

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 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, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.utah.gov/>

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Division of Administrative Rules, Salt Lake City 84114

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EDITOR'S NOTES

NOTICE OF CODIFICATION ERROR FOR R162-106 (DAR NO. 26060)

An amendment to Rule R162-106 (DAR No. 26060) was published in the March 15, 2003, issue of the *Utah State Bulletin*. The amendment, due to a processing error (see editor's note in the April 1, 2003, *Bulletin*) did not include certain changes to Section R162-106-7. Public notice of the publication error was provided by an editor's note in the April 1, 2003, *Bulletin*, indicating the amendments that should have been published.

However, due to a second processing error, the changes to Section R162-106-7 were not included when the amendment made by DAR No. 26060 was made effective on April 23, 2003. Those changes should have been made at that time, and have been made now. Please be aware that these changes have in fact been in effect since April 23, 2003.

Questions about this correction should be addressed to Mike Broschinsky, Administrative Code Editor, Division of Administrative Rules, 4120 State Office Building, Salt Lake City, UT 84114; phone (801) 538-3003; FAX (801) 538-1773; or by email at mbroschi@utah.gov.

End of the Editor's Notes Section

SPECIAL NOTICES

ENVIRONMENTAL QUALITY WATER QUALITY

DIVISION OF WATER QUALITY EXTENDS COMMENT PERIOD FOR RULE R317-2, "STANDARDS OF QUALITY FOR WATERS OF THE STATE" (DAR NO. 26242) THROUGH NOVEMBER 30, 2003

Public Notice

Division of Water Quality Extends Comment Period for Rule R317-2, "Standards of Quality For Waters of the State" (DAR No. 26242) through November 30, 2003.

The Division of Water Quality (DWQ) has extended the comment period for a Change in Proposed Rule published in the September 15, 2003, issue of the Utah State Bulletin. DWQ originally indicated that the comment period would close October 15, 2003. DWQ has decided to extend the acceptance of public comment through November 30, 2003.

Comments regarding the changes to Rule R317-2 may be directed to:

Dave Wham
Environmental Quality
Water Quality
Cannon Health Bldg
288 N 1460 W
Salt Lake City, UT 84116-3231
dwham@utah.gov
Phone: 801-538-6052
Fax: 801-538-6016

GOVERNOR'S EXECUTIVE ORDER: DECLARING A STATE OF EMERGENCY BECAUSE OF FIRE DANGER

EXECUTIVE ORDER

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

WHEREAS, wildland fires are a danger in various areas statewide and present a serious threat to public safety, property, natural resources and the environment;

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

WHEREAS, immediate action is required to suppress the fires and mitigate post-burn flash floods to protect public safety, property, natural resources and the environment;

WHEREAS, these conditions create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981: and

NOW THEREFORE, I, Michael O. Leavitt, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah,

DO HEREBY ORDER THAT: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of October 10, 2003, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 10th day of October, 2003.

Michael O. Leavitt
Governor

(State Seal)

ATTEST:

Olene S. Walker
Lieutenant Governor

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 October 2, 2003, 12:00 a.m., and October 15, 2003, 11:59 p.m. are included in this, the November 1, 2003, 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 each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least December 1, 2003. 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 February 29, 2004, 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 (2001); 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.

Agriculture and Food, Regulatory
Services
R70-310-4
Penalty

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26690
FILED: 10/07/2003, 13:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment adopts the latest version of the Grade A Pasteurized Milk Ordinance.

SUMMARY OF THE RULE OR CHANGE: This amendment adopts the 2001 version of the Grade A Pasteurized Milk Ordinance. There are no significant changes in this version. (DAR NOTE: An amendment to Rule R70-310 was published in the Utah State Bulletin dated September 1, 2002 (DAR No. 25146). In that amendment, Agriculture and Food changed the date of material incorporated by reference. This amendment corrects a reference to the date in another section.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 4-2-2(1)(j)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: USPHS Grade A Pasteurized Milk Ordinance, 2001 version

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No impact to state budget. Dairy owners will be affected if they violate any portion of the Grade A Pasteurized Milk Ordinance.
- ❖ LOCAL GOVERNMENTS: No impact to local government. Dairy owners will be affected if they violate any portion of the Grade A Pasteurized Milk Ordinance.
- ❖ OTHER PERSONS: A penalty not to exceed \$5,000 per violation in a civil proceeding would apply to dairy owners if any portion of the Ordinance is violated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Violation of any portion of the Grade A Pasteurized Milk Ordinance recommendation may result in civil or criminal action. A penalty not to exceed \$5,000 per violation in a civil proceeding, and in a criminal proceeding is guilty of a Class B misdemeanor.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on businesses.

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

AGRICULTURE AND FOOD
REGULATORY SERVICES
350 N REDWOOD RD
SALT LAKE CITY UT 84116-3087, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Marolyn Leetham or Don McClellan at the above address, by phone at 801-538-7114 or 801-538-7145, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at mleetham@utah.gov or dmcclellan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: Cary G. Peterson, Commissioner

R70. Agriculture and Food, Regulatory Services.
R70-310. Grade A Pasteurized Milk.
R70-310-1. Authority.

- A. Promulgated Under the Authority of Subsection 4-2-2(1)(j).
- B. Scope - this rule shall apply to all Grade A pasteurized milk products sold, bought, processed, manufactured or distributed within the State of Utah.

R70-310-2. Adoption of USPHS Ordinance.

The Grade A Pasteurized Milk Ordinance, 2001 Recommendations of the United States Public Health Service/Food and Drug Administration, is hereby adopted and incorporated by reference within this rule. This document is available for public inspection, during normal working hours, and may be reviewed at the main office of the Utah Department of Agriculture and Food, 350 No. Redwood Road, SLC, UT 84116.

R70-310-3. Regulatory Agency Defined.

The definition of "regulatory agency" as given in section 1(x) of the Grade A Pasteurized Milk Ordinance shall mean the Commissioner of Agriculture and Food of the State of Utah or his authorized representative(s).

R70-310-4. Penalty.

Violation of any portion of the Grade A Pasteurized Milk Ordinance [1999]2001 recommendation may result in civil or criminal action, pursuant to Section 4-2-15.

KEY: food inspection

[October 2, 2002]2003

**Notice of Continuation February 10, 2000
4-2-2**

Commerce, Administration
R151-33

Pete Suazo Utah Athletic Commission
Act Rule

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 26695
 FILED: 10/10/2003, 14:10

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment adds or amends provisions regarding boxing bandages and HIV tests, in compliance with existing practice and with national boxing standards.

