operators.
Published: May 1, 2000
Effective: August 15, 2000

No. 22883 (AMD): R309-200 (Changed to R309-110). Facility Design and Operation: Definitions.
Published: June 15, 2000
Effective: August 15, 2000

No. 22884 (AMD): R309-205 (Changed to R309-520). Facility Design and Operation: Disinfection.
Published: June 15, 2000
Effective: August 15, 2000

No. 22885 (AMD): R309-210 (Changed to R309-545). Facility Design and Operation: Drinking Water Storage Tanks.
Published: June 15, 2000
Effective: August 15, 2000

No. 22886 (AMD): R309-350 (Changed to R309-700). Utah Drinking Water Project Loan, Credit Enhancement, Interest Buy-Down, and Hardship Grant Program: Policies and Guidelines.
Published: June 15, 2000
Effective: August 15, 2000

Health
Health Care Financing, Coverage and Reimbursement Policy
No. 22921 (AMD): R414-304. Income and Budgeting.
Published: July 1, 2000
Effective: August 2, 2000

No. 22922 (AMD): R414-306. Program Benefits.
Published: July 1, 2000
Effective: August 2, 2000

Health Systems Improvement, Health Facility Licensure
No. 22852 (AMD): R432-300. Small Health Care Facility - Type N.
Published: June 1, 2000
Effective: August 8, 2000

Insurance
Administration
No. 22942 (AMD): R590-172. Notice to Uninsurable Applicants for Health Insurance.
Published: July 1, 2000
Effective: August 10, 2000

No. 22943 (AMD): R590-186. Bail Bond Surety Business.
Published: July 1, 2000
Effective: August 10, 2000

No. 22944 (NEW): R590-202. Condition-Specific Exclusion Riders in Individual Health Insurance Policies.
Published: July 1, 2000
Effective: August 10, 2000

Natural Resources
Wildlife Resources
No. 22972 (AMD): R657-6. Taking Upland Game.
Published: July 15, 2000
Effective: August 15, 2000

No. 22973 (AMD): R657-21. Cooperative Wildlife Management Units for Small Game and Waterfowl.
Published: July 15, 2000
Effective: August 15, 2000

No. 22974 (AMD): R657-28. Use of Division Lands - Rights-of-Way, Leases, and Special Use Permits.
Published: July 15, 2000
Effective: August 15, 2000

No. 22975 (AMD): R657-37. Cooperative Wildlife Management Units for Big Game.
Published: July 15, 2000
Effective: August 15, 2000

End of the Notices of Rule Effective Dates Section

Public Safety
Driver License
No. 22980 (NEW): R708-37. Certification of Licensed Instructors of Commercial Driver Training Schools to Administer Driving Skills Tests.
Published: July 15, 2000
Effective: August 15, 2000

Transportation
Motor Carrier
No. 22912 (AMD): R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.
Published: June 15, 2000
Effective: August 15, 2000

Motor Carrier, Ports of Entry
No. 22990 (NEW): R912-16. Special Mobile Equipment.
Published: July 15, 2000
Effective: August 16, 2000

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, 2000, including notices of effective date received through August 15, 2000, the effective dates of which are no later than September 1, 2000. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (http://www.rules.state.ut.us/).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
5YR = Five-Year Review
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
* = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
Facilities Construction and Management					
R23-2	Procurement of Architectural and Engineering Services	22821	5YR	05/04/2000	2000-11/101
Fleet Operations					
R27-1 (Changed to R27-10)	Identification Mark for State Motor Vehicles	22728	AMD	06/01/2000	2000-9/2
R27-2	Fleet Operations Adjudicative Proceedings	22807	NSC	05/23/2000	Not Printed
R27-10	Identification Mark for State Motor Vehicles	22808	NSC	06/26/2000	Not Printed
Fleet Operations, Surplus Property					
R28-1	State Surplus Property Disposal	22729	AMD	06/01/2000	2000-9/3
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	22809	NSC	05/23/2000	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Purchasing and General Services					
R33-3	Source Selection and Contract Formation	22678	AMD	06/15/2000	2000-6/3
R33-5	Construction and Architect-Engineer Selection	22679	AMD	06/15/2000	2000-6/10
R33-5-510	Application	22971	NSC	08/01/2000	Not Printed
Records Committee					
R35-2	Declining Appeal Hearings	22787	NSC	05/23/2000	Not Printed
AGRICULTURE AND FOOD					
Animal Industry					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	22930	AMD	08/02/2000	2000-13/3
R58-7-2	Definitions	22913	AMD	07/18/2000	2000-12/5
R58-14	Holding Live Racoons or Coyotes in Captivity	22905	AMD	07/18/2000	2000-12/5
R58-17	Aquaculture and Aquatic Animal Health	22931	5YR	06/15/2000	2000-13/73
R58-17-2	Definitions	22879	NSC	06/26/2000	Not Printed
R58-18	Elk Farming	22932	AMD	08/02/2000	2000-13/7
R58-20	Domesticated Elk Hunting Parks	22933	AMD	08/02/2000	2000-13/10
R58-21	Trichomoniasis	22934	NEW	08/02/2000	2000-13/11
R58-22	Equine Infectious Anemia (EIA)	22935	NEW	08/02/2000	2000-13/12
Plant Industry					
R68-2	Utah Commercial Feed Act Governing Feed	22753	NSC	05/01/2000	Not Printed
R68-8-7	Labeling of Agricultural Seed Varieties	22646	AMD	05/30/2000	2000-5/4
Regulatory Services					
R70-310	Grade A Pasteurized Milk	22657	5YR	02/10/2000	2000-5/64
R70-310	Grade A Pasteurized Milk	22658	AMD	04/03/2000	2000-5/5
R70-310-2	Adoption of USPHS Ordinance	22707	NSC	05/01/2000	Not Printed
R70-630	Water Vending Machine	22596	5YR	01/11/2000	2000-3/91
R70-630	Water Vending Machine	22597	AMD	03/03/2000	2000-3/5
ALCOHOLIC BEVERAGE CONTROL					
Administration					
R81-1-7	Disciplinary Hearings	22639	AMD	03/27/2000	2000-4/4
R81-1-12	Alcohol Training and Education Seminar	22752	NSC	05/01/2000	Not Printed
R81-1-12	Alcohol Training and Education Seminar	22812	AMD	07/03/2000	2000-10/4
CAPITOL PRESERVATION BOARD (STATE)					
Administration					
R131-1	Procurement of Architectural and Engineering Services	22572	NEW	03/13/2000	2000-2/5
R131-2	Capitol Hill Facility Use	22568	NEW	03/13/2000	2000-2/4
R131-7	State Capitol Preservation Board Master Planning Policy	22574	NEW	03/13/2000	2000-2/7

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
COMMERCE					
Administration					
R151-46b	Department of Commerce Administrative Procedures Act Rules	22761	AMD	06/01/2000	2000-9/4
Occupational and Professional Licensing					
R156-1-205	Advisory Peer Committees - Direct to Appoint with Concurrence of Board - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses	22587	AMD	02/15/2000	2000-2/8
R156-1-308a	Renewal Dates	22645	AMD	03/20/2000	2000-4/12
R156-17a	Pharmacy Practice Act Rules	22318	AMD	see CPR	99-17/10
R156-17a	Pharmacy Practice Act Rules	22318	CPR	02/15/2000	2000-2/17
R156-17a-602	Operating Standards - Pharmacy Intern - Scope of Practice	22738	NSC	05/01/2000	Not Printed
R156-24a-503	Physical Therapist Supervisory Authority and Responsibility	22734	NSC	05/01/2000	Not Printed
R156-26 (Changed to R156-26a)	Certified Public Accountant Licensing Act Rules	22887	AMD	07/18/2000	2000-12/7
R156-31b-304	Quality Review Program	22576	AMD	02/15/2000	2000-2/10
R156-31b-304	Quality Review Program	22663	NSC	02/24/2000	Not Printed
R156-31c-201	Issuing a License	22577	AMD	02/15/2000	2000-2/11
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	22725	5YR	04/06/2000	2000-9/183
R156-46b	Division Utah Administrative Procedures Act Rules	22861	AMD	07/06/2000	2000-11/6
R156-55b	Electricians Licensing Rules	22740	AMD	06/01/2000	2000-9/20
R156-55b	Electricians Licensing Rules	22966	NSC	08/01/2000	Not Printed
R156-55b-304	Continuing Education	22910	NSC	06/26/2000	Not Printed
R156-55c-102	Definitions	22965	NSC	08/01/2000	Not Printed
R156-55d	Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules	22878	NEW	07/18/2000	2000-12/18
R156-56	Utah Uniform Building Standard Act Rules	22398	AMD	see CPR	99-20/15
R156-56	Utah Uniform Building Standard Act Rules	22398	CPR	02/15/2000	2000-2/21
R156-56	Utah Uniform Building Standard Act Rules	22790	AMD	07/01/2000	2000-10/5
R156-56	Utah Uniform Building Standard Act Rules	22967	NSC	08/01/2000	Not Printed
R156-56-602	Factory Built Housing Dealer Bonds	22478	AMD	see CPR	99-22/7
R156-56-602	Factory Built Housing Dealer Bonds	22478	CPR	02/15/2000	2000-2/24
R156-56-706	Amendments to the IPC	22449	AMD	see CPR	99-21/7
R156-56-706	Amendments to the IPC	22449	CPR	01/18/2000	99-24/47
R156-56-706	Amendments to the IPC	22791	AMD	07/01/2000	2000-10/18
R156-56a	Recreational Vehicle Rules	22862	REP	07/06/2000	2000-11/7

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-57	Respiratory Care Practices Act Rules	22482	AMD	01/04/2000	99-23/13
R156-57-302a	Qualifications for Licensure - Examination Requirements	22701	AMD	05/02/2000	2000-7/6
R156-59	Employee Leasing Company Act Rules	22677	AMD	04/17/2000	2000-6/11
R156-59	Professional Employer Organization Act Rules	22786	NSC	07/10/2000	Not Printed
R156-59-302a	Qualifications for Licensure	22863	AMD	07/10/2000	2000-11/9
R156-60c	Professional Counselor Licensing Act Rules	22726	5YR	04/06/2000	2000-9/183
R156-61	Psychologist Licensing Act Rules	22588	AMD	02/15/2000	2000-2/12
R156-61-302e	Duties and Responsibilities of a Supervisor of Psychology Training and Mental Health Therapist Training	22735	NSC	05/01/2000	Not Printed
R156-63	Security Personnel Licensing Act Rules	22801	AMD	06/15/2000	2000-10/24
R156-63-302a	Qualifications for Licensure - Application Requirements	22736	NSC	05/01/2000	Not Printed
R156-65	Burglar Alarm Security and Licensing Act Rules	22737	NSC	05/01/2000	Not Printed
R156-65	Burglar Alarm Security and Licensing Act Rules	22888	REP	07/18/2000	2000-12/21
R156-66	Utah Professional Boxing Regulation Act Rules	22589	AMD	02/15/2000	2000-2/14
R156-71	Naturopathic Physician Practice Act Rules	22507	AMD	01/04/2000	99-23/14
R156-71-202	Naturopathic Physician Formulary	22700	AMD	05/02/2000	2000-7/7
R156-71-202	Naturopathic Physician Formulary	22792	AMD	06/15/2000	2000-10/26
Real Estate					
R162-6	Licensee Conduct	22514	AMD	01/27/2000	99-24/10
R162-10	Administrative Procedures	22624	AMD	03/20/2000	2000-4/14
R162-103	Appraisal Education Requirements	22768	AMD	06/01/2000	2000-9/21
R162-104	Experience Requirement	22769	AMD	06/01/2000	2000-9/23
R162-105	Scope of Authority	22770	AMD	06/01/2000	2000-9/25
R162-106	Professional Conduct	22626	AMD	03/20/2000	2000-4/16
R162-107	Unprofessional Conduct	22771	AMD	06/01/2000	2000-9/27
Securities					
R164-2	Investment Adviser - Unlawful Acts	22642	NEW	03/20/2000	2000-4/18
R164-4	Licensing Requirements	22643	AMD	03/20/2000	2000-4/29
R164-11	Registration Statement	22864	NSC	05/25/2000	Not Printed
R164-12	Sales Commission	22865	NSC	05/25/2000	Not Printed
R164-14	Exemptions	22644	AMD	03/20/2000	2000-4/20
R164-14	Exemptions	22866	AMD	05/25/2000	Not Printed
R164-26	Consent to Service of Process	22867	NSC	05/25/2000	Not Printed
CORRECTIONS					
Administration					
R251-101	Corrections Advisory Council Bylaws	22961	NSC	08/01/2000	Not Printed
R251-705	Inmate Mail Procedures	22962	NSC	08/01/2000	Not Printed
R251-710	Search	22963	NSC	08/01/2000	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
EDUCATION					
Administration					
R277-106	Professional Practices Advisory Commission Appointment Process	23003	NSC	08/01/2000	Not Printed
R277-400	Emergency Preparedness Plan	22945	AMD	08/01/2000	2000-13/18
R277-401	Child Abuse-Neglect Reporting by Education Personnel	23004	NSC	08/01/2000	Not Printed
R277-404	Year-Round School and Effective Facility Use Program	22563	REP	02/01/2000	2000-1/8
R277-430	Capital Outlay Equalization Qualification	22564	REP	02/01/2000	2000-1/10
R277-455	Standards and Procedures for Building Plan Review	22946	AMD	08/01/2000	2000-13/20
R277-459	Teachers' Supplies and Materials Appropriation	23007	5YR	07/12/2000	2000-15/27
R277-462	Comprehensive Guidance Program	22669	AMD	04/03/2000	2000-5/6
R277-464	Highly Impacted Schools	23008	5YR	07/12/2000	2000-15/27
R277-472	Reading Performance Improvement Awards Program	22593	NSC	01/25/2000	Not Printed
R277-472	Reading Performance Improvement Awards Programs	23005	NSC	08/01/2000	Not Printed
R277-473	Testing Procedures	22717	NEW	05/16/2000	2000-8/3
R277-501	Educator Licensing Renewal	22609	NEW	03/03/2000	2000-3/8
R277-501	Educator Licensing Renewal	22718	AMD	05/16/2000	2000-8/4
R277-507	Driver Education Endorsement	22528	AMD	02/01/2000	2000-1/11
R277-514	Board Procedures: Sanctions for Misconduct	22670	AMD	04/03/2000	2000-5/8
R277-514	Board Procedures: Sanctions for Misconduct	23006	NSC	08/01/2000	Not Printed
R277-520	Rule on the Appropriate Assignment of Teachers	23009	5YR	07/12/2000	2000-15/28
R277-520	Rule on the Appropriate Assignment of Teachers	23010	NSC	08/01/2000	Not Printed
R277-607	Truancy Prevention	22610	AMD	03/03/2000	2000-3/11
R277-702	Procedures for the Utah General Educational Development Certificate	22719	AMD	05/16/2000	2000-8/8
R277-716	Alternative Language Services (ALS)	22948	AMD	08/01/2000	2000-13/21
R277-750	Education Programs for Students with Disabilities	22949	AMD	08/01/2000	2000-13/23
R277-904	Applied Technology Center and Service Region Standards and Operating Procedures	22611	AMD	03/03/2000	2000-3/13
R277-916	Technology, Life, and Careers, and Work-Based Learning Programs	22950	AMD	08/01/2000	2000-13/24
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R307-102-1	Air Pollution Prohibited	22727	AMD	08/03/2000	2000-9/28
R307-110	General Requirements: State Implementation Plan	22623	NSC	02/25/2000	Not Printed
R307-110-19	Section XI, Other Control Measure for Mobile Sources	22553	AMD	02/10/2000	2000-1/14
R307-110-19	Section XI, Other Control Measures for Mobile Sources	22660	NSC	02/25/2000	Not Printed