SUMMARY OF THE RULE OR CHANGE: In accordance with national standards, Section R151-33-507 is revised to accept HIV tests completed within 180 days prior to a contest (the rule previously accepted tests completed within 60 days). A requirement that adhesive tape used for bandaging be white or a light color is added to Subsection R151-33-605(1). This is for the purpose of ensuring that markings made by an inspector can be seen on the bandages. Finally, Subsection R151-33-604(4) regarding placement of bandages is added as a security measure. These additional provisions regarding bandages codify existing practices and conform to national standards.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 13-33-202(2)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No costs are anticipated as a result of these amendments. The revisions regarding bandages are intended to codify existing practice. Acceptance of an HIV test completed 180 days prior to a contest does not create any additional costs for the State budget.
- ❖ LOCAL GOVERNMENTS: No impact is anticipated, because local government is not involved in the regulation or enforcement of the boxing industry.
- ❖ OTHER PERSONS: No costs to licensees or other individuals are anticipated as a result of these amendments. The revisions regarding bandages are intended to codify existing practice. Licensees may have a cost-savings as a result of HIV tests that are accepted for a longer period of time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs to licensees or other individuals are anticipated as a result of these amendments. The revisions regarding bandages are intended to codify existing practice. Licensees may have a cost-savings as a result of HIV tests that are accepted for a longer period of time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to businesses is anticipated from this rule filing. The amendment codifies existing practice for bandages in boxing contests and complies with national standards regarding bandages and HIV tests.

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

COMMERCE
 ADMINISTRATION
 HEBER M WELLS BLDG

160 E 300 S
 SALT LAKE CITY UT 84111-2316, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Masuda Medcalf at the above address, by phone at 801-530-7663, by FAX at 801-530-6446, or by Internet E-mail at mmedcalf@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: Klare Bachman, Executive Director

R151. Commerce, Administration.
R151-33. Pete Suazo Utah Athletic Commission Act Rule.
R151-33-507. HIV Testing.

In accordance with Section 13-33-405, contestants shall produce evidence of a clear test for HIV as a condition to participation in a contest as follows:

- (1) All contestants shall provide evidence in the form of a competent laboratory examination certificate verifying that the contestant is HIV negative at the time of the weigh-in.
- (2) The examination certificate shall certify that the HIV test was completed within ~~[6]~~180 days prior to the contest.
- (3) Any contestant whose HIV test is positive shall be prohibited from participating in a contest.

R151-33-605. Boxing - Bandage Specification.

- (1) Except as agreed to by the managers of the contestants opposing each other in a contest, a contestant's bandage for each hand shall consist of soft gauze not more than 20 yards long and not more than two inches wide. The gauze shall be held in place by not more than eight feet of adhesive tape not more than one and one-half inches wide. The adhesive tape must be white or a light color.
- (2) Bandages shall be adjusted in the dressing room under the supervision of the designated Commission member.
- (3) The use of water or any other substance other than medical tape on the bandages is prohibited.
- (4) The bandages and adhesive tape may not extend to the knuckles, and must remain at least three-fourths of an inch away from the knuckles when the hand is clenched to make a fist.

KEY: licensing, boxing, contests

~~July 23,~~ 2003

13-33-101 et seq.

Notice of Continuation August 2, 2002



**Commerce, Occupational and
Professional Licensing
R156-56
Utah Uniform Building Standard Act
Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26693

FILED: 10/09/2003, 10:07

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are being proposed to: (1) correct the rules to include duties of education advisory committee which was not included in prior rules; (2) update and clarify qualifications for building inspectors and requirement for updating certification when the state adopts new buildings codes; and (3) adopt current versions (2003 edition) replacing prior versions (2000 edition) of the building code, the energy conservation code, the residential code, the mechanical code and the plumbing code and to update state amendments under each of these codes as needed as a result of adopting current versions of the codes.

SUMMARY OF THE RULE OR CHANGE: (1) Subsection R156-56-202(3)(c) is added to state the duties of the education advisory peer committee. (2) Subsection R156-56-302(1) corrects language regarding inspectors who are required to be licensed. (3) Subsection R156-56-302(3) corrects the certifications that are needed to qualify for licensure to match certifications currently offered by the International Code Council. (4) Subsection R156-56-302(5) clarifies the requirement for when inspectors are required to be certified in new codes when new codes or code additions are adopted. (5) Subsection R156-56-701(1) replaces outdated codes with the current versions of the codes. (6) Sections R156-56-704, 705, 707, 708, 709, 710, and 711 have all been changes as needed to adjust to adoption of the current version of each code. This has resulted in a number of technical amendments. As a general comment to the deletions shown: the deletions have resulted from the new code version incorporating requirements that now adequately addresses the concerns that were addressed in the prior amendments. In many cases, the new ICC (International Code Council) codes reflect the language of the Utah amendment, which has been forwarded to ICC, which was then considered and included in the international code. As a general comment to the changes shown: the changes have resulted from the new terms adopted in the international code. The changes were made to correlate the Utah amendment to the current language in the international code. As a general comment: the overall effect of the latest update is that the number and extent of Utah amendments are being reduced as the result of the international code including many of the amendments that Utah had. In some cases the new code adequately covered the subject but wasn't exactly how the Utah amendment addressed the subject matter. The total number of Utah

amendments will go down from 195 amendments to 162 amendments to the international codes. (7) A Sandy City local amendment is being added to correspond to a Fire Code amendment that is already in effect in Sandy.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1 and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-56-4(2) and 58-56-6(2)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes the following: International Code Council (ICC), International Building Code (IBC), 2000 ed.; ICC, Supplement to the International Building Code, 2001 ed.; ICC, International Energy Conservation Code (IECC), 2000 ed.; ICC, International Residential Code (IRC), 2000 ed.; ICC, International Plumbing Code (IPC), 2000 ed.; ICC, International Mechanical Code (IMC), 2000 ed.; ICC, International Fuel Gas Code (IFGC), 2000 ed.; and Table 302.3.3 "Required Separation of Occupancies, dated January 1, 2002 published by the Division. Changes the following: Table 1805.5.9 "Empirical Foundation Walls", dated September 1, 2002 published by the Division is now Table 1805.5(5). Adds the following: ICC, IBC and Appendix J, 2003 ed.; ICC, IECC, 2003 ed.; ICC, IRC, 2003 ed.; ICC, IPC, 2003 ed.; ICC, IMC, 2003 ed.; and ICC, IFGC, 2003 ed.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no direct effect on the state budget other than a cost of \$280 per set of the new 2003 edition of the codes being adopted. The Division is unable to determine how many new sets of the codes would need to be purchased for employees working for state agencies. However, there may be an indirect effect on the state budget, if the state were involved in construction projects which are subject to the particular code amendments. Overall the proposed amendments do not appear to add substantially to costs of construction.

❖ LOCAL GOVERNMENTS: There is no direct effect on the local government budgets other than a cost of \$280 per set of the new 2003 edition of the codes being adopted. The Division is unable to determine how many new sets of the codes would need to be purchased by local governments. However, there may be an indirect effect on local governments, if the local governments were involved in construction projects which are subject to the particular code amendments. Overall the proposed amendments do not appear to add substantially to costs of construction.

❖ OTHER PERSONS: It is impossible to estimate the impact on either individuals or aggregate impact because the cost may vary depending on the type of project involved. Overall the proposed amendments do not appear to add substantially to costs of construction. There will be, however, a cost to other persons in ordering the new 2003 edition of the codes being adopted. For a complete set of the new 2003 edition of the codes being adopted, the books would cost approximately \$280 per set. The Division is unable to determine how many new sets of the codes would need to be purchased by other persons involved in construction.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is impossible to estimate the impact on either individuals or aggregate impact

because the cost may vary depending on the type of project involved. Overall the proposed amendments do not appear to add substantially to costs of construction. There will be, however, a cost to other persons in ordering the new 2003 edition of the codes being adopted. For a complete set of the new 2003 edition of the codes being adopted, the books would cost approximately \$280 per set. The Division is unable to determine how many new sets of the codes would need to be purchased by other persons involved in construction.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments include the following: adoption of updated editions of the various codes, clarification of certain licensure requirements, and addition of a provision defining the education advisory committee's duties. The fiscal impact to businesses is undeterminable and dependent upon the number of projects at issue. The amendments as a whole do not create a substantial negative fiscal impact to the construction industry. Klarice A. Bachman, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/17/2003 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, Utah.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-202. Advisory Peer Committees Created - Membership - Duties.**

(1) There is created in accordance with Subsection 58-1-203(6) and 58-56-5(10)(e), the following committees as advisory peer committees to the Uniform Building Codes Commission:

(a) the Education Advisory Committee consisting of seven members;

(b) the Plumbing and Health Advisory Committee consisting of nine members;

(c) the Structural Advisory Committee consisting of seven members;

(d) the Architectural Advisory Committee consisting of seven members;

(e) the Fire Protection Advisory Committee consisting of five members;

(i) This committee shall join together with the Fire Advisory and Code Analysis Committee of the Utah Fire Prevention Board to form the Unified Code Analysis Council.

(ii) The Unified Code Analysis Council shall meet as directed by the Utah Fire Prevention Board or as directed by the Uniform Building Code Commission or as needed to review fire prevention and building code issues that require definitive and specific analysis.

(iii) The Unified Code Analysis Council shall select one of its members to act in the position of chair and another to act as vice chair. The chair and vice chair shall serve for one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year.

(iv) The chair or vice chair shall report to the Utah Fire Prevention Board or Uniform Building Code Commission recommendations of the council with regard to the review of fire and building codes.

(f) the Mechanical Advisory Committee consisting of seven members; and

(g) the Electrical Advisory Committee consisting of seven members.

(2) The committees shall be appointed and serve in accordance with Section R156-1-205. The membership of each committee shall be made up of individuals who have direct knowledge or involvement in the area of code involved in the title of that committee.

(3) The duties and responsibilities of the committees shall include:

(a) review of requests for amendments to the adopted codes as assigned to each committee by the division with the collaboration of the commission; ~~and~~

(b) submission of recommendations concerning the requests for amendment; and

(c) the Education Advisory Committee shall review and make recommendations regarding funding requests which are submitted, and review and make recommendations regarding budget, revenue and expenses of the education fund established pursuant to Subsection 58-56-9(4).

R156-56-302. Licensure of Inspectors.

In accordance with Subsection 58-56-9(1), the licensee classifications, scope of work, qualifications for licensure, and application for license are established as follows:

(1) License Classifications. Each inspector required to be licensed under Subsection 58-56-9(1) ~~employed by a local regulator, state regulator, compliance agency, or private agency providing inspection services to a regulator or compliance agency,~~ shall qualify for licensure and be licensed by the division in one of the following classifications:

(a) Combination Inspector; or

(b) Limited Inspector.

(2) Scope of Work. The scope of work permitted under each inspector classification is as follows:

(a) Combination Inspector.

(i) Inspect the components of any building, structure or work for which a standard is provided in the specific edition of the codes adopted under these rules or amendments to these codes as included in these rules.

(ii) Determine whether the construction, alteration, remodeling, repair or installation of all components of any building, structure or work is in compliance with the adopted codes.

(iii) After determination of compliance or noncompliance with the adopted codes take appropriate action as is provided in the aforesaid codes.

(b) Limited Inspector.

(i) A Limited Inspector may only conduct activities under Subsections (ii), (iii) or (iv) for which the Limited Inspector has maintained current certificates under the adopted codes as provided under Subsections R156-56-302(3)(b) and R156-56-302(2)(c)(ii).

(ii) Subject to the limitations of Subsection (i), inspect the components of any building, structure or work for which a standard is provided in the specific edition of the codes adopted under these rules or amendments to these codes as included in these rules.

(iii) Subject to the limitations under Subsection (i), determine whether the construction, alteration, remodeling, repair or installation of components of any building, structure or work is in compliance with the adopted codes.

(iv) Subject to the limitations under Subsection (i), after determination of compliance or noncompliance with the adopted codes, take appropriate action as is provided in the adopted codes.

(c) Transitional Provisions.

(i) The state administered examinations upon which prior licenses were granted or upon which new limited inspector licenses may be granted shall be considered as current certification until March 1, 2004. Thereafter, licenses may not be granted or renewed unless the person has obtained current certificates issued by a national organization.

(3) Qualifications for Licensure. The qualifications for licensure for each inspector classification are as follows:

(a) Combination Inspector.

Has passed the examination for and maintained as current the following national certifications for codes adopted under these rules:

(i) the "Combination Inspector Certification" issued by the International Code Council; or

(ii) all of the following certifications:

(~~1~~A) the "Building Inspector Certification" issued by the International Code Council or both the "Commercial Building Inspector Certification" and the "Residential Building Inspector Certification" issued by the International Code Council;

(~~2~~B) the "Electrical Inspector Certification" issued by the International Code Council or the "General Electrical Certification" issued by the International Association of Electrical Inspectors, or both the "Commercial Electrical Inspector Certification" and the "Residential Electrical Inspector Certification" issued by the International Code Council;

(~~3~~C) the "Plumbing Inspector Certification" issued by the International Code Council, [~~International Code Council or the International Association of Plumbing and Mechanical Officials~~] or both the "Commercial Plumbing Inspector Certification" and the "Residential Plumbing Inspector Certification" issued by the International Code Council [~~or International Association of Plumbing and Mechanical Officials~~]; and

(~~4~~D) the "Mechanical Inspector Certification" issued by the International Code Council or both the "Commercial Mechanical

Inspector Certification" and the "Residential Mechanical Inspector Certification" issued by the International Code Council~~[Association of Plumbing and Mechanical Officials].~~

(b) Limited Inspector.