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R307-121-2	Amount of Credit	22686	NSC	03/20/2000	Not Printed
R307-122-2	Amount of Credit	22687	NSC	03/20/2000	Not Printed
R307-150	Emission Inventories	22605	AMD	04/06/2000	2000-3/21
R307-170	Continuous Emission Monitoring Program	23090	5YR	08/07/2000	2000-17/79
R307-205	Emission Standards: Fugitive Emissions and Fugitive Dust	23089	5YR	08/02/2000	2000-17/86
R307-320	Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program	22724	5YR	04/05/2000	2000-9/184
R307-403-8	Offsets: Banking of Emission Offset Credit	22607	NSC	01/25/2000	Not Printed
R307-415-5a	Permit Applications: Duty to Apply	22606	AMD	04/06/2000	2000-3/23
R307-801	Asbestos	22668	R&R	see CPR	2000-13/67
R307-801	Asbestos	22668	CPR	08/01/2000	2000-13/67
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R309-102	Responsibilities of Public Water System Owners and Operators	22731	AMD	08/15/2000	2000-9/29
R309-113 (Changed to R309-600)	Drinking Water Source Protection	22732	AMD	06/12/2000	2000-9/30
R309-114 (Changed to R309-710)	Drinking Water Source Protection Funding	22709	AMD	06/12/2000	2000-8/9
R309-150	Water System Rating Criteria	23099	5YR	08/10/2000	2000-17/87
R309-200 (Changed to R309-110)	Facility Design and Operation: Definitions	22883	AMD	08/15/2000	2000-12/23
R309-205 (Changed to R309-520)	Facility Design and Operation: Disinfection	22884	AMD	08/15/2000	2000-12/24
R309-210 (Changed to R309-545)	Facility Design and Operation: Drinking Water Storage Tanks	22885	AMD	08/15/2000	2000-12/38
R309-302	Required Certification Rules for Backflow Technicians in the State of Utah	22730	5YR	04/10/2000	2000-9/185
R309-350 (Changed to R309-700)	Utah Drinking Water Project Loan, Credit Enhancement, Interest Buy-Down, and Hardship Grant Program: Policies and Guidelines	22886	AMD	08/15/2000	2000-12/42
R309-351 (Changed to R309-705	Utah Federal State Revolving Fund (SRF) Program	22711	AMD	05/16/2000	2000-8/11
R309-405	Compliance and Enforcement: Administrative Penalty	22604	NEW	04/17/2000	2000-3/25
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	22704	NEW	06/12/2000	2000-7/8
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	22927	NSC	06/27/2000	Not Printed
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R311-201-4	Eligibility for Certification	22762	AMD	07/17/2000	2000-9/39

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R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	22600	AMD	03/10/2000	2000-3/56
R313-22	Specific Licenses	22601	AMD	03/10/2000	2000-3/59
R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	22602	AMD	03/10/2000	2000-3/77
R313-34	Requirements for Irradiators	22603	AMD	03/10/2000	2000-3/86
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R315-1-1	Definitions	22537	NSC	01/25/2000	Not Printed
R315-1-1	Definitions	22772	AMD	07/15/2000	2000-9/43
R315-2	General Requirements - Identification and Listing of Hazardous Waste	22538	NSC	01/25/2000	Not Printed
R315-2	General Requirements - Identification and Listing of Hazardous Waste	22773	AMD	07/15/2000	2000-9/45
R315-2-9	Characteristics of Hazardous Waste	22653	NSC	02/25/2000	Not Printed
R315-2-9	Characteristics of Hazardous Waste	22794	NSC	05/25/2000	Not Printed
R315-3	Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	22539	NSC	01/25/2000	Not Printed
R315-3-20	Hazardous Waste Incinerator Plan Approvals	22654	NSC	02/25/2000	Not Printed
R315-5	Hazardous Waste Generator Requirements	22541	NSC	01/25/2000	Not Printed
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	22541	NSC	01/25/2000	Not Printed
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	22778	AMD	07/15/2000	2000-9/93
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R315-13	Land Disposal Restrictions	22544	NSC	01/25/2000	Not Printed
R315-16	Standards for Universal Waste Management	22545	NSC	01/25/2000	Not Printed
R315-16	Standards for Universal Waste Management	22780	AMD	07/15/2000	2000-9/47
R315-50	Appendices	22546	NSC	01/25/2000	Not Printed
R315-101	Cleanup Action and Risk-Based Closure Standards	22547	NSC	01/25/2000	Not Printed
R315-101	Cleanup Action and Risk-Based Closure Standards	22781	AMD	07/15/2000	2000-9/157
R315-111	Permit Approval For Solid Waste Disposal, Energy Recovery, And Incinerator Facilities	22856	AMD	07/15/2000	2000-11/15
R315-312-1	Applicability	22857	AMD	07/15/2000	2000-11/17
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R317-2	Standards of Quality for Waters of the State	22566	AMD	03/17/2000	2000-1/15
R317-2-13	Classification of Waters of the State	22860	AMD	08/01/2000	2000-11/24
R317-4	Onsite Wastewater Systems	22490	NEW	02/16/2000	99-23/16
R317-4	Onsite Wastewater Systems	22691	NSC	03/20/2000	Not Printed
R317-501	Individual Wastewater Disposal Systems	22491	REP	02/16/2000	99-23/45
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R317-503	Soil and Ground Water Requirements	22493	REP	02/16/2000	99-23/56
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R317-505	Septic Tanks	22495	REP	02/16/2000	99-23/59
R317-506	Discharge to Absorption System	22496	REP	02/16/2000	99-23/63
R317-507	Absorption Systems	22497	REP	02/16/2000	99-23/65
R317-508	Plan Information for Individual Wastewater Disposal Systems	22498	REP	02/16/2000	99-23/73
R317-509	Design, Installation, and Maintenance of Sewage Holding Tanks	22499	REP	02/16/2000	99-23/75
R317-510	Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions and Other Similar Developments	22500	REP	02/16/2000	99-23/77
R317-511	Percolation Test Requirements	22501	REP	02/16/2000	99-23/80
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R325-2-2	Selection of Exhibitors	22647	AMD	see CPR	2000-5/31
R325-2-2	Selection of Exhibitors	22647	CPR	06/05/2000	2000-8/32
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R331-9	Rule Prescribing Rules of Procedure for Hearings Before Commissioner of Financial Institutions of the State of Utah	22830	NSC	05/25/2000	Not Printed
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R333-10	Securities Activities of Subsidiaries and Affiliates of State-Chartered Banks	22831	NSC	05/25/2000	Not Printed
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R388-801	AIDS Testing and Reporting for Emergency Medical Services Providers Rule	22970	NSC	08/01/2000	Not Printed
R388-802	HIV Positive Student or School Employee Rule	22837	NSC	05/25/2000	Not Printed
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R414-11	Podiatry Services	22952	NSC	08/01/2000	Not Printed
R414-19A	Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility	23085	5YR	08/02/2000	2000-17/88
R414-21	Physical Therapy	22953	NSC	08/01/2000	Not Printed
R414-31	Inpatient Psychiatric Services for Individuals Under Age 21 in Psychiatric Facilities or Programs	22954	NSC	08/01/2000	Not Printed
R414-33	Targeted Case Management Services	22955	NSC	08/01/2000	Not Printed
R414-33	Targeted Case Management Services	23086	5YR	08/02/2000	2000-17/88
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R414-45	Personal Supervision by a Physician	22956	NSC	08/01/2000	Not Printed
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R414-58	Children's Organ Transplants	22529	AMD	02/17/2000	2000-1/29
R414-58	Children's Organ Transplants	22958	NSC	08/01/2000	Not Printed
R414-61	Home and Community Based Waivers	22513	NEW	see CPR	99-24/15
R414-61	Home and Community Based Waivers	22513	CPR	03/30/2000	2000-4/69
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R414-303	Coverage Groups	22378	CPR	01/26/2000	99-24/52
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R414-304	Income and Budgeting	22921	AMD	08/02/2000	2000-13/33
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R432-270	Assisted Living Facilities	22655	5YR	02/09/2000	2000-5/64
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R432-300	Small Health Care Facility - Type N	22852	AMD	08/08/2000	2000-11/39
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R460-1	Authority and Purpose	22682	5YR	02/23/2000	2000-6/46
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R477-4	Classification	22842	AMD	07/05/2000	2000-11/57
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R512-1	Description of Division Services, Eligibility, and Service Access	22876	AMD	07/19/2000	2000-12/49
R512-41	Qualifying Adoptive Families and Adoption Placement	22815	EMR	05/01/2000	2000-10/58
R512-41	Qualifying Adoptive Families and Adoption Placement	22877	AMD	07/20/2000	2000-12/51
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R527-10	Disclosure of Information to the Office of Recovery Services	22692	5YR	03/01/2000	2000-6/48
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R527-34-1	Non-AFDC Services	22628	AMD	03/24/2000	2000-4/42
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R527-394	Posting Bond or Security	22916	5YR	06/02/2000	2000-13/73
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R590-131	Disability Coordination of Benefits Rule	22640	CPR	06/29/2000	2000-10/51
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R590-140	Reference Filings of Rate Service Organization Prospective Loss Costs	22760	AMD	06/08/2000	2000-9/172
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R590-170	Fiduciary and Trust Account Obligations	22489	AMD	see CPR	99-23/88
R590-170	Fiduciary and Trust Account Obligations	22489	CPR	03/07/2000	2000-2/25
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R590-172	Notice to Uninsurable Applicants for Health Insurance	22941	5YR	06/15/2000	2000-13/74
R590-172	Notice to Uninsurable Applicants for Health Insurance	22942	AMD	08/10/2000	2000-13/46
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R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	22417	NEW	see CPR	99-20/28
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	22417	CPR	02/01/2000	99-24/53
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	22749	AMD	06/08/2000	2000-9/175
R590-197	Treatment of Guaranty Association Assessments as Qualified Assets	22416	NEW	01/25/2000	99-20/30
R590-197	Treatment of Guaranty Association Assessments as Qualified Assets	22621	NSC	02/25/2000	Not Printed
R590-198	Valuation of Life Insurance Policies Rule	22506	NEW	01/04/2000	99-23/90
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R606-5	Employment Agencies	22999	5YR	07/07/2000	2000-15/29
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R614-1-5	Adoption and Extension of Established Federal Safety Standards and State of Utah General Safety Orders	22766	NSC	05/01/2000	Not Printed
R614-1-5	Adoption and Extension of Established Federal Safety Standards and State of Utah General Safety Orders	22925	NSC	06/27/2000	Not Printed
R614-1-10	Discrimination	22672	NSC	03/20/2000	Not Printed
R614-6-1	Crushing, Screening, and Grinding Equipment	22926	NSC	06/27/2000	Not Printed