Has passed the examination for and maintained as current one or more of the following national certifications for codes adopted under these rules:

(i) the "Building Inspector Certification" issued by the International Code Council;

(ii) the "Electrical Inspector Certification" issued by the International Code Council or the "General Electrical Certification" issued by the International Association of Electrical Inspectors;

(iii) the "Plumbing Inspector Certification" issued by the International Code Council~~;~~ ~~International Code Council or the International Association of Plumbing and Mechanical Officials or the "Commercial Plumbing Inspector Certification" issued by the International Code Council or International Association of Plumbing and Mechanical Officials];~~

(iv) the "Mechanical Inspector Certification" issued by the International Code Council~~;~~ ~~or the "Commercial Mechanical Inspector Certification" issued by the International Association of Plumbing and Mechanical Officials];~~

(v) the "Residential Combination [~~Dwelling~~]Inspector Certification" issued by the International Code Council;

(vi) the "~~Limited~~ Commercial Combination Certification" issued by the International Code Council;

(vii) the "Commercial Building Inspector Certification" issued by the International Code Council;

(viii) the "Commercial Electrical Inspector Certification" issued by the International Code Council;

(ix) the "Commercial Plumbing Inspector Certification" issued by the International Code Council;

(x) the "Commercial Mechanical Inspector Certification issued by the International Code Council;

(~~vii~~xi) the "Residential Building Inspector Certification" issued by the International Code Council;

(~~viii~~xii) the "Residential Electrical Inspector Certification" issued by the International Code Council;

(~~ix~~xiii) the "Residential Plumbing Inspector Certification" issued by the International Code Council;~~or~~

(~~x~~xiv) the "Residential Mechanical Inspector Certification" issued by the International Code Council;

(~~xv~~xv) any other special or otherwise limited inspector certifications used by the International Code Council which certifications cover a part of the codes adopted under these rules including but not limited to each of the following: Reinforced Concrete Special Inspector, Prestressed Concrete Special Inspector, Residential Energy Inspector, Commercial Energy Inspector; or

(~~xvi~~xvi) any combination certification which is based upon a combination of one or more of the above listed certifications.

(4) Application for License.

(a) An applicant for licensure shall:

(i) submit an application in a form prescribed by the division; and

(ii) pay a fee determined by the department pursuant to Section 63-38-3.2.

(5) Code transition provisions.

(a) If an inspector or applicant obtains a new, renewal or recertification or replacement national certificate after a new code or code edition is adopted, the inspector or applicant is required to

obtain that certification under the currently adopted code or code edition.

(b) After a new code or new code edition is adopted under these rules, the inspector is required to re-certify their national certification to the new code or code edition at the next available renewal cycle of the national certification.

(c) If a licensed inspector fails to obtain the national certification as required in Subsection (a) or (b), their authority to inspect for the area covered by the national certification automatically expires at the expiration date of the national certification that was not obtained as required.

(d) If an inspector recertifies a national certificate on a newer edition of the codes adopted before that newer edition is adopted under these rules, such recertification shall be considered as a current national certification as required by these rules.

(e) If an inspector complies with these transition provisions, the inspector shall be considered to have a current national certification as required by these rules.

R156-56-701. Specific Editions of Uniform Building Standards.

(1) In accordance with Subsection 58-56-4(3), and subject to the limitations contained in Subsection (6), (7), and (8), the following codes are hereby incorporated by reference and adopted as the construction standards to be applied to building construction, alteration, remodeling and repair and in the regulation of building construction, alteration, remodeling and repair in the state:

(a) the ~~[2000]2003~~ edition of the International Building Code (IBC), ~~including Appendix J] as modified by Chapter 11 and Chapter 16 of the 2001 edition of the Supplement to the International Building Code,~~ promulgated by the International Code Council, and amendments adopted under these rules together with standards incorporated into the IBC by reference, including but not limited to, the ~~[2000]2003~~ edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council and the ~~[2000]2003~~ edition of the International Residential Code (IRC) promulgated by the International Code Council shall become effective on January 1, ~~[2002]2004~~;

(b) the 2002 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2003;

(c) the ~~[2000]2003~~ edition of the International Plumbing Code (IPC) promulgated by the International Code Council and amendments adopted under these rules in Section R156-56-707 shall become effective on ~~[January 1, 2004]January 1, 2004~~;

(d) the ~~[2000]2003~~ edition of the International Mechanical Code (IMC) together with all applicable standards set forth in the ~~[2000]2003~~ International Fuel Gas Code (IFGC) (formerly included as part of the IMC) and amendments adopted under these rules in Section R156-56-708 shall become effective on January 1, ~~[2002]2004~~;

(e) subject to the provisions of Subsection (4), the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) as promulgated by the Department of Housing and Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990; and

(f) subject to the provisions of Subsection (4), the 1994 edition of NCSBCS A225.1 Manufactured Home Installations promulgated by the National Conference of States on Building Codes and Standards (NCSBCS).

(2) In accordance with Subsection 58-56-4(4), and subject to the limitations contained in Subsection 58-56-4(5), the following

codes are hereby incorporated by reference and approved for use and adoption by a compliance agency as the construction standards which may be applied to existing buildings in the regulation of building alteration, remodeling, repair, removal and rehabilitation in the state:

(a) the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) promulgated by the International Code Council;

(b) the 1997 edition of the Uniform Code for Building Conservation (UCBC) promulgated by the International Code Council;

(c) Guidelines for the Seismic Retrofit of Existing Buildings (GSREB) promulgated by the International Code Council;

(d) Guidelines for the Rehabilitation of Existing Buildings (GREB) promulgated by the International Code Council.

(3) Amendments adopted by rule to prior editions of the Uniform Building Standards shall remain in effect until specifically amended or repealed.

(4) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction or NCSBCS/ANSI 225.1, Manufactured Home Installations, provided the design is approved in writing by a professional engineer or architect licensed in Utah. Guidelines for Manufactured Housing Installation as promulgated by the International Code Council may be used as a reference guide.

(5) Pursuant to the Federal Manufactured Home Construction and Safety Standards Section 604(d), a manufactured home may be installed in the state of Utah which does not meet the local snow load requirements as specified in Subsection R156-56-704; however all such homes which fail to meet the standards of Subsection R156-56-704 shall have a protective structure built over the home which meets the International Building Code and the snow load requirements under Subsection R156-56-704.