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R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	22590	NSC	01/25/2000	Not Printed
R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	22612	AMD	03/03/2000	2000-3/89
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R651-611	Fee Schedule	22474	AMD	01/03/2000	99-22/17
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R861-1A-36	Signatures on Tax Return Information Pursuant to Utah Code Ann. Sections 59-10-512 and 59-12-107	22802	AMD	06/21/2000	2000-10/44
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R865-6F-18	Corporations Exempt From The Franchise Tax Pursuant to Utah Code Ann. Section 59-7-105	22893	NSC	06/27/2000	Not Printed
R865-6F-19	Taxation of Trucking Companies Pursuant to Utah Code Ann. Sections 59-7-301 through 59-7-321	22894	NSC	06/27/2000	Not Printed
R865-6F-26	Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-7-608	22895	NSC	06/27/2000	Not Printed
R865-6F-27	Order of Credits Applied Against Utah Corporate Franchise Tax Due Pursuant to Utah Code Ann. Sections 9-2-413, 59-6-102, 59-7-104, 59-7-109, 59-7-109.5, 59-7-110, 59-7-110.5, 59-7-110.7, 59-7-110.8, 59-10-603, and 59-13-202	22896	NSC	06/27/2000	Not Printed
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R884-24P-44	Farm Machinery and Equipment Exemption Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-1101	22508	AMD	01/20/2000	99-23/107
R884-24P-57	Judgement Levies Pursuant to Utah Code Ann. Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330	22805	AMD	06/21/2000	2000-10/47
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R994-204	Included Employment	22721	5YR	04/04/2000	2000-9/187
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R994-315-105	Waiver of Penalty for Failure to Report	22614	AMD	04/21/2000	2000-4/66
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RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
5YR = Five-Year Review
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
* = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

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	22850	R477-12	AMD	07/05/2000	2000-11/82
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	22819	R652-70-2400	AMD	02/29/2000	99-21/47
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	22841	R477-3	NSC	07/05/2000	Not Printed
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	22686	R307-121-2	NSC	03/20/2000	Not Printed
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	22605	R307-150	AMD	04/06/2000	2000-3/21
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Administrative Services, Fleet Operations	22807	R27-2	NSC	05/23/2000	Not Printed
APPLIED TECHNOLOGY EDUCATION					
Education, Administration	22611	R277-904	AMD	03/03/2000	2000-3/13
APPRAISAL					
Tax Commission, Property Tax	23011	R884-24P	NSC	08/01/2000	Not Printed
	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
AQUACULTURE					
Agriculture and Food, Animal Health	22931	R58-17	5YR	06/15/2000	2000-13/73
	22879	R58-17-2	NSC	06/26/2000	Not Printed
ARCHITECTS					
Administrative Services, Facilities Construction and Management	22821	R23-2	5YR	05/04/2000	2000-11/101
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
ASBESTOS					
Environmental Quality, Air Quality	22668	R307-801	R&R	see CPR	2000-5/10
	22668	R307-801	CPR	08/01/2000	2000-13/67
ASBESTOS HAZARD EMERGENCY RESPONSE					
Environmental Quality, Air Quality	22668	R307-801	R&R	see CPR	2000-5/10
	22668	R307-801	CPR	08/01/2000	2000-13/67
ASSISTANCE					
Human Resources, Recovery Services	22937	R527-332	NEW	08/01/2000	2000-13/44
Natural Resources, Parks and Recreation	22869	R651-301	AMD	07/04/2000	2000-11/93
AVIATION SAFETY					
Transportation, Operations, Aeronautics	22810	R914-1	NSC	05/23/2000	Not Printed
	22811	R914-2	NSC	05/23/2000	Not Printed
BANKS AND BANKING					
Financial Institutions, Banks	22831	R333-10	NSC	05/25/2000	Not Printed
Human Resources, Recovery Services	22936	R527-928	AMD	08/01/2000	2000-13/45
BEAR					
Natural Resources, Wildlife Resources	22714	R657-33	AMD	05/17/2000	2000-8/23

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Workforce Services, Employment Development	22834	R986-418-812	NSC	05/25/2000	Not Printed
BIG GAME SEASONS					
Natural Resources, Wildlife Resources	22519	R657-5	AMD	see CPR	99-24/25
	22519	R657-5	CPR	02/01/2000	2000-1/66
	22880	R657-5	AMD	07/18/2000	2000-12/53
	22938	R657-5-15	AMD	08/01/2000	2000-13/55
BIRDS					
Natural Resources, Wildlife Resources	22520	R657-6	AMD	01/18/2000	99-24/35
	22972	R657-6	AMD	08/15/2000	2000-14/10
	22881	R657-15	5YR	05/22/2000	2000-12/59
	22651	R657-46	AMD	04/04/2000	2000-5/51
BOATING					
Natural Resources, Parks and Recreation	22613	R651-205	AMD	03/27/2000	2000-4/51
BOILERS					
Labor Commission, Occupational Safety and Health	22926	R614-6-1	NSC	06/27/2000	Not Printed
Labor Commission, Safety	22702	R616-2-3	AMD	05/09/2000	2000-7/15
	22782	R616-2-3	AMD	06/02/2000	2000-9/176
BONDING REQUIREMENTS					
Human Services, Recovery Services	22916	R527-394	5YR	06/02/2000	2000-13/73
Workforce Services, Workforce Information and Payment Services	22827	R994-308-106	NSC	05/25/2000	Not Printed
BONDS					
Treasurer, Unclaimed Property	22799	R966-1	NSC	05/23/2000	Not Printed
BOXING					
Commerce, Occupational and Professional Licensing	22589	R156-66	AMD	02/15/2000	2000-2/14
BROAD SCOPE					
Environmental Quality, Radiation Control	22601	R313-22	AMD	03/10/2000	2000-3/59
BUDGETING					
Health, Health Care Financing, Coverage and Reimbursement Policy	22703	R414-304	EMR	03/09/2000	2000-7/19
	22921	R414-304	AMD	08/02/2000	2000-13/33
BUILDING CODES					
Commerce, Occupational and Professional Licensing	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22790	R156-56	AMD	07/01/2000	2000-10/5
	22967	R156-56	NSC	08/01/2000	Not Printed
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18

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	22398	R156-56	CPR	02/15/2000	2000-2/21
	22790	R156-56	AMD	07/01/2000	2000-10/5
	22967	R156-56	NSC	08/01/2000	Not Printed
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18
BURGLAR ALARM					
Commerce, Occupational and Professional Licensing	22878	R156-55b	NEW	07/18/2000	2000-12/18
	22737	R156-65	NSC	05/01/2000	Not Printed
	22888	R156-65	REP	07/18/2000	2000-12/21
BURNS					
Natural Resources; Forestry, Fire and State Lands	22835	R652-120	5YR	05/09/2000	2000-11/102
CAPITAL OUTLAY EQUALIZATION					
Education, Administration	22564	R277-430	REP	02/01/2000	2000-1/10
CAPITOL-PRESERVATION					
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
CERTIFICATION					
Labor Commission, Safety	22702	R616-2-3	AMD	05/09/2000	2000-7/15
	22782	R616-2-3	AMD	06/02/2000	2000-9/176
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Tax Commission, Auditing	22758	R865-19S-103	AMD	06/21/2000	2000-9/181
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Education, Administration	23004	R277-401	NSC	08/01/2000	Not Printed
CHILD SUPPORT					
Human Services, Recovery Services	22555	R527-5	AMD	02/01/2000	2000-1/33
	22692	R527-10	5YR	03/01/2000	2000-6/48
	22487	R527-24	REP	01/10/2000	99-23/86
	22628	R527-34-1	AMD	03/24/2000	2000-4/42
	22656	R527-40	5YR	02/10/2000	2000-5/65
	22820	R527-67	5YR	05/03/2000	2000-11/102
	22868	R527-100	REP	07/05/2000	2000-11/90
	22556	R527-200	AMD	02/01/2000	2000-1/37
	22754	R527-200	NSC	05/01/2000	Not Printed
	22937	R527-332	NEW	08/01/2000	2000-13/44
	23030	R527-450	5YR	07/26/2000	2000-16/133
	22488	R527-475	AMD	01/10/2000	99-23/87
	22708	R527-475	5YR	03/24/2000	2000-8/34

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Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
	22876	R512-1	AMD	07/20/2000	2000-12/49
	22815	R512-41	EMR	05/01/2000	2000-10/58
	22877	R512-41	AMD	07/20/2000	2000-12/51
CIVIL PROCEDURE					
Human Services, Recovery Services	22755	R527-800	NSC	05/01/2000	Not Printed
COAL MINES					
Natural Resources; Oil, Gas and Mining; Coal	22906	R645-105	5YR	06/01/2000	2000-12/58
	22214	R645-301-500	AMD	see CPR	99-16/32
	22214	R645-301-500	CPR	02/01/2000	2000-1/64
	22907	R645-400	5YR	06/01/2000	2000-12/58
CODE OF CONDUCT					
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
COLLECTIONS					
Tax Commission, Auditing	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
COMPENSATORY TIME					
Human Resource Management, Administration	22846	R477-8	AMD	07/05/2000	2000-11/67
COMMUNICABLE DISEASES					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	22970	R388-801	NSC	08/01/2000	Not Printed
	22837	R388-802	NSC	05/25/2000	Not Printed
COMPULSORY EDUCATION					
Education, Administration	22610	R277-607	AMD	03/03/2000	2000-3/11
CONDUCT					
Commerce, Real Estate	22626	R162-106	AMD	03/20/2000	2000-4/16
	22771	R162-107	AMD	06/01/2000	2000-9/27
Professional Practices Advisory Commission, Administration	22504	R686-100	AMD	01/05/2000	99-23/96
	22671	R686-100	AMD	04/03/2000	2000-5/53
CONFIDENTIALITY					
Human Services, Recovery Services	22555	R527-5	AMD	02/01/2000	2000-1/33
CONFIDENTIALITY OF INFORMATION					
Environmental Quality, Air Quality	22727	R307-102-1	AMD	08/03/2000	2000-9/28
Human Resource Management, Administration	22840	R477-2	AMD	07/05/2000	2000-11/52
	22959	R477-2	NSC	07/05/2000	Not Printed
CONFLICT OF INTEREST					
Human Resource Management, Administration	22847	R477-9	AMD	07/05/2000	2000-11/76

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Natural Resources, Wildlife Resources	22881	R657-15	5YR	05/22/2000	2000-12/59
CONSTRUCTION CONTRACTS					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22997	R606-3	5YR	07/07/2000	2000-15/28
	22675	R606-3-2	NSC	03/20/2000	Not Printed
CONTAMINATION					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
CONTESTS					
Commerce, Occupational and Professional Licensing	22589	R156-66	AMD	02/15/2000	2000-2/14
CONTINUOUS MONITORING					
Environmental Quality, Air Quality	23090	R307-170	5YR	08/07/2000	2000-17/79
CONTRACTORS					
Commerce, Occupational and Professional Licensing	22725	R156-38	5YR	04/06/200	2000-9/183
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22790	R156-56	AMD	07/01/2000	2000-10/5
	22967	R156-56	NSC	08/01/2000	Not Printed
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22997	R606-3	5YR	07/07/2000	2000-15/28
	22765	R606-3-2	NSC	03/20/2000	Not Printed
CONTRACTS					
Public Service Commission, Administration	22550	R746-401	NSC	01/25/2000	Not Printed
CONVEYANCE					
Natural Resources, Water Rights	22806	R655-3	NEW	07/01/2000	2000-10/35
COOPERATIVE WILDLIFE MANAGEMENT UNIT					
Natural Resources, Wildlife Resources	22975	R657-37	AMD	08/15/2000	2000-14/23
CORRECTIONS					
Corrections, Administration	22961	R251-101	NSC	08/01/2000	Not Printed
	22962	R251-705	NSC	08/01/2000	Not Printed
	22963	R251-710	NSC	08/01/2000	Not Printed

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Commerce, Occupational and Professional Licensing	22726	R156-60c	5YR	04/06/2000	2000-9/183
Education, Administration	22669	R277-462	AMD	04/03/2000	2000-5/6
COVERAGE GROUPS					
Health, Health Care Financing, Coverage and Reimbursement Policy	22378	R414-303	AMD	see CPR	99-19/25
	22378	R414-303	CPR	01/26/2000	99-24/52
CREDIT ENHANCEMENT					
Environmental Quality, Drinking Water	22886	R309-350 (Changed to R309-700)	AMD	08/15/2000	2000-12/42
DAY CARE					
Public Safety, Fire Marshal	22561	R710-8	AMD	02/01/2000	2000-1/57
DECOMMISSIONING					
Environmental Quality, Radiation Control	22601	R313-22	AMD	03/10/2000	2000-3/59
DEFINITIONS					
Environmental Quality, Drinking Water	22883	R309-200 (Changed to R309-110)	AMD	08/15/2000	2000-12/23
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
Human Resource Management, Administration	22839	R477-1	AMD	07/05/2000	2000-11/47
	22851	R477-13	AMD	07/05/2000	2000-11/84
DEVELOPMENT					
School and Institutional Trust Lands, Administration	22796	R850-140-100	NSC	08/01/2000	Not Printed
DEVELOPMENTALLY DISABLED					
Tax Commission, Administration	22904	R861-1A	NSC	06/27/2000	Not Printed
	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
DISABILITY INSURANCE					
Human Resource Management, Administration	22846	R477-8	AMD	07/05/2000	2000-11/67
DISASTERS					
Education, Administration	22945	R277-400	AMD	08/01/2000	2000-13/18
DISCIPLINARY ACTIONS					
Education, Administration	22670	R277-514	AMD	04/03/2000	2000-5/8
	23006	R277-514	NSC	08/01/2000	Not Printed
Professional Practices Advisory Commission, Administration	23001	R686-101	NSC	08/01/2000	Not Printed
	23002	R686-102	NSC	08/01/2000	Not Printed
	22505	R686-103	AMD	01/05/2000	99-23/105
DISCIPLINE OF EMPLOYEES					
Human Resource Management, Administration	22849	R477-11	AMD	07/05/2000	2000-11/80
	22853	R477-14	AMD	07/05/2000	2000-11/85