(6) To the extent that the building codes adopted under Subsection (1) establish local administrative functions or establish a method of appeal which pursuant to Section 58-56-8 are designated to be established by the compliance agency, such provisions are not included in the codes adopted hereunder but authority over such provisions are reserved to the compliance agency to establish such provisions.

(7) To the extent that the building codes adopted under Subsection (1) establish provisions, standards or references to other codes which by state statutes are designated to be established or administered by other state agencies or local city, town or county jurisdictions, such provisions are not included in the codes adopted herein but authority over such provisions are reserved to the agency or local government having authority over such provisions. Provisions excluded under this Subsection include but are not limited to:

(a) the International Property Maintenance Code;

(b) the International Private Sewage Disposal Code, authority over which would be reserved to the Department of Health and the Department of Environmental Quality;

(c) the International Fire Code which pursuant to Section 58-3-7 authority is reserved to the Utah Fire Prevention Board; and

(d) day care provisions which are in conflict with the Child Care Licensing Act, authority over which is designated to the Utah Department of Health.

(8) To the extent that the codes adopted under Subsection (1) establish provisions that exceed the authority granted to the

Division, under the Utah Uniform Building Standards Act, to adopt codes or amendments to such codes by rulemaking procedures, such provisions, to the extent such authority is exceeded, are not included in the codes adopted.

R156-56-704. Statewide Amendments to the IBC.

The following are adopted as amendments to the IBC to be applicable statewide:

(1) All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Subsection R156-56-701(1)(b).

(2) All references to the International Existing Building Code are deleted and replaced with the codes approved under Subsection R156-56-701(2).

(~~2~~3) Section 101.4.1 is deleted and replaced with the following:

101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(~~3~~4) In Section 109, a new section is added as follows:

109.3.5 Weather-resistive barrier and flashing. An inspection shall be made of the weather-resistive barrier as required by Section 1403.2 and flashing as required by Section 1405.3 to prevent water from entering the weather-resistant exterior wall envelope.

The remaining sections will be renumbered as follows:

109.3.6 Lath or gypsum board inspection

109.3.7 Fire-resistant penetrations

109.3.8 Energy efficiency inspections

109.3.9 Other inspections

109.3.10 Special inspections

109.3.11 Final inspection.

(5) Section 114.1 is deleted and replaced with the following:

114.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or other pertinent laws or ordinances or dangerous or unsafe, the building official is authorized to stop work.

(~~4~~6) In Section 202, the following definition is added:

ASSISTED LIVING FACILITY. See Section 308.1.1.

~~(5) Section 302.3.3 is deleted and replaced with the following:~~

~~302.3.3 Separated uses. Each portion of the building shall be individually classified as to use and shall be considered separated from other occupancies when completely separated from adjacent areas by fire barrier walls or horizontal assemblies or both having a fire resistance rating determined in accordance with this sections.~~

~~302.3.3.1 All occupancies. Each fire area shall be separated from other occupancies in other fire areas in accordance with Table 302.3.3 based on the occupancy in the fire areas, and shall comply with the height limitations based on the use of that space and the type of construction classification. In each story the building area shall be such that the sum or the ratios of the floor area of each use divided by the allowable area for each use shall not exceed 1.~~

~~Exceptions for R-3 and U Groups:~~

~~1. The private garage shall be separated from the residence and its attic area by means of materials approved for one-hour fire resistive construction applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1 3/8 inches (35 mm) thick or doors in compliance with Section 714.2.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.~~

~~2. Duets in the private garage and duets penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (.48 mm) sheet steel and shall have no openings into the garage.~~

~~3. A separation is not required between a Group R-3 and Group U carport provided the carport is entirely open on two or more sides and there are not enclosed spaces above.~~

~~Where the building is equipped throughout with an automatic sprinkler system, the fire resistance ratings in Table 302.3.3 shall be reduced by one hour but not to less than one hour and to not less than that required for floor construction according to the type of construction. The one-hour reduction shall not apply to fire area separations when H-1, H-2, H-3, or I-2 occupancies are included in the areas being separated.~~

~~Table 302.3.3 is deleted and replaced with:~~

~~Table 302.3.3, entitled "Required Separation of Occupancies", dated January 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 302.3.3 identifies what type of separation of occupancies requirements are mandated in various types of property use classifications.~~

~~(6) A new Section 302.4 is added as follows:~~

~~302.4 Spaces used for different purposes. A room or space that is intended to be occupied at different times for different purposes shall comply with all requirements that are applicable to each of the purposes for which the room or space will be occupied.]~~

(7) Section 305.2 is deleted and replaced with the following:

305.2 Day care. The building or structure, or portion thereof, for educational, supervision, child day care centers, or personal care services of more than four children shall be classified as a Group E occupancy. See Section 419 for special requirements for Group E child day care centers.

Exception: Areas used for child day care purposes with a Residential Certificate, Family License or Family Group License may be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 or shall comply with the International Residential Code in accordance with [and as applicable in] Section 101.2.

Child day care centers providing care for more than 100 children 2 1/2 years or less of age shall be classified as Group I-4.

(8) In Section 308 the following definitions are added:

308.1.1 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

TYPE 1 ASSISTED LIVING FACILITY. A residential facility that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

TYPE 2 ASSISTED LIVING FACILITY. A residential facility that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

SEMI-INDEPENDENT. A person who is:

A. Physically disabled but able to direct his or her own care; or

B. Cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

(9) Section 308.2 is deleted and replaced with the following:

308.2 Group I-1. This occupancy shall include [a] buildings, structures, or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an

emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, type 1 assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as a Group R-4.

(10) Section 308.3 is deleted and replaced with the following:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than three persons who are not capable of self-preservation. This group shall include, but not be limited to the following: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities, ambulatory surgical centers with two or more operating rooms where care is less than 24 hours, outpatient medical care facilities for ambulatory patients (accommodating more than five such patients in each tenant space) which may render the patient incapable of unassisted self-preservation, and type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted living facilities as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as a Group I-1 facility.

(11) Section 308.3.1 is deleted and replaced with the following:

308.3.1 Child care facility. A child care facility that provides care on a 24 hour basis to more than four children 2 1/2 years of age or less shall be classified as Group I-2.

(12) Section 308.5 is deleted and replaced with the following:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with four or fewer persons shall be classified as an R-3 or shall comply with the International Residential Code in accordance with Section 101.2. Places of worship during religious functions and Group E child day care centers are not included.

(13) Section 308.5.2 is deleted and replaced with the following:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24 hour basis for more than 100 children 2 1/2 years of age or less shall be classified as Group I-4.

(14) Section 310.1 is deleted and replaced with the following:

310.1 Residential Group "R". Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classed as an Institutional Group I. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature (less than 30 days) including: Boarding Houses (transient), Hotels (transient), and Motels (transient).