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Tax Commission, Administration	22904	R861-1A	NSC	06/27/2000	Not Printed
	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
DISCRIMINATION					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22673	R606-1-2	NSC	03/20/2000	Not Printed
	22674	R606-2-2	NSC	03/202000	Not Printed
	22675	R606-3-2	NSC	03/20/2000	Not Printed
	22997	R606-3	5YR	07/07/2000	2000-15/28
	22998	R606-4	5YR	07/07/2000	2000-15/29
	22999	R606-5	5YR	07/07/2000	2000-15/29
	22676	R606-5-2	NSC	03/20/2000	Not Printed
	23000	R606-6	5YR	07/07/2000	2000-15/30
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
DISEASE CONTROL					
Agriculture and Food, Animal Industry	22930	R58-1	AMD	08/02/2000	2000-13/3
DISMISSAL OF EMPLOYEES					
Human Resource Management, Administration	22849	R477-11	AMD	07/05/2000	2000-11/80
DIVERSION PROGRAMS					
Commerce, Occupational and Professional Licensing	22587	R156-1-205	AMD	02/15/2000	2000-2/8
	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
DOGS					
Natural Resources, Wildlife Resources	22651	R657-46	AMD	04/04/2000	2000-5/51
DOMESTIC VIOLENCE					
Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
	22876	R512-1	AMD	07/20/2000	2000-12/49
DRAINAGE					
Transportation, Operations, Maintenance	22914	R918-2	NSC	06/27/2000	Not Printed
DRINKING WATER					
Environmental Quality, Drinking Water	22731	R309-102	AMD	08/15/2000	2000-9/29
	22732	R309-113 (Changed to R309-600)	AMD	06/12/2000	2000-9/30
	22709	R309-114 (Changed to R309-710)	AMD	06/12/2000	2000-8/9
	23099	R309-150	5YR	08/10/2000	2000-17/87
	22883	R309-200 (Changed to R309-110)	AMD	08/15/2000	2000-12/23

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	22885	R309-210 (Changed to R309-545)	AMD	08/15/2000	2000-12/38
	22730	R309-302	5YR	04/10/2000	2000-9/184
	22604	R309-405	NEW	04/17/2000	2000-3/25
	22704	R309-605	NEW	06/12/2000	2000-7/8
	22927	R309-605	NSC	06/27/2000	Not Printed
DRIVER EDUCATION					
Education, Administration	22528	R277-507	AMD	02/01/2000	2000-1/11
DRIVER LICENSE					
Public Safety, Driver License	22756	R708-36	NEW	06/01/2000	2000-9/180
DRIVING TRAINING					
Public Safety, Driver License	22980	R708-37	NEW	08/15/2000	2000-14/25
DRUG ABUSE					
Human Resource Management, Administration	22853	R477-14	AMD	07/05/2000	2000-11/85
DRUG/ALCOHOL EDUCATION					
Human Resource Management, Administration	22853	R477-14	AMD	07/05/2000	2000-11/85
ECONOMIC DEVELOPMENT					
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
EDUCATION					
Commerce, Real Estate	22768	R162-103	AMD	06/01/2000	2000-9/21
EDUCATIONAL FACILITIES					
Education, Administration	22946	R277-455	AMD	08/01/2000	2000-13/20
EDUCATIONAL PROGRAM EVALUATIONS					
Education, Administration	22609	R277-501	NEW	03/03/2000	2000-3/8
	22718	R277-501	AMD	05/16/2000	2000-8/4
EDUCATIONAL SAVINGS TRUST					
Regents (Board of), Administration	22793	R765-685	AMD	07/01/2000	2000-10/43
EDUCATIONAL TESTING					
Education, Administration	22717	R277-473	NEW	05/16/2000	2000-8/3
	22719	R277-702	AMD	05/16/2000	2000-8/8
EDUCATIONAL TUITION					
Human Resource Management, Administration	22848	R477-10	AMD	07/05/2000	2000-11/78
EDUCATION FACILITIES					
Education, Administration	22563	R277-404	REP	02/01/2000	2000-1/8
EDUCATOR LICENSE RENEWAL					
Education, Administration	22609	R277-501	NEW	03/03/2000	2000-3/8
	22718	R277-501	AMD	05/16/2000	2000-8/4
EDUCATOR LICENSURE					
Education, Administration	22528	R277-507	AMD	02/01/2000	2000-1/11

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Environmental Quality, Water Quality	22699	R317-1-4	AMD	06/13/2000	2000-6/16
ELDERLY					
Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
ELECTRICIANS					
Commerce, Occupational and Professional Licensing	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
ELIGIBILITY					
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
	22876	R512-1	AMD	07/20/2000	2000-12/49
EMERGENCY MEDICAL SERVICES					
Health, Health Systems Improvement, Emergency Medical Services	22534	R426-6	AMD	04/30/2000	2000-1/31
EMERGENCY PREPAREDNESS					
Education, Administration	22945	R277-400	AMD	08/01/2000	2000-13/18
EMISSION FEE					
Environmental Quality, Air Quality	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
EMPLOYEE BENEFIT PLANS					
Human Resource Management, Administration	22845	R477-7	AMD	07/05/2000	2000-11/64
EMPLOYEE PERFORMANCE EVALUATION					
Human Resource Management, Administration	22848	R477-10	AMD	07/05/2000	2000-11/78
EMPLOYEE PRODUCTIVITY					
Human Resource Management, Administration	22848	R477-10	AMD	07/05/2000	2000-11/78
EMPLOYEE'S RIGHTS					
Human Resource Management, Administration	22850	R477-12	AMD	07/05/2000	2000-11/82
Workforce Services, Workforce Information and Payment Services	22800	R994-405-503	AMD	06/16/2000	2000-10/49
EMPLOYEE TERMINATION					
Workforce Services, Workforce Information and Payment Services	22800	R994-405-503	AMD	06/16/2000	2000-10/49
EMPLOYMENT					
Human Resource Management, Administration	22843	R477-5	AMD	07/05/2000	2000-11/58
	22844	R477-6	AMD	07/05/2000	2000-11/62

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	22674	R606-2-2	NSC	03/20/2000	Not Printed
	22998	R606-4	5YR	07/07/2000	2000-15/29
	22999	R606-5	5YR	07/07/2000	2000-15/29
	22676	R606-5-2	NSC	03/20/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22548	R994-202-103	AMD	02/02/2000	2000-1/60
	22824	R994-202-103	NSC	05/25/2000	Not Printed
	22800	R994-405-503	AMD	06/16/2000	2000-10/49
EMPLOYMENT AGENCIES					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22999	R606-5	5YR	07/07/2000	2000-15/29
	22676	R606-5-2	NSC	03/20/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22705	R994-700	REP	06/16/2000	2000-7/16
EMPLOYMENT TESTS					
Workforce Services, Workforce Information and Payment Services	22721	R994-204	5YR	04/04/2000	2000-9/187
	22722	R994-205	5YR	04/04/2000	2000-9/188
	22723	R994-206	5YR	04/04/2000	2000-9/188
	22825	R994-204-303	NSC	05/25/2000	Not Printed
ENDANGERED SPECIES					
Natural Resources; Forestry, Fire and State Lands	22835	R652-120	5YR	05/09/2000	2000-11/102
ENFORCEMENT					
Agriculture and Food, Animal Industry	22905	R58-14	AMD	07/18/2000	2000-12/5
Human Services, Recovery Services	22755	R527-800	NSC	05/01/2000	Not Printed
ENGINEERS					
Administrative Services, Facilities Construction and Management	22821	R23-2	5YR	05/04/2000	2000-11/101
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
ENTERPRISE ZONES					
Tax Commission, Auditing	22992	R865-9I	NSC	08/01/2000	Not Printed
	22989	R865-9I-46	NSC	06/27/2000	Not Printed
	22899	R865-9I-48	NSC	06/27/2000	Not Printed
ENVIRONMENT					
Tax Commission, Auditing	22993	R865-13G	NSC	08/01/2000	Not Printed
ENVIRONMENTAL HEALTH					
Environmental Quality, Drinking Water	22732	R309-113 (Changed to R309-600)	AMD	06/12/2000	2000-9/30
	22709	R309-114 (Changed to R309-710)	AMD	06/12/2000	2000-8/9
	22704	R309-605	NEW	06/12/2000	2000-7/8
	22927	R309-605	NSC	06/27/2000	Not Printed

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ENVIRONMENTAL PROTECTION					
Environmental Quality, Air Quality	22688	R307-115	NSC	03/20/2000	Not Printed
	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
Environmental Quality, Drinking Water	23099	R309-150	5YR	08/10/2000	2000-17/87
	22730	R309-302	5YR	04/10/2000	2000-9/185
	22604	R309-405	NEW	04/17/2000	2000-3/25
ETHICS					
Natural Resources, Wildlife Resources	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
EXEMPTIONS					
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
EXPERIENCE					
Commerce, Real Estate	22769	R162-104	AMD	06/01/2000	2000-9/23
EXTINGUISHERS					
Public Safety, Fire Marshal	22557	R710-1	AMD	02/01/2000	2000-1/44
FACILITIES USE					
Capitol Preservation Board (State), Administration	22568	R131-2	NEW	03/13/2000	2000-1/4
FACULTY					
Education, Administration	23004	R277-401	NSC	08/01/2000	Not Printed
FAIR EMPLOYMENT PRACTICES					
Human Resource Management, Administration	22840	R477-2	AMD	07/05/2000	2000-11/52
	22959	R477-2	NSC	07/05/2000	Not Printed
	22843	R477-5	AMD	07/05/2000	2000-11/58
FAIR HOUSING					
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
FAIRS					
Fair Corporation (Utah State), Administration	22647	R315-2-2	AMD	See CPR	2000-5/31
	22647	R315-2-2	CPR	06/05/2000	2000-8/32
FEED CONTAMINATION					
Agriculture and Food, Plant Industry	22753	R68-2	NSC	05/01/2000	Not Printed
FEES					
Natural Resources, Parks and Recreation	22474	R651-611	AMD	01/03/2000	99-22/17
	22706	R651-611-4	AMD	05/16/2000	2000-8/18
FILING DEADLINES					
Workforce Services, Workforce Information and Payment Services	22828	R994-403	NSC	05/25/2000	Not Printed
FINANCIAL AID					
Regents (Board of), Administration	22816	R765-605	AMD	06/15/2000	2000-10/39
FINANCIAL ASSISTANCE					
Environmental Quality, Drinking Water	22711	R309-351 (Changed to R309-351)	AMD	05/16/2000	2000-8/11

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FINANCIAL DISCLOSURE					
Health, Health Care Financing, Coverage and Reimbursement Policy	22703	R414-304	EMR	03/09/2000	2000-7/19
	22921	R414-304	AMD	08/02/2000	2000-13/33
FINANCIAL INFORMATION					
Human Services, Recovery Services	22692	R527-10	5YR	03/01/2000	2000-6/48
FINANCIAL INSTITUTIONS					
Financial Institutions, Administration	22830	R331-9	NSC	05/25/2000	Not Printed
FIREPLACE					
Environmental Quality, Air Quality	22687	R307-122-2	NSC	03/20/2000	Not Printed
FIRE PREVENTION					
Public Safety, Fire Marshal	22557	R710-1	AMD	02/01/2000	2000-1/44
	22560	R710-7	AMD	02/01/2000	2000-1/54
	22561	R710-8	AMD	02/01/2000	2000-1/57
FIREWORKS					
Public Safety, Fire Marshal	22558	R710-2	AMD	02/01/2000	2000-1/50
FISCAL					
Natural Resources, Parks and Recreation	22869	R651-301	AMD	07/04/2000	2000-11/93
FISH					
Natural Resources, Wildlife Resources	22392	R657-13	AMD	01/03/2000	99-20/31
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
FISHING					
Natural Resources, Wildlife Resources	22392	R657-13	AMD	01/03/2000	99-20/31
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
FOOD INSPECTION					
Agriculture and Food, Regulatory Services	22657	R70-310	5YR	02/10/2000	2000-5/64
	22658	R70-310	AMD	04/03/2000	2000-5/5
	22707	R70-310-2	NSC	05/01/2000	Not Printed
	22596	R70-630	5YR	01/11/2000	2000-3/91
	22597	R70-630	AMD	03/03/2000	2000-3/5
FOOD STAMPS					
Workforce Services, Employment Development	22834	R986-418-812	NSC	05/25/2000	Not Printed
FOSTER CARE					
Human Services, Administration, Administrative Services, Licensing	22629	R501-12	AMD	03/17/2000	2000-4/38
FRANCHISE					
Tax Commission, Auditing	22991	R865-6F	NSC	08/01/2000	Not Printed
	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed

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	22895	R865-6F-26	NSC	06/27/2000	Not Printed
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
FRAUD					
Human Resources, Recovery Services	22936	R527-928	AMD	08/01/2000	2000-13/45
FUGITIVE EMISSIONS					
Environmental Quality, Air Quality	23089	R307-205	5YR	08/02/2000	2000-17/86
GAME LAWS					
Natural Resources, Wildlife Resources	22519	R657-5	AMD	see CPR	99-24/25
	22519	R657-5	CPR	02/01/2000	2000-1/66
	22880	R657-5	AMD	07/18/2000	2000-12/53
	22938	R657-5-15	AMD	08/01/2000	2000-13/55
	22520	R657-6	AMD	01/18/2000	99-24/35
	22972	R657-6	AMD	08/15/2000	2000-14/10
	22712	R657-19	5YR	03/30/2000	2000-8/34
	22733	R657-19	NSC	05/01/2000	Not Printed
	22713	R657-19	AMD	05/17/2000	2000-8/20
	22714	R657-33	AMD	05/17/2000	2000-8/23
GASOLINE					
Tax Commission, Auditing	22993	R865-13G	NSC	08/01/2000	Not Printed
GENERAL CONFORMITY					
Environmental Quality, Air Quality	22688	R307-115	NSC	03/20/2000	Not Printed
GOOD CAUSE					
Human Services, Recovery Services	22487	R527-24	REP	01/10/2000	99-23/86
GOVERNMENT DOCUMENTS					
Administrative Services, Records Committee	22787	R35-2	NSC	05/23/2000	Not Printed
GOVERNMENT ETHICS					
Human Resource Management, Administration	22847	R477-9	AMD	07/05/2000	2000-11/76
GOVERNMENT HEARINGS					
Commerce, Administration	22761	R151-46b	AMD	06/01/2000	2000-9/4
Commerce, Occupational and Professional Licensing	22861	R156-46b	AMD	07/06/2000	2000-11/6
Financial Institutions, Administration	22830	R331-9	NSC	05/25/2000	Not Printed
Human Resource Management, Administration	22849	R477-11	AMD	07/05/2000	2000-11/80
Workforce Services, Employment Development	22834	R986-418-812	NSC	05/25/2000	Not Printed
GOVERNMENT PURCHASING					
Administrative Services, Purchasing and General Services	22678	R33-3	AMD	06/15/2000	2000-6/3
	22679	R33-5	AMD	06/15/2000	2000-6/10
	22971	R33-5-510	NSC	08/01/2000	Not Printed
School and Institutional Trust Lands, Administration	22618	R850-11	R&R	03/17/2000	2000-4/53

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GRANTS					
Health, Health Systems Improvement, Primary Care and Rural Health	22622	R434-20	AMD	03/24/2000	2000-4/31
GRIEVANCE PROCEDURES					
Tax Commission, Administration	22904	R861-1A	NSC	06/27/2000	Not Printed
	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
GRIEVANCES					
Human Resource Management, Administration	22842	R477-4	AMD	07/05/2000	2000-11/57
	22849	R477-11	AMD	07/05/2000	2000-11/80
	22850	R477-12	AMD	07/05/2000	2000-11/82
HARDSHIP GRANT					
Environmental Quality, Drinking Water	22886	R309-350 (Changed to R309-700)	AMD	08/15/2000	2000-12/42
HATCH ACT					
Human Resource Management, Administration	22847	R477-9	AMD	07/05/2000	2000-11/76
HAZARDOUS MATERIALS TRANSPORTATION					
Transportation, Motor Carrier	22912	R909-75	AMD	08/15/2000	2000-12/55
HAZARDOUS SUBSTANCES					
Environmental Quality, Environmental Response and Remediation	22762	R311-201-4	AMD	07/17/2000	2000-9/39
Transportation, Motor Carrier	22912	R909-75	AMD	08/15/2000	2000-12/55
HAZARDOUS WASTE					
Environmental Quality, Solid and Hazardous Waste	22537	R315-1-1	NSC	01/25/2000	Not Printed
	22772	R315-1-1	AMD	07/15/2000	2000-9/43
	22538	R315-2	NSC	01/25/2000	Not Printed
	22773	R315-2	AMD	07/15/2000	2000-9/45
	22653	R315-2-9	NSC	02/25/2000	Not Printed
	22794	R315-2-9	NSC	05/25/2000	Not Printed
	22539	R315-3	NSC	01/25/2000	Not Printed
	22654	R315-3-20	NSC	02/25/2000	Not Printed
	22541	R315-5	NSC	01/25/2000	Not Printed
	22542	R315-7	NSC	01/25/2000	Not Printed
	22778	R315-7	AMD	07/15/2000	2000-9/93
	22543	R315-8	NSC	01/25/2000	Not Printed
	22544	R315-13	NSC	01/25/2000	Not Printed
	22545	R315-16	NSC	01/25/2000	Not Printed
	22780	R315-16	AMD	07/15/2000	2000-9/147
	22546	R315-50	NSC	01/25/2000	Not Printed
	22547	R315-101	NSC	01/25/2000	Not Printed
	22781	R315-101	AMD	07/15/2000	2000-9/157
Transportation, Motor Carrier	22912	R909-75	AMD	08/15/2000	2000-12/55

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HEALTH FACILITIES					
Health, Health Systems Improvement, Health Facility Licensure	22742	R432-3	AMD	06/23/2000	2000-9/170
	22630	R432-7	5YR	02/01/2000	2000-4/70
	22631	R432-8	5YR	02/01/2000	2000-4/70
	22632	R432-9	5YR	02/01/2000	2000-4/71
	22633	R432-10	5YR	02/01/2000	2000-4/72
	22634	R432-11	5YR	02/01/2000	2000-4/72
	22635	R432-12	5YR	02/01/2000	2000-4/73
	22636	R432-13	5YR	02/01/2000	2000-4/73
	22637	R432-14	5YR	02/01/2000	2000-4/74
	22638	R432-30	5YR	02/01/2000	2000-4/74
	22655	R432-270	5YR	02/09/2000	2000-5/64
	22743	R432-270	NSC	05/01/2000	Not Printed
	22852	R432-300	AMD	08/08/2000	2000-11/39
HEALTH INSURANCE					
Human Services, Recovery Services	22692	R527-10	5YR	03/01/2000	2000-6/48
HEARINGS					
Environmental Quality, Air Quality	22727	R307-102-1	AMD	08/03/2000	2000-9/28
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed
Professional Practices Advisory Commission, Administration	22504	R686-100	AMD	01/05/2000	99-23/96
	22671	R686-100	AMD	04/03/2000	2000-5/53
HIGHER EDUCATION					
Regents (Board of), Administration	22052	R765-604	NEW	see CPR	99-11/63
	22052	R765-604	CPR	02/04/2000	99-20/53
	22816	R765-605	AMD	06/15/2000	2000-10/39
	22822	R765-626	5YR	05/05/2000	2000-11/103
	22793	R765-685	AMD	07/01/2000	2000-10/43
HIGHWAY CONSTRUCTION					
Transportation, Operations, Maintenance	22914	R918-2	NSC	06/27/2000	Not Printed
HIRING PRACTICES					
Human Resource Management, Administration	22843	R477-5	AMD	07/05/2000	2000-11/58
HISTORIC PRESERVATION					
Tax Commission, Auditing	22991	R865-6F	NSC	08/01/2000	Not Printed
	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
	22992	R865-9I	NSC	08/01/2000	Not Printed

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	22898	R865-9I-46	NSC	06/27/2000	Not Printed
	22899	R865-9I-48	NSC	06/27/2000	Not Printed
HIV					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	22837	R388-802	NSC	05/25/2000	Not Printed
HOSTILE WORK ENVIRONMENT					
Human Resource Management, Administration	22854	R477-15	AMD	07/05/2000	2000-11/87
HOUSING					
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
HOUSING FINANCE					
Housing Finance Agency, Administration	22682	R460-1	5YR	02/23/2000	2000-6/46
	22683	R460-4	5YR	02/23/2000	2000-6/46
	22684	R460-6	5YR	02/23/2000	2000-6/47
	22685	R460-7	5YR	02/23/2000	2000-6/47
HUMAN SERVICES					
Human Services, Administration, Administrative Services, Licensing	22694	R501-3	REP	05/02/2000	2000-6/20
	22813	R501-11	AMD	06/20/2000	2000-10/30
	22629	R501-12	AMD	03/17/2000	2000-4/38
	22661	R501-13	R&R	04/15/2000	2000-5/32
	22695	R501-19	NEW	05/02/2000	2000-6/28
	22696	R501-20	NEW	05/02/2000	2000-6/31
	22697	R501-21	NEW	05/02/2000	2000-6/33
	22698	R501-22	NEW	05/02/2000	2000-6/36
HUNTING					
Natural Resources, Wildlife Resources	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
IMMUNIZATION DATA REPORTING					
Health, Epidemiology and Laboratory Services, Epidemiology	22785	R386-800	NEW	07/14/2000	2000-9/159
INCEST					
Education, Administration	23004	R277-401	NSC	08/01/2000	Not Printed
INCOME					
Health, Health Care Financing, Coverage and Reimbursement Policy	22378	R414-303	AMD	see CPR	99-19/25
	22378	R414-303	CPR	01/26/2000	99-24/52
	22703	R414-304	EMR	03/09/2000	2000-7/19
	22921	R414-304	AMD	08/02/2000	2000-13/33
INCOME TAX					
Tax Commission, Auditing	22992	R865-9I	NSC	08/01/2000	Not Printed
	22898	R865-9I-46	NSC	06/27/2000	Not Printed
	22899	R865-9I-48	NSC	06/27/2000	Not Printed

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INDEPENDENT CONTRACTOR					
Workforce Services, Workforce Information and Payment Services	22721	R994-204	5YR	04/04/2000	2000-9/187
	22825	R994-204-303	NSC	05/25/2000	Not Printed
INDUSTRIAL WASTE					
Environmental Quality, Water Quality	22699	R317-1-4	AMD	06/13/2000	2000-6/16
INFORMAL ADJUDICATIVE PROCEEDINGS					
Labor Commission, Industrial Accidents	22592	R612-8	5YR	01/03/2000	2000-3/91
INSPECTIONS					
Agriculture and Food, Animal Industry	22932	R58-18	AMD	08/02/2000	2000-13/7
	22933	R58-20	AMD	08/02/2000	2000-13/10
	22934	R58-21	NEW	08/02/2000	2000-13/11
	22935	R58-22	NEW	08/02/2000	2000-13/12
Agriculture and Food, Plant Industry	22646	R68-8-7	AMD	05/30/2000	2000-5/4
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
	22600	R313-16	AMD	03/10/2000	2000-3/56
INSURANCE					
Human Resource Management, Administration	22845	R477-7	AMD	07/05/2000	2000-11/64
Insurance, Administration	22759	R590-140	5YR	04/13/2000	2000-9/186
	22760	R590-140	AMD	06/08/2000	2000-9/172
	22920	R590-144	NSC	06/27/2000	Not Printed
	22641	R590-153	AMD	04/11/2000	2000-4/48
	22745	R590-153	NSC	05/23/2000	Not Printed
	22489	R590-170	AMD	see CPR	99-23/88
	22489	R590-170	CPR	03/07/2000	2000-2/25
	23035	R590-171	5YR	07/28/2000	2000-16/133
	22941	R590-172	5YR	06/15/2000	2000-13/74
	22942	R590-172	AMD	08/10/2000	2000-13/46
	22748	R590-182	AMD	06/08/2000	2000-9/174
	22943	R590-186	AMD	08/10/2000	2000-13/47
	22417	R590-196	NEW	see CPR	99-20/28
	22417	R590-196	CPR	02/01/2000	99-24/53
	22749	R590-196	AMD	06/08/2000	2000-9/175
	22875	R590-199	NEW	07/21/2000	2000-11/91
Natural Resources, Parks and Recreation	22871	R651-409	NEW	07/04/2000	2000-11/96
INSURANCE COMPANIES					
Insurance, Administration	22919	R590-127	NSC	06/27/2000	Not Printed
	22666	R590-128	5YR	02/15/2000	2000-5/66
	22506	R590-198	NEW	01/04/2000	99-23/90
	22595	R590-198	NSC	01/25/2000	Not Printed
INSURANCE LAW					
Insurance, Administration	22917	R590-94	NSC	06/27/2000	Not Printed
	22665	R590-88	5YR	02/15/2000	2000-5/66
	22918	R590-121	NSC	06/27/2000	Not Printed

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	22640	R590-131	AMD	see CPR	2000-4/44
	22640	R590-131	CPR	06/29/2000	2000-10/52
	22667	R590-132	5YR	02/15/2000	2000-5/67
	22746	R590-164	5YR	04/11/2000	2000-9/187
	22747	R590-164	NSC	05/23/2000	Not Printed
	22416	R590-197	NEW	01/25/2000	99-20/30
	22621	R590-197	NSC	02/25/2000	Not Printed
	22944	R590-202	NEW	08/10/2000	2000-13/53
INTEREST BUY-DOWN					
Environmental Quality, Drinking Water	22886	R309-350 (Changed to R309-700)	AMD	08/15/2000	2000-12/42
INTERSTATE					
Human Services, Recovery Services	22868	R527-100	REP	07/05/2000	2000-11/90
INVENTORIES					
Environmental Quality, Air Quality	22605	R307-150	AMD	04/06/2000	2000-3/21
IRRADIATORS					
Environmental Quality, Radiation Control	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
JOB DESCRIPTIONS					
Human Resource Management, Administration	22842	R477-4	AMD	07/05/2000	2000-11/57
JUDGES					
Judicial Conduct Commission, Administration	22788	R595-1-6	AMD	06/15/2000	2000-10/34
	22789	R595-1-9	AMD	06/15/2000	2000-10/34
JUDICIAL ETHICS					
Judicial Conduct Commission, Administration	22788	R595-1-6	AMD	06/15/2000	2000-10/34
	22789	R595-1-9	AMD	06/15/2000	2000-10/34
LABOR					
Workforce Services, Workforce Information and Payment Services	22705	R994-700	REP	06/16/2000	2000-7/16
LABORATORIES					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	22516	R444-14	AMD	03/01/2000	99-24/16
LAND SALE					
School and Institutional Trust Lands, Administration	22796	R850-140-100	NSC	08/01/2000	Not Printed
LAND USE					
Natural Resources, Wildlife Resources	22974	R657-28	AMD	08/15/2000	2000-14/20
LEASES					
Natural Resources; Forestry, Fire and State Lands	22680	R652-30-610	AMD	07/13/2000	2000-6/39
Natural Resources, Wildlife Resources	22974	R657-28	AMD	08/15/2000	2000-14/20
LEAVE					
Human Resource Management, Administration	22846	R477-8	AMD	07/05/2000	2000-11/67

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LIABILITY					
Natural Resources, Parks and Recreation	22871	R651-409	NEW	07/04/2000	2000-11/96
LICENSE PLATES					
Tax Commission, Motor Vehicle	22994	R873-22M	NSC	08/01/2000	Not Printed
	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
LICENSING					
Commerce, Occupational and Professional Licensing	22587	R156-1-205	AMD	02/15/2000	2000-2/8
	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
	22318	R156-17a	AMD	see CPR	99-17/10
	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
	22734	R156-24a-503	NSC	05/01/2000	Not Printed
	22887	R156-26 (Changed to R156-26a)	AMD	07/18/2000	2000-12/7
	22576	R156-31b-304	AMD	02/15/2000	2000-2/10
	22663	R156-31b-304	NSC	02/24/2000	Not Printed
	22577	R156-31c-201	AMD	02/15/2000	2000-2/11
	22725	R156-38	5YR	04/06/2000	2000-9/183
	22862	R156-56a	REP	00706/2000	2000-11/17
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22965	R156-55c-102	NSC	08/01/2000	Not Printed
	22878	R156-55d	NEW	07/18/2000	2000-12/18
	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22790	R156-56	AMD	07/01/2000	2000-10/5
	22967	R156-56	NSC	08/01/2000	Not Printed
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18
	22482	R156-57	AMD	01/04/2000	99-23/13
	22701	R156-57-302a	AMD	05/02/2000	2000-7/6
	22677	R156-59	AMD	04/17/2000	2000-6/11
	22786	R156-59	NSC	07/10/2000	Not Printed
	22863	R156-59-302	AMD	07/10/2000	2000-11/9
	22726	R156-60c	5YR	04/06/2000	2000-9/183
	22588	R156-61	AMD	02/15/2000	2000-2/12
	22735	R156-61-302e	NSC	05/01/2000	Not Printed

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	22801	R156-63	AMD	06/15/2000	2000-10/24
	22736	R156-63-302a	NSC	05/01/2000	Not Printed
	22737	R156-65	NSC	05/01/2000	Not Printed
	22888	R156-65	REP	07/18/2000	2000-12/21
	22589	R156-66	AMD	02/15/2000	2000-2/14
	22507	R156-71	AMD	01/04/2000	99-23/14
	22700	R156-71-202	AMD	05/02/2000	2000-7/7
	22792	R156-71-202	AMD	06/15/2000	2000-10/26
Human Services, Administration, Administrative Services, Licensing	22694	R501-3	REP	05/02/2000	2000-6/20
	22813	R501-11	AMD	06/19/2000	2000-10/30
	22629	R501-12	AMD	03/17/2000	2000-4/38
	22661	R501-13	R&R	04/15/2000	2000-5/32
	22695	R501-19	NEW	05/02/2000	2000-6/28
	22696	R501-20	NEW	05/02/2000	2000-6/31
	22697	R501-21	NEW	05/02/2000	2000-6/33
	22698	R501-22	NEW	05/02/2000	2000-6/36
Natural Resources, Water Rights	22744	R655-4	NSC	05/01/2000	Not Printed
Natural Resources, Wildlife Resources	22783	R657-27	AMD	06/08/2000	2000-9/17
Transportation, Operations, Aeronautics	22811	R914-2	NSC	05/23/2000	Not Printed
LIENS					
Commerce, Occupational and Professional Licensing	22725	R156-38	5YR	04/06/2000	2000-9/183
LIQUEFIED PETROLEUM GAS					
Public Safety, Fire Marshal	22559	R710-6	AMD	02/01/2000	2000-1/52
LIVESTOCK					
Agriculture and Food, Animal Industry	22913	R58-7-2	AMD	07/18/2000	2000-12/5
LOANS					
Environmental Quality, Drinking Water	22886	R309-350 (Changed to R309-700)	AMD	08/15/2000	2000-12/42
	22711	R309-351 (Changed to R309-705)	AMD	05/16/2000	2000-8/11
LOBBYIST					
Lieutenant Governor, Elections	22590	R623-1	NSC	01/25/2000	Not Printed
	22612	R623-1	AMD	03/03/2000	2000-3/88
LOCAL HEALTH DEPARTMENTS					
Health, Administration	22964	R380-40	5YR	06/19/2000	2000-14/56
MACHINERY					
Labor Commission, Occupational Safety and Health	22926	R614-6-1	NSC	06/27/2000	Not Printed
MANAGEMENT					
Natural Resources; Forestry, Fire and State Lands	22819	R652-40-300	NSC	05/25/2000	Not Printed
School and Institutional Trust Lands, Administration	22795	R850-40-300	NSC	08/01/2000	Not Printed

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MATERIALS HANDLING					
School and Institutional Trust Lands, Administration	22664	R850-130-400	NSC	02/25/2000	Not Printed
MEDICAID					
Health, Health Care Financing, Coverage and Reimbursement Policy	22512	R414-1	AMD	01/26/2000	99-24/13
	22952	R414-11	NSC	08/01/2000	Not Printed
	23085	R414-19A	5YR	08/02/2000	2000-17/88
	22953	R414-21	NSC	08/01/2000	Not Printed
	22954	R414-31	NSC	08/01/2000	Not Printed
	22955	R414-33	NSC	08/01/2000	Not Printed
	23086	R414-33	5YR	08/02/2000	2000-17/88
	23087	R414-33A	5YR	08/02/2000	2000-17/89
	22956	R414-45	NSC	08/01/2000	Not Printed
	22957	R414-54	NSC	08/01/2000	Not Printed
	22513	R414-61	NEW	see CPR	99-24/15
	22513	R414-61	CPR	03/30/2000	2000-4/69
Human Services, Recovery Services	22755	R527-800	NSC	05/01/2000	Not Printed
MEDICAL EXAMINER					
Health, Medical Examiner	22818	R448-10	NEW	06/19/2000	2000-10/27
	22817	R448-20	NEW	06/19/2000	2000-10/29
MENTAL HEALTH					
Commerce, Occupational and Professional Licensing	22726	R156-60c	5YR	04/06/2000	2000-9/183
MINERAL RESOURCES					
Tax Commission, Auditing	22996	R865-16R	5YR	07/07/2000	2000-15/30
MINING					
Environmental Quality, Air Quality	23089	R307-205	5YR	08/02/2000	2000-17/86
MONITORING					
Environmental Quality, Air Quality	23090	R307-170	5YR	08/07/2000	2000-17/79
MOTOR FUEL					
Tax Commission, Auditing	22993	R865-13G	NSC	08/01/2000	Not Printed
MOTOR VEHICLE RECORD					
Public Safety, Driver License	22756	R708-36	NEW	06/01/2000	2000-9/180
MOTOR VEHICLES					
Administrative Services, Fleet Operations	22728	R27-1 (Changed to R27-10)	AMD	06/01/2000	2000-9/2
	22808	R27-10	NSC	06/26/2000	Not Printed
Environmental Quality, Air Quality	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22724	R307-320	5YR	04/05/2000	2000-9/184
Public Safety, Driver License	22757	R708-20	NSC	05/01/2000	Not Printed
Tax Commission, Motor Vehicle	22994	R873-22M	NSC	08/01/2000	Not Printed
	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47

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Tax Commission, Motor Vehicle Enforcement	22995	R877-23V	NSC	08/01/2000	Not Printed
NATURAL RESOURCES					
Natural Resources; Forestry, Fire and State Lands	22819	R652-40-300	NSC	05/25/2000	Not Printed
School and Institutional Trust Lands, Administration	22795	R850-40-300	NSC	08/01/2000	Not Printed
NATUROPATHIC PHYSICIANS					
Commerce, Occupational and Professional Licensing	22507	R156-71	AMD	01/04/2000	99-23/14
	22700	R156-71-202	AMD	05/02/2000	2000-7/7
	22792	R156-71-202	AMD	06/15/2000	2000-10/26
NATUROPATHS					
Commerce, Occupational and Professional Licensing	22507	R156-71	AMD	01/04/2000	99-23/14
	22700	R156-71-202	AMD	05/02/2000	2000-7/7
	22792	R156-71-202	AMD	06/15/2000	2000-10/26
NEW HIRE REGISTRY					
Workforce Services, Workforce Information and Payment Services	22614	R994-315-105	AMD	04/21/2000	2000-4/66
NONATTAINMENT					
Environmental Quality, Air Quality	22607	R307-403-8	NSC	01/25/2000	Not Printed
NURSES					
Commerce, Occupational and Professional Licensing	22576	R156-31b-304	AMD	02/15/2000	2000-2/10
	22663	R156-31b-304	NSC	02/24/2000	Not Printed
	22577	R156-31c-201	AMD	02/15/2000	2000-2/11
OCCUPATIONAL LICENSING					
Commerce, Occupational and Professional Licensing	22587	R156-1-205	AMD	02/15/2000	2000-2/8
	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
	22861	R156-46b	AMD	07/06/2000	2000-11/6
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22965	R156-55c-102	NSC	08/01/2000	Not Printed
OFF-HIGHWAY VEHICLES					
Natural Resources, Parks and Recreation	22870	R651-408	AMD	07/04/2000	2000-11/95
OFFSET					
Environmental Quality, Air Quality	22607	R307-403-8	NSC	01/25/2000	Not Printed
ONSITE WASTEWATER SYSTEMS					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
OPERATING PERMIT					
Environmental Quality, Air Quality	22606	R307-415-5a	AMD	04/06/2000	2000-3/23

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OPERATION AND MAINTENANCE					
Environmental Quality, Drinking Water	22884	R309-205 (Changed to R309-520)	AMD	08/15/2000	2000-12/34
ORGAN TRANSPLANTS					
Health, Health Care Financing, Coverage and Reimbursement Policy	22529	R414-58	AMD	02/17/2000	2000-1/29
	22958	R414-58	NSC	08/01/2000	Not Printed
OVERFLOW AND DRAINS					
Environmental Quality, Drinking Water	22885	R309-210 (Changed to R309-545)	AMD	08/15/2000	2000-12/38
OVERPAYMENTS					
Human Services, Recovery Services	22556	R527-200	AMD	02/01/2000	2000-1/37
		R527-200	NSC	05/01/2000	Not Printed
	22937	R527-332	NEW	08/01/2000	2000-13/44
OWNERSHIP					
Natural Resources, Water Rights	22806	R655-3	NEW	07/01/2000	2000-10/35
OZONE					
Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
PARKS					
Natural Resources, Parks and Recreation	22871	R651-409	NEW	07/04/2000	2000-11/96
	22872	R651-601	AMD	07/04/2000	2000-11/97
	22968	R651-601	NSC	08/01/2000	Not Printed
	22474	R651-611	AMD	01/03/2000	99-22/17
	22706	R651-611-4	AMD	05/16/2000	2000-8/18
	22874	R651-634	NEW	07/04/2000	2000-11/99
PARTICULATE MATTER					
Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
PASSENGER TRAMWAYS					
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
PEACE OFFICER					
Public Safety, Peace Officer Standards and Training	22979	R728-205	5YR	06/28/2000	2000-14/56
PEER REVIEW					
Commerce, Occupational and Professional Licensing	22887	R156-26 (Changed to R156-26a)	AMD	07/18/2000	2000-12/7
PENALTIES					
Labor Commission, Industrial Accidents	22592	R612-8	5YR	01/03/2000	2000-3/91
PENALTY					
Environmental Quality, Drinking Water	22604	R309-405	NEW	04/14/2000	2000-3/25

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PERFORMANCE STANDARDS					
Health, Administration	22964	R380-40	5YR	06/19/2000	2000-14/56
PERMITS					
Natural Resources; Forestry, Fire and State Lands	22428	R652-70-2400	AMD	02/29/2000	99-21/47
	22835	R652-120	5YR	05/09/2000	2000-11/102
School and Institutional Trust Lands, Administration	22664	R850-130-400	NSC	02/25/2000	Not Printed
Transportation, Motor Carrier, Ports of Entry	22531	R912-14	AMD	02/15/2000	2000-1/59
PERSONAL PROPERTY					
Tax Commission, Property Tax	23011	R884-24P	NSC	08/01/2000	Not Printed
	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
PERSONNEL FILES					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	23000	R606-6	5YR	07/07/2000	2000-15/30
PERSONNEL MANAGEMENT					
Human Resource Management, Administration	22839	R477-1	AMD	07/05/2000	2000-11/47
	22841	R477-3	NSC	07/05/2000	Not Printed
	22844	R477-6	AMD	07/05/2000	2000-11/62
	22845	R477-7	AMD	07/05/2000	2000-11/64
	22847	R477-9	AMD	07/05/2000	2000-11/76
	22851	R477-13	AMD	07/05/2000	2000-11/84
	22853	R477-14	AMD	07/05/2000	2000-11/85
PETROLEUM					
Environmental Quality, Environmental Response and Remediation	22762	R311-201-4	AMD	07/17/2000	2000-9/39
PHARMACIES					
Commerce, Occupational and Professional Licensing	22318	R156-17a	AMD	see CPR	99-17/10
	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
PHARMACISTS					
Commerce, Occupational and Professional Licensing	22318	R156-17a	AMD	see CPR	99-17/10
	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
PHYSICAL THERAPY					
Commerce, Occupational and Professional Licensing	22734	R156-24a-503	NSC	05/01/2000	Not Printed
PHYSICALLY HANDICAPPED					
Public Service Commission, Administration	22798	R746-343-15	AMD	07/01/2000	2000-10/38