Exception: Boarding houses accommodating 10 persons or less shall be classified as a Residential Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2.

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including: Apartment Houses, Boarding houses (not transient), Convents, Dormitories, Fraternities and Sororities,

Monasteries, Vacation timeshare properties, Hotels (non transient), and Motels (non transient).

Exception: Boarding houses accommodating 10 persons or less shall be classified as a Residential Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2.

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units, as applicable in Section 101.2, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult and child care facilities that are within a single family home are permitted to comply with the International Residential Code in accordance with Section 101.2. Areas used for day care purposes may be located in a residential ~~[Residential Group, R-3 occupancy provided the building substantially complies with the requirements for a]~~dwelling unit ~~[and]~~under all of the following conditions:

1. Compliance with the Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

R-4 Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the International Residential Code in accordance with Section 101.2.

~~—(15) A new section 310.4 is added as follows:~~

~~—310.4 Floor level exit signs. Where exit signs are required by section 1003.2.10.1, additional approved exit signs that are internally or externally illuminated, photoluminescent or self-luminous, shall be provided in all corridors serving guest rooms of R-1 occupancies. The bottom of such signs shall not be less than 6 inches (152 mm) nor more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit access doors, the sign shall be on the door or adjacent to the door with the closest edge of the sign with 8 inches (203 mm) of the door frame.~~

~~—(16) In section 403.10.1.1 the exception is deleted.]~~

~~[(17)15] A new Section 403.9.1 is added as follows:~~

403.9.1 Elevator lobby. Elevators on all floors shall open into elevator lobbies that are separated from the remainder of the building, including corridors and other means of egress by smoke partitions complying with Section 710. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within the code. Elevator lobbies shall be separated from a fire resistance rated corridor with fire partitions complying with Section 708 and shall have walls of not less than one-hour fire resistance rating and openings shall conform to Section ~~[744]~~715.

Exceptions:

1. Separations are not required from a street floor elevator lobby.

2. In atria complying with the provisions of Section 404 elevator lobbies are not required.

~~(18)~~ 16 A new section 419 is added as follows:

Section 419 Group E Child Day Care Centers. Group E child day care centers shall comply with Section 419.

419.1 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

Exception: Child day care spaces for children over the age of 24 months may be located on the second floor of buildings equipped with automatic fire protection throughout and an automatic fire alarm system.

419.2 Egress. All Group E child day care spaces with an occupant load of 10 or more shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section ~~[4009]~~ 1025.

~~— (19) Section 706.3.5 is deleted and replaced with the following:~~

~~— 706.3.5 Separation of mixed occupancies. Where the provisions of Section 302.3.3 are applicable, the fire barrier separating mixed occupancies shall have a fire resistance rating of not less than that indicated in Section 302.3.3 based on the occupancies being separated.~~

~~— (20) A new Section 706.3.6 is added as follows:~~

~~— 706.3.6. Single occupancy fire areas. The fire barrier separating a single occupancy into different fire areas shall have a fire resistance rating of not less than that indicated in Table 706.3.6.~~

TABLE 706.3.6
FIRE RESISTANCE RATING REQUIREMENTS
FOR FIRE BARRIER ASSEMBLIES BETWEEN
FIRE AREAS

OCCUPANCY GROUP	FIRE RESISTANCE RATING (IN HOURS)
H-1, H-2	4
F-1, H-3, S-1	3
A, B, E, F-2, H-4, H-5, I	2
M, R, S-2	2
U	1

~~]~~ ~~(24)~~ 17 In Section 707.14.1 Exception 4 is deleted and replaced with the following:

4. See Section 403.9.1 for high rise buildings.

~~— (22) Section 710.3 is deleted and replaced with the following:~~

~~— 710.3 Fire resistance rating. The fire resistance rating of floor and roof assemblies shall not be less than that required by the building type of construction. Where the floor assembly separates mixed occupancies, the assembly shall have a fire resistance rating of not less than that required in Section 302.3.3 based on the occupancies being separated. Where the floor assembly separates a single occupancy into different fire areas, the assembly shall have a fire resistance rating of not less than that required by Section 706.3.6. Floor assemblies separating dwelling units or guestrooms shall be a minimum of 1-hour fire resistance rated construction.~~

~~— Exception: Dwelling unit and guestroom separations in buildings of Type IIB, IIB and VB construction shall have fire resistance ratings of not less than 1/2-hour in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.]~~

~~(23)~~ 18 In Section (F)902, the definition for record drawings is deleted and replaced with the following:

~~(F)RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.~~

~~— (24) Section 903.2.5 is deleted and replaced with the following:~~

~~— 903.2.5 Group I. An automatic sprinkler system shall be provided throughout buildings with Group I fire areas. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.]~~

~~— (19) Section (F)903.2.7 is deleted and replaced with the following:~~

~~— (F)903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.~~

~~Exception:~~

~~1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) constructed in accordance with the International Residential Code For One- and Two-Family Dwellings.~~

~~2. Group R-4 fire areas not more than 4,500 gross square feet and not containing more than 16 residents, provided the building is equipped throughout with an approved fire alarm system that is interconnected and receives its primary power from the building wiring and a commercial power system.~~

~~— (20) Section (F)903.3.7 is deleted and replaced with the following:~~

~~(F)903.3.7 Fire department connections. The location of fire department connections shall be approved by the code official.~~

~~— (25) Section 903.2.9 Group R-4 is deleted and replaced with the following:~~

~~— An automatic sprinkler system shall be provided throughout all buildings with Group R-4 fire areas that contain more than eight occupants.~~

~~Exception:~~

~~— 1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 or Section 903.3.1.3, shall be allowed in Group R-4 facilities.~~

~~— 2. Buildings not more than 4,500 gross square feet and not containing more than 16 residents, provided the building is equipped throughout with an approved fire alarm system that is interconnected and receives its primary power from the building wiring and a commercial power system.]~~

~~(26)~~ 21 Section 905.5.3 is deleted and replaced with the following:

905.5.3 Class II system 1-inch hose. A minimum 1-inch (25.4 mm) hose shall be permitted to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the code official.

~~(22) Section (F)907.2.10 is deleted and replaced with the following:~~

~~(F)907.2.10 Single- and multiple-station alarms. Listed single- and multiple-station smoke alarms shall be installed in accordance with the provision of this code and the household fire-warning equipment provision of NFPA 72. Listed single- and multiple-station carbon monoxide detectors shall comply with U.L. 2034 and shall be installed in accordance with the provisions of this code and NFPA 720.~~

~~(F)907.2.10.1 Smoke alarms. Single- or multiple-station smoke alarms shall be installed in the locations described in Sections (F)907.2.10.1.1 through (F)907.2.10.1.4.~~

(F)907.2.10.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(F)907.2.10.1.2 Groups R-2, R-3, R-4 and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(F)907.2.10.1.3 Group I-1. Single- or multiple-station smoke alarms shall be installed and maintained in sleeping areas in occupancies in Group I-1. Single- or multiple-station smoke alarms shall not be required where the building is equipped throughout with an automatic fire detection system in accordance with Section (F)907.2.6.