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PLANNING-BUDGETING					
Capitol Preservation Board (State), Administration	22574	R131-7	NEW	03/13/2000	2000-2/7
PLUMBERS					
Commerce, Occupational and Professional Licensing	22965	R156-55c-102	NSC	08/01/2000	Not Printed
PLUMBING					
Commerce, Occupational and Professional Licensing	22965	R156-55c-102	NSC	08/01/2000	Not Printed
POSITION CLASSIFICATIONS					
Human Resource Management, Administration	22842	R477-4	AMD	07/05/2000	2000-11/57
PRIMARY DISINFECTANTS					
Environmental Quality, Drinking Water	22884	R309-205 (Changed to R309-520)	AMD	08/15/2000	2000-12/34
PRISONS					
Corrections, Administration	22962	R251-705	NSC	08/01/2000	Not Printed
	22963	R251-710	NSC	08/01/2000	Not Printed
PRIVACY					
Public Safety, Driver License	22756	R708-36	NEW	06/01/2000	2000-9/180
PRIVACY LAW					
Human Services, Recovery Services	22555	R527-5	AMD	02/01/2000	2000-1/33
PROCEEDINGS					
Judicial Conduct Commission, Administration	22788	R595-1-6	AMD	06/15/2000	2000-10/34
	22789	R595-1-9	AMD	06/15/2000	2000-10/34
PROCUREMENT					
Administrative Services, Facilities Construction and Management	22821	R23-2	5YR	05/04/2000	2000-11/101
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
PROFESSIONAL COMPETENCY					
Education, Administration	23003	R277-106	NSC	08/01/2000	Not Printed
	22670	R277-514	AMD	04/03/2000	2000-5/8
	23006	R277-514	NSC	08/01/2000	Not Printed
PROFESSIONAL COUNSELORS					
Commerce, Occupational and Professional Licensing	22726	R156-60c	5YR	04/06/2000	2000-9/183
PROFESSIONAL EDUCATION					
Education, Administration	22528	R277-507	AMD	02/01/2000	2000-1/11
PROFESSIONAL EMPLOYER ORGANIZATION					
Commerce, Occupational and Professional Licensing	22677	R156-59	AMD	04/17/2000	2000-6/11
	22786	R156-59	NSC	07/10/2000	Not Printed
	22863	R156-59-302a	AMD	07/10/2000	2000-11/9
PROFESSIONAL PRACTICES					
Education, Administration	23003	R277-106	NSC	08/01/2000	Not Printed

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PROGRAM BENEFITS					
Health, Health Care Financing, Coverage and Reimbursement Policy	22922	R414-306	AMD	08/02/2000	2000-13/41
PROPERTY CLAIMS					
Treasurer, Unclaimed Property	22799	R966-1	NSC	05/23/2000	Not Printed
PROPERTY TAX					
Tax Commission, Property Tax	23011	R884-24P	NSC	08/01/2000	Not Printed
	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
PSYCHOLOGISTS					
Commerce, Occupational and Professional Licensing	22588	R156-61	AMD	02/15/2000	2000-2/12
PUBLIC ASSISTANCE PROGRAMS					
Human Resources, Recovery Services	22936	R527-928	AMD	08/01/2000	2000-13/45
PUBLIC BUILDINGS					
Capitol Preservation Board (State), Administration	22568	R131-2	NEW	03/13/2000	2000-1/4
	22574	R131-7	NEW	03/13/2000	2000-2/7
PUBLIC EDUCATION					
Education, Administration	22669	R277-462	AMD	04/03/2000	2000-5/6
	22948	R277-716	AMD	08/01/2000	2000-13/21
PUBLIC INFORMATION					
Human Resource Management, Administration	22840	R477-2	AMD	07/05/2000	2000-11/52
	22959	R477-2	NSC	07/05/2000	Not Printed
PUBLIC SCHOOLS					
Education, Administration	22564	R277-430	REP	02/01/2000	2000-1/10
	22950	R277-916	AMD	08/01/2000	2000-13/24
PUBLIC UTILITIES					
Public Service Commission, Administration	22530	R746-360-2	NSC	01/25/2000	Not Printed
	22550	R746-401	NSC	01/25/2000	Not Printed
	22784	R746-405	NSC	05/01/2000	Not Printed
RABBITS					
Natural Resources, Wildlife Resources	22520	R657-6	AMD	01/18/2000	99-24/35
	22972	R657-6	AMD	08/15/2000	2000-14/10
RADIATION					
Environmental Quality, Radiation Control	22602	R313-25	AMD	03/10/2000	2000-3/77
	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
RADIATION SAFETY					
Environmental Quality, Radiation Control	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186

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RADIOACTIVE MATERIAL					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
	22601	R313-22	AMD	03/10/2000	2000-3/59
RADIOACTIVE WASTE DISPOSAL					
Environmental Quality, Radiation Control	22602	R313-25	AMD	03/10/2000	2000-3/77
RANGE MANAGEMENT					
Natural Resources; Forestry, Fire and State Lands	22681	R652-50-610	AMD	07/13/2000	2000-6/40
RATES					
Public Service Commission, Administration	22798	R746-343-15	AMD	07/01/2000	2000-10/38
Workforce Services, Workforce Information and Payment Services	22826	R994-307-101	NSC	05/25/2000	Not Printed
READING					
Education, Administration	22593	R277-472	NSC	01/25/2000	Not Printed
	23005	R277-472	NSC	08/01/2000	Not Printed
REAL ESTATE					
School and Institutional Trust Lands, Administration	22796	R850-140-100	NSC	08/01/2000	Not Printed
REAL ESTATE APPRAISAL					
Commerce, Real Estate	22768	R162-103	AMD	06/01/2000	2000-9/21
	22769	R162-104	AMD	06/01/2000	2000-9/23
	22770	R162-105	AMD	06/01/2000	2000-9/25
	22626	R162-106	AMD	03/20/2000	2000-4/16
	22771	R162-107	AMD	06/01/2000	2000-9/27
REAL ESTATE BUSINESS					
Commerce, Real Estate	22514	R162-6	AMD	01/27/2000	99-24/10
	22624	R162-10	AMD	03/20/2000	2000-4/14
RECLAMATION					
Natural Resources; Oil, Gas and Mining; Coal	22906	R645-105	5YR	06/01/2000	2000-12/58
	22214	R645-301-500	AMD	see CPR	99-16/32
	22214	R645-301-500	CPR	02/01/2000	2000-1/64
	22906	R645-400	5YR	06/01/2000	2000-12/58
RECORDS					
Health, Medical Examiner	22817	R448-20	NEW	06/19/2000	2000-10/29
RECORDS APPEAL HEARINGS					
Administrative Services, Records Committee	22787	R35-2	NSC	05/23/2000	Not Printed
RECREATION					
Natural Resources, Parks and Recreation	22869	R651-301	AMD	07/04/2000	2000-11/93
Natural Resources, Wildlife Resources	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
RECREATIONAL VEHICLES					
Commerce, Occupational and Professional Licensing	22862	R156-56a	REP	07/06/2000	2000-11/7

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REGISTRATION					
Workforce Services, Workforce Information and Payment Services	22828	R994-403	NSC	05/25/2000	Not Printed
RELIGIOUS ACTIVITIES					
Tax Commission, Auditing	22758	R865-19S-103	AMD	06/21/2000	2000-9/181
REPORTING DEATH					
Health, Medical Examiner	22818	R448-10	NEW	06/19/2000	2000-10/27
REPORTS					
Environmental Quality, Air Quality	22605	R307-150	AMD	04/06/2000	2000-3/21
RESPIRATORY CARE					
Commerce, Occupational and Professional Licensing	22482	R156-57	AMD	01/04/2000	99-23/13
	22701	R156-57-302a	AMD	05/02/2000	2000-7/6
RESTAURANTS					
Tax Commission, Auditing	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
RETIREMENT					
Human Resource Management	22850	R477-12	AMD	07/05/2000	2000-11/82
Public Safety, Peace Officer Standards and Training	22979	R728-205	5YR	06/28/2000	2000-14/56
RIGHT-OF-WAY					
Natural Resources, Wildlife Resources	22974	R657-28	AMD	08/15/2000	2000-14/20
RULEMAKING PROCEDURES					
School and Institutional Trust Lands, Administration	22594	R850-10	5YR	01/04/2000	2000-3/92
RULES AND PROCEDURES					
Fair Corporation (Utah State), Administration	22647	R325-2-2	AMD	See CPR	2000-5/31
	22647	R315-2-2	CPR	06/05/2000	2000-8/32
Human Resource Management, Administration	22839	R477-1	AMD	07/05/2000	2000-11/47
	22851	R477-13	AMD	07/05/2000	2000-11/84
Natural Resources, Wildlife Resources	22783	R657-27	AMD	06/08/2000	2000-9/177
Public Service Commission, Administration	22550	R746-401	NSC	01/25/2000	Not Printed
	22784	R746-405	NSC	05/01/2000	Not Printed
SAFETY					
Education, Administration	22945	R277-400	AMD	08/01/2000	2000-13/18
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
Labor Commission, Occupational Safety and Health	22765	R614-1-1	NSC	05/01/2000	Not Printed
	22524	R614-1-4	NSC	01/25/2000	Not Printed
	22766	R614-1-5	NSC	05/01/2000	Not Printed
	22925	R614-1-5	NSC	06/27/2000	Not Printed
	22672	R614-1-10	NSC	03/20/2000	Not Printed
Labor Commission, Safety	22702	R616-2-3	AMD	05/09/2000	2000-7/15
	22782	R616-2-3	AMD	06/02/2000	2000-9/176

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Transportation, Motor Carrier, Ports of Entry	22990	R912-16	NEW	08/16/2000	2000-14/42
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Education, Administration	22945	R277-400	AMD	08/01/2000	2000-13/18
SAFETY REGULATION					
Transportation, Motor Carrier	22912	R909-75	AMD	08/15/2000	2000-12/55
SALARIES					
Human Resource Management, Administration	22845	R477-7	AMD	07/05/2000	2000-11/64
SALES TAX					
Tax Commission, Auditing	22900	R865-11Q-1	NSC	06/27/2000	Not Printed
	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
	22758	R865-19S-103	AMD	06/21/2000	2000-9/181
SANCTIONS					
Judicial Conduct Commission, Administration	22788	R595-1-6	AMD	06/15/2000	2000-10/34
	22789	R595-1-9	AMD	06/15/2000	2000-10/34
SCHOLARSHIP					
Health, Health Systems Improvement, Primary Care and Rural Health	22622	R434-20	AMD	03/24/2000	2000-4/31
Regents (Board of), Administration	22052	R765-604	NEW	see CPR	99-11/63
	22052	R765-604	CPR	02/04/2000	99-20/53
SCHOOLS					
Environmental Quality, Air Quality	22668	R307-801	R&R	see CPR	2000-5/10
	22668	R307-801	CPR	08/01/2000	2000-13/67
SDWA (Safe Drinking Water Act)					
Environmental Quality, Drinking Water	22711	R309-351 (Changed to R309-351)	AMD	05/16/2000	2000-8/11
SEARCH AND SEIZURE					
Corrections, Administration	22963	R251-710	NSC	08/01/2000	Not Printed
SECONDARY EDUCATION					
Regents (Board of), Administration	22052	R765-604	NEW	see CPR	99-11/63
	22052	R765-604	CPR	02/04/2000	99-20/53
SECONDARY DISINFECTANTS					
Environmental Quality, Drinking Water	22884	R309-205 (Changed to R309-520)	AMD	08/15/2000	2000-12/34
SECURITIES					
Commerce, Securities	22642	R164-2	NEW	03/20/2000	2000-4/18
	22643	R164-4	AMD	03/20/2000	2000-4/20
	22644	R164-14	AMD	03/20/2000	2000-4/29
	22866	R164-14	NSC	05/25/2000	Not Printed
Financial Institutions, Banks	22831	R333-10	NSC	05/25/2000	Not Printed

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	22643	R164-4	AMD	03/20/2000	2000-4/20
	22864	R164-11	NSC	05/25/2000	Not Printed
	22865	R164-12	NSC	05/25/2000	Not Printed
	22644	R164-14	AMD	03/20/2000	2000-4/29
	22866	R164-14	NSC	05/25/2000	Not Printed
	22867	R164-26	NSC	05/25/2000	Not Printed
SECURITY GUARDS					
Commerce, Occupational and Professional Licensing	22735	R156-61-302e	NSC	05/01/2000	Not Printed
	22801	R156-63	AMD	06/15/2000	2000-10/24
	22736	R156-63-302a	NSC	05/01/2000	Not Printed
SECURITY MEASURES					
Corrections, Administration	22963	R251-710	NSC	08/01/2000	Not Printed
SEPTIC SYSTEMS					
Environmental Quality, Water Quality	22491	R317-501	REP	02/16/2000	99-23/45
SEPTIC TANKS					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
SETTLEMENT					
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed
SHELTER CARE FACILITIES					
Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
SKILLS TESTS					
Public Safety, Driver License	22980	R708-37	NEW	08/15/2000	2000-14/25
SMALL BUSINESS ASSISTANCE PROGRAM					
Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
SMALL GAME					
Natural Resources, Wildlife Resources	22882	R657-21	5YR	05/22/2000	2000-12/59
	22973	R657-21	AMD	08/15/2000	2000-14/18
SOCIAL SERVICES					
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
	22876	R512-1	AMD	07/20/2000	2000-12/49
SOLID WASTE MANAGEMENT					
Environmental Quality, Solid and Hazardous Waste	22856	R315-311	AMD	07/15/2000	2000-11/15
	22857	R315-312-1	AMD	07/15/2000	2000-11/17
	22859	R315-320	AMD	07/15/2000	2000-11/19