(F)907.2.10.2 Carbon monoxide alarms. Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit or sleeping unit in Groups R-2, R-3, R-4 and I-1 equipped with fuel burning appliances.

(F)907.2.10.3. Power source. In new construction, required alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Alarms are not required to be equipped with battery backup in Group R-1 where they are connected to an emergency electrical system.

(F)907.2.10.4 Interconnection. Where more than one alarm is required to be installed with an individual dwelling unit in Group R-2, R-3, or R-4, or within an individual sleeping unit in Group R-1, the alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Approved combination smoke and carbon-monoxide detectors shall be permitted.

(F)907.2.10.5 Acceptance testing. When the installation of the alarm devices is complete, each detector and interconnecting wiring for multiple-station alarm devices shall be tested in accordance with the household fire warning equipment provisions of NFPA 72 and NFPA 720, as applicable.

[—(27) In Section 1002, the definition for exit discharge is deleted and replaced with the following:

—EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way or safe dispersal area.

—(28) In Section 1003.2.12.1 the exception is deleted and replaced with the following:

—Exceptions:

—1. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards whose top rail serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.

—2. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm).

—(29) Section 1003.2.12.2 is deleted and replaced with the following:

—1003.2.12.2 Opening limitations. Open guards shall have balusters or ornamental patterns such that a 4 inch diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surface, a sphere 8 inches (203 mm) in diameter shall not pass. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

—Exceptions:

—1. The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.

—2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.

—3. In occupancies in Group I-3, F, H or S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

—4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patterns such that a 4 inch diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.]

[(30)23] Section [4003.3.3.3]1009.3, Exception #5 is deleted and replaced with the following:

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The minimum winder tread depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 10 inches (254 mm).

~~(34)~~24 Section ~~[4003.3.3.11]~~1009.11 Exemption #4 is deleted and replaced with the following:

4. In occupancies in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be provided on at least one side of stairways consisting of four or more risers.

~~(32)~~25 Section ~~[4003.3.3.11.3]~~1009.11.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

~~[(33) In Section 1004.3.2.5 Exception 2 is deleted.~~

~~(34) New Sections 1006.2.3, 1006.2.3.1 and 1006.2.3.2 are added as follows:~~

~~1006.2.3 Safe dispersal areas. Where approved by the code official, the exit discharge is permitted to lead to a safe dispersal area on the same property as the structure being discharged. The proximity and size of such safe dispersal area shall be based on such factors as the occupant load served, the mobility of occupants, the type of construction of the building, the fire protection systems installed in the building, the height of the building and the degree of hazard of the occupancy. In any case, the entire safe dispersal area shall be located not less than 50 feet (15 420 mm) from the structure served.~~

~~1006.2.3.1 School ground fences and gates. School grounds shall be permitted to be fenced and gates therein equipped with locks, provided safe dispersal areas are located between the school and fence with the entire dispersal area no less than 50 feet (15 420mm) from school buildings. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.~~

~~1006.2.3.2 Reviewing stands, grandstands and bleachers. Safe dispersal areas serving reviewing stands, grandstands and bleachers shall accommodate a number of persons equal to the total capacity of the stand or building served. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.~~

~~(35) Section 1109.7 of Chapter 11 in the 2001 Supplement to the International Building Code is deleted and replaced with the following:~~

~~Section 1109.7 Lifts. Platform (wheelchair) lifts shall not be a part of a required accessible route in new construction. Platform (wheelchair) lifts shall be installed in accordance with ASME A18.1.~~

~~Exceptions: Platform (wheelchair) lifts are permitted for:~~

~~1. An accessible route to a performing area and speaker's platforms in occupancies in Group A.~~

~~2. An accessible route to wheelchair spaces required to comply with the wheelchair space dispersion and line of sight requirements of Section 1108.2.2.~~

~~3. An accessible route to spaces that are not open to the general public with an occupant load of not more than five.~~

~~4. An accessible route within a dwelling or sleeping unit.~~

~~5. An accessible route to wheelchair seating spaces located in outdoor dining terraces in A-5 occupancies where the means of egress from the dining terrace to a public way is open to the outdoors.~~

~~6. An accessible route to raised judges' benches, clerks' stations, jury boxes, witness stands and other raised or depressed areas in a court.~~

~~7. An accessible route where existing exterior site constraints make use of a ramp or elevator infeasible.~~

~~8. Wheelchair access where an accessible route is not required per the exceptions to Section 1104.4 and/or Section 1107.4.~~

~~All platform (wheelchair) lifts shall be capable of independent operation without a key.~~

~~Standby power shall be provided for platform lifts permitted to serve as part of the accessible means of egress.~~

~~(36) Section 1207.2 is deleted and replaced with the following:~~

~~1207.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Rooms in one- and two-family dwellings, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).~~

~~Exceptions:~~

~~1. In one- and two-family dwellings, beams or girders spaced not more than 4 feet (1219 mm) on center or projecting not more than 6 inches (152 mm) below the required ceiling height.~~

~~2. Basement rooms without habitable spaces in one- and two-family dwellings having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.~~

~~3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.~~

~~4. Mezzanines constructed in accordance with Section 505.1.~~

~~(37) Section 1207.3 is deleted and replaced with the following:~~

~~1207.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).~~

~~Exception: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.]~~

~~(26) In Section 1012.2 Exception 3 is added as follows:~~

~~3. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm).~~

~~(27) New sections 1109.7.1 and 1109.7.2 are added as follows:~~

~~1109.7.1 All platform (wheelchair) lifts shall be capable of independent operation without a key.~~

~~1109.7.2 Standby power shall be provided for platform lifts permitted to serve as party of the accessible means of egress.~~

~~(38)~~28 Section ~~[4207.4]~~1208.4 subparagraph 1 is deleted and replaced with the following:

1. The unit shall have a living room of not less than 165 square feet (15.3 m) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.