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SPECIAL EDUCATION					
Education, Administration	22949	R277-750	AMD	08/01/2000	2000-13/23
SPECIFIC LICENSES					
Environmental Quality, Radiation Control	22601	R313-22	AMD	03/10/2000	2000-3/59
STATE BUILDINGS					
Capitol Preservation Board (State), Administration	22574	R131-7	NEW	03/13/2000	2000-2/7
STATE EMPLOYEES					
Human Resource Management, Administration	22844	R477-6	AMD	07/05/2000	2000-11/62
STATE EXPENDITURES					
Human Resource Management, Administration	22841	R477-3	NSC	07/05/2000	Not Printed
STATE PROPERTY					
Administrative Services, Fleet Operations, Surplus Property	22729	R28-1	AMD	06/01/2000	2000-9/3
STATE RECORDS COMMITTEE					
Administrative Services, Records Committee	22787	R35-2	NSC	05/23/2000	Not Printed
STOCKS					
Treasurer, Unclaimed Property	22799	R966-1	NSC	05/23/2000	Not Printed
STORAGE TANKS					
Environmental Quality, Drinking Water	22885	R309-210 (Changed to R309-545)	AMD	08/15/2000	2000-12/38
STOVE					
Environmental Quality, Air Quality	22687	R307-122-2	NSC	03/20/2000	Not Printed
STUDENT COMPETENCY					
Education, Administration	22719	R277-702	AMD	05/16/2000	2000-8/8
STUDENT ELIGIBILITY					
Workforce Services, Workforce Information and Payment Services	22828	R994-403	NSC	05/25/2000	Not Printed
STUDENT LOANS					
Regents (Board of), Administration	22822	R765-626	5YR	05/05/2000	2000-11/103
STUDENTS					
Education, Administration	23004	R277-401	NSC	08/01/2000	Not Printed
STUDENTS AT RISK					
Education, Administration	23008	R277-464	5YR	07/12/2000	2000-15/27
SUBPOENAS					
Human Services, Recovery Services	22820	R527-67	5YR	05/03/2000	2000-11/102
SUBSIDIARIES					
Financial Institutions, Banks	22831	R333-10	NSC	05/25/2000	Not Printed

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SUPPLIES					
Education, Administration	23007	R277-459	5YR	07/12/2000	2000-15/27
SURPLUS PROPERTY					
Administrative Services, Fleet Operations, Surplus Property	22809	R28-3	NSC	05/23/2000	Not Printed
SURVEYS					
Environmental Quality, Radiation Control	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
Natural Resources; Forestry, Fire and State Lands	22819	R652-40-300	NSC	05/25/2000	Not Printed
School and Institutional Trust Lands, Administration	22795	R850-40-300	NSC	08/01/2000	Not Printed
SYSTEMS					
Public Safety, Fire Marshal	22560	R710-7	AMD	02/01/2000	2000-1/54
TAILINGS					
Environmental Quality, Air Quality	23089	R307-205	5YR	08/02/2000	2000-17/86
TARIFFS					
Public Service Commission, Administration	22784	R746-405	NSC	05/01/2000	Not Printed
TAXATION					
Tax Commission, Administration	22904	R861-1A	NSC	06/27/2000	Not Printed
	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
	22802	R861-1A-36	AMD	06/21/2000	2000-10/44
Tax Commission, Auditing	22991	R865-6F	NSC	08/01/2000	Not Printed
	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
	22993	R865-13G	NSC	08/01/2000	Not Printed
	22996	R865-16R	5YR	07/07/2000	2000-15/30
Tax Commission, Motor Vehicle	22994	R873-22M	NSC	08/01/2000	Not Printed
	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
Tax Commission, Motor Vehicle Enforcement	22995	R877-23V	NSC	08/01/2000	Not Printed
Tax Commission, Property Tax	23011	R884-24P	NSC	08/01/2000	Not Printed
	22627	R884-24P-33	AMD	03/28/2000	2000-4/56

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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22804	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-62	NSC	06/27/2000	Not Printed
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
TAX EXEMPTIONS					
Environmental Quality, Air Quality	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22687	R307-122-2	NSC	03/20/2000	Not Printed
Tax Commission, Auditing	22758	R865-19S-103	AMD	06/21/2000	2000-9/181
TAX RETURNS					
Tax Commission, Auditing	22992	R865-9I	NSC	08/01/2000	Not Printed
	22898	R865-9I-46	NSC	06/27/2000	Not Printed
	22899	R865-9I-48	NSC	06/27/2000	Not Printed
TEACHER CERTIFICATION					
Education, Administration	23009	R277-520	5YR	07/12/2000	2000-15/28
	23010	R277-520	NSC	08/01/2000	Not Printed
Professional Practices Advisory Commission, Administration	22504	R686-100	AMD	01/05/2000	99-23/96
	22671	R686-100	AMD	04/03/2000	2000-5/53
TEACHER ENDORSEMENT					
Education, Administration	23009	R277-520	5YR	07/12/2000	2000-15/28
	23010	R277-520	NSC	08/01/2000	Not Printed
TEACHER LICENSURE					
Education, Administration	22670	R277-514	AMD	04/03/2000	2000-5/8
	23006	R277-514	NSC	08/01/2000	Not Printed
TEACHERS					
Education, Administration	23007	R277-459	5YR	07/12/2000	2000-15/27
Professional Practices Advisory Commission, Administration	23001	R686-101	NSC	08/01/2000	Not Printed
	23002	R686-102	NSC	08/01/2000	Not Printed
TELECOMMUNICATIONS					
Public Service Commission, Administration	22798	R746-343-15	AMD	07/01/2000	2000-10/38
	22530	R746-360-2	NSC	01/25/2000	Not Printed
TIME					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22673	R606-1-2	NSC	03/20/2000	Not Printed
	22674	R606-2-2	NSC	03/20/2000	Not Printed
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22705	R994-700	REP	06/16/2000	2000-7/16
TIRES					
Transportation, Motor Carrier, Ports of Entry	22751	R912-76	NSC	05/01/2000	Not Printed
TRAINING					
Natural Resources, Wildlife Resources	22651	R657-46	AMD	04/04/2000	2000-5/51

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Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
TRAMWAY PERMITS					
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
TRAMWAYS					
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
TRANSPORTATION SAFETY					
Transportation, Motor Carrier	22652	R909-1	AMD	06/01/2000	2000-5/62
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
TRIP REDUCTION					
Environmental Quality, Air Quality	22724	R307-320	5YR	04/05/2000	2000-9/184
TRUANCY					
Education, Administration	22610	R277-607	AMD	03/03/2000	2000-3/11
TRUCKING INDUSTRIES					
Tax Commission, Auditing	22991	R865-6F	NSC	08/01/2000	Not Printed
	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
TRUCKS					
Transportation, Motor Carrier	22652	R909-1	AMD	06/01/2000	2000-5/62
Transportation, Motor Carrier, Ports of Entry	22531	R912-14	AMD	02/15/2000	2000-1/59
	22990	R912-16	NEW	08/16/2000	2000-14/42
UNATTENDED DEATH					
Health, Medical Examiner	22818	R448-10	NEW	06/19/2000	2000-10/27
UNDERGROUND STORAGE TANKS					
Environmental Quality, Environmental Response and Remediation	22762	R311-201-4	AMD	07/17/2000	2000-9/39
UNEMPLOYED WORKERS					
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
UNEMPLOYMENT COMPENSATION					
Workforce Services, Workforce Information and Payment Services	22823	R994-102	NSC	05/25/2000	Not Printed
	22548	R994-202-103	AMD	02/02/2000	2000-1/60
	22824	R994-202-103	NSC	05/25/2000	Not Printed
	22721	R994-204	5YR	04/04/2000	2000-9/187
	22825	R994-204-303	NSC	05/25/2000	Not Printed
	22722	R994-205	5YR	04/04/2000	2000-9/188

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	22723	R994-206	5YR	04/04/2000	2000-9/188
	22826	R994-307-101	NSC	05/25/2000	Not Printed
	22827	R994-308-106	NSC	05/25/2000	Not Printed
	22828	R994-403	NSC	05/25/2000	Not Printed
	22829	R994-404	NSC	05/25/2000	Not Printed
	22800	R994-405-503	AMD	06/16/2000	2000-10/49
UNINSURED EMPLOYERS					
Labor Commission, Industrial Accidents	22592	R612-8	5YR	01/03/2000	2000-3/91
UNINSURED MOTORIST DATABASE					
Public Safety, Driver License	22908	R708-32	5YR	06/01/2000	2000-12/60
	22909	R708-32	NSC	06/20/2000	Not Printed
UNITS					
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
UNIVERSAL SERVICE					
Public Service Commission, Administration	22530	R746-360-2	NSC	01/25/2000	Not Printed
UTILITY REGULATION					
Public Service Commission, Administration	22784	R746-405	NSC	05/01/2000	Not Printed
VACATIONS					
Human Resource Management, Administration	22846	R477-8	AMD	07/05/2000	2000-11/67
WASTE DISPOSAL					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
Environmental Quality, Solid and Hazardous Waste	22856	R315-311	AMD	07/15/2000	2000-11/15
	22857	R315-312-1	AMD	07/15/2000	2000-11/17
	22857	R315-320	AMD	07/15/2000	2000-11/19
Environmental Quality, Water Quality	22699	R317-1-4	AMD	06/13/2000	2000-6/16
WASTE WATER					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
	22491	R317-501	REP	02/16/2000	99-23/45
	22492	R317-502	REP	02/16/2000	99-23/48
	22493	R317-503	REP	02/16/2000	99-23/56
	22494	R317-504	REP	02/16/2000	99-23/58
	22495	R317-505	REP	02/16/2000	99-23/59
	22496	R317-506	REP	02/16/2000	99-23/63
	22497	R317-507	REP	02/16/2000	99-23/65
	22498	R317-508	REP	02/16/2000	99-23/73
	22499	R317-509	REP	02/16/2000	99-23/75
	22500	R317-510	REP	02/16/2000	99-23/77
	22501	R317-511	REP	02/16/2000	99-23/80
	22502	R317-512	REP	02/16/2000	99-23/82
	22503	R317-513	REP	02/16/2000	99-23/84

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	22566	R317-2	AMD	03/17/2000	2000-1/15
	22860	R317-2-13	AMD	08/01/2000	2000-11/24
WATER QUALITY STANDARDS					
Environmental Quality, Water, Quality	22566	R317-2	AMD	03/17/2000	2000-1/15
	22860	R317-2-13	AMD	08/01/2000	2000-11/24
WATER RIGHTS					
Natural Resources, Water Rights	22806	R655-3	NEW	07/01/2000	2000-10/35
	22744	R655-4	NSC	05/01/2000	Not Printed
WATERHSED MANAGEMENT					
Environmental Quality, Drinking Water	22731	R309-102	AMD	08/15/2000	2000-9/29
WELFARE FRAUD					
Human Services, Recovery Services	22556	R527-200	AMD	02/01/2000	2000-1/37
	22754	R527-200	NSC	05/01/2000	Not Printed
	22755	R527-800	NSC	05/01/2000	Not Printed
WELL DRILLING					
Natural Resources, Water Rights	22744	R655-4	NSC	05/01/2000	Not Printed
WILDLIFE					
Natural Resources, Wildlife Resources	22519	R657-5	AMD	see CPR	99-24/25
	22519	R657-5	CPR	02/01/2000	2000-1/66
	22880	R657-5	AMD	07/18/2000	2000-12/53
	22938	R657-5-15	AMD	08/01/2000	2000-13/55
	22520	R657-6	AMD	01/18/2000	99-24/35
	22972	R657-6	AMD	08/15/2000	2000-14/10
	22392	R657-13	AMD	01/03/2000	99-20/31
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
	22881	R657-15	5YR	05/22/2000	2000-12/59
	22712	R657-19	5YR	03/30/2000	2000-8/34
	22733	R657-19	NSC	05/01/2000	Not Printed
	22713	R657-19	AMD	05/17/2000	2000-8/20
	22882	R657-21	5YR	05/22/2000	2000-12/59
	22973	R657-21	AMD	08/15/2000	2000-14/18
	22783	R657-27	AMD	06/08/2000	2000-9/177
	22974	R657-28	AMD	08/15/2000	2000-14/20
	22714	R657-33	AMD	05/17/2000	2000-8/23
	22975	R657-37	AMD	08/15/2000	2000-14/23
	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
	22939	R657-41	AMD	08/01/2000	2000-13/56
	22650	R657-41-2	AMD	04/04/2000	2000-5/50
	22651	R657-46	AMD	04/04/2000	2000-5/51
	22562	R657-47	NEW	02/01/2000	2000-1/40
	22940	R657-47	AMD	08/01/2000	2000-13/58

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	22648	R657-13-12	AMD	04/04/2000	2000-5/45
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