~~(39)~~29 Section 1405.3 is deleted and replaced with the following:

1405.3 Flashing. ~~[Flashing shall be installed in such a manner as to prevent moisture from entering the top and sides of exterior window and door openings. Flashing shall be installed in such a manner as to prevent moisture from entering at the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting flanges on both sides under stucco copings, under and at the ends of masonry, wood or metal copings and sills, continuously above projecting wood trim; at the intersection of exterior walls and porches and decks; at wall and roof intersections with the step flashing methods; at built-in gutters; and at the intersection of foundation to stucco, masonry, siding, or brick veneer with an approved corrosion resistance flashing with a 1/2" drip leg extending past exterior side of the foundation.]Flashing shall be installed in such a manner so as to prevent moisture from entering the wall or to redirect it to the exterior. Flashings shall be installed at the perimeters of exterior door and window assemblies, penetrations and terminations of exterior wall assemblies, exterior wall intersections with roofs, chimneys, porches, decks, balconies and similar projections and at built-in gutters and similar locations where moisture could enter the wall. Flashing with projected flanges shall be installed on both sides and the ends of copings, under sills and continuously above projected trim. A flashing shall be installed at the intersection of the foundation to stucco, masonry, siding or brick veneer. The flashing shall be on an approved corrosion-resistant flashing with a 1/2" drip leg extending past exterior side of foundation.~~

(140)30 Section 1604.5, footnote "c" is added to Table 1604.5 Classification of Buildings and Other Structures for Importance Factors:

c. For determining "W" per sections 1616.4.1, 1617[.41], 1617.5.1, or 1618.[41], the Snow Factor I_s , may be taken as 1.0.

(144)31 In Section 1605.2.1, the formula shown as " $f_2 = 0.2$ for other roof configurations" is deleted and replaced with the following:

$f_2 = 0.20 + .025(A-5)$ for other configurations where roof snow load exceeds 30 psf

$f_2 = 0$ for roof snow loads of 30 psf (1.44kN/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

(142)32 In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

Flat roof snow loads of 30 pounds per square foot (1.44 kNm²) or less need not be combined with seismic loads. Where flat roofs exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.

$$W_s = (0.20 + 0.025(A-5))P_f$$

Where

W_s = Weight of snow to be included, psf

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

(143)33 In Table 1607.1 number 6 is deleted and replaced with the following:

Occupancy or Use	TABLE 1607.1 NUMBER 6	Uniform	Concentrated
		(psf)	(lbs)
6. Decks, except residential	Same as occupancy served ^b		
6.1 Residential decks	60 psf		

(144)34 In Table 1607.1 number 27 is deleted and replaced with the following:

Occupancy or Use	TABLE 1607.1 NUMBER 27	Uniform	Concentrated
		(psf)	(lbs)
27. Residential			
Group R-3 as applicable in Section 101.2			-
Uninhabitable attics without storage		10 ⁱ	
Uninhabitable attics with storage		20	
Habitable attics and sleeping areas		30	
All other areas except balconies and decks		40	
Hotels and multifamily dwellings			
Private rooms		40	
Public rooms and corridors serving them		100	

(145)35 In Notes to Table 1607.1, Note i is added as follows:
i. This live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

(146)36 Section 1608.1 is deleted and replaced with the following:

Except as modified in section 1608.1.1, design snow loads shall be determined in accordance with Section 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607.

(147)37 Section 7.4.5 of Section 7 of ASCE 7 referred to in Section 1608.1 of the IBC is deleted and replaced with the following:

Section 7.4.5 Ice Dams and Icicles Along Eaves. Where ground snow loads exceed 75 psf, eaves shall be capable of sustaining a uniformly distributed load of 2p_r on all overhanging portions. No other loads except dead loads shall be present on the roof when this uniformly distributed load is applied. All building exits under down-slope eaves shall be protected from sliding snow and ice.

(148)38 Section 1608.1.1 is added as follows:

1608.1.1 Utah Snow Loads. The ground snow load, P_g, to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: P_g = (P_o² + S²(A-A_o)²)^{0.5} for A greater than A_o, and P_g = P_o for A less than or equal to A_o.

WHERE

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table No. 1608.1.1(a)

S = Change in ground snow load with elevation (psf/100 ft.)

From Table No. 1608.1.1(a)

A = Elevation above sea level at the site (ft./1000)

A_o = Base ground snow elevation from Table 1608.1.1(a) (ft./1000)

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g, may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.1(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.

(~~49~~39) Table 1608.1.1(a) and Table 1608.1.1(b) are added as follows:

TABLE NO. 1608.1.1(a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P _o	S	A _o
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. 1608.1.1(b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS(2)

	Roof Snow Load (PSF)	Ground Snow Load (PSF)	
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43

Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6800 ft.	100	142
Park City	8400 ft.	162	231
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

- (1) The IBC requires a minimum live load - See 1607.11.2.
- (2) This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation.

(~~50~~40) Section 1608.2 is deleted and replaced with the following:

1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure

1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

(41) Section 1608.3.2 is deleted and replaced with the following:

1086.3.2 Thermal Factor. The value for the thermal factor, C_t , used in calculation of p_f shall be determined from Table 1608.3.2.

Exception: Except for unheated structures, the value of C_t need not exceed 1.0 when ground snow load, P_g , is calculated using Section 1608.1.1 as amended.

(~~54~~42) Section 1614.2 is deleted and replaced with the following:

1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, or when such change of occupancy results in a design occupant load increase of 100% or more, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.

2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.

(~~52~~43) In Section 1616.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads of 30 psf or less need not be included. Where the roof snow load exceeds 30 psf, the snow load shall be included, but may be adjusted in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$

WHERE:

W_s = Weight of snow to be included in seismic calculation;

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding.

(~~53~~) In Section 1617.2.2, the fourth definition of r_{max} is deleted and replaced with the following:

~~For shear walls, r_{max} shall be taken as the maximum value of the product of the shear in the wall or wall pier and $10/l_w$ ($3.3/l_w$ for SI), divided by the story shear, where l_w is the length of the wall or wall pier in feet (m). The ratio $10/l_w$ need not be taken greater than 1.0 for buildings of light frame construction.~~

(~~54~~) In Section 1617.4.1, Definition of W, Item 4 is deleted and replaced with the following:

~~4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.]~~

(44) Section 1617.4 is deleted and replaced with the following:

1617.4 Equivalent lateral force procedure for seismic design of buildings. The provisions given in Section 9.5.5 of ASCE 7 shall be used. Roof snow loads to be included in the seismic dead load (W) may be adjusted as outlined in Section 1616.4.1, Item 4, as amended.

(~~55~~45) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(~~56~~) In Section 1618.4, Definition of W, Item 4 is deleted and replaced with the following:

~~4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.]~~

(46) Section 1618.1 is deleted and replaced with the following:

1618.1 Dynamic analysis procedures. The following dynamic analysis procedures are permitted to be used in lieu of the equivalent lateral force procedure of Section 1617.4:

1. Modal Response Spectral Analysis.

2. Linear Time-history Analysis.

3. Nonlinear Time-history Analysis.

The dynamic analysis procedures listed above shall be performed in accordance with the requirements of Section 9.5.6, 9.5.7, and 9.5.8 respectively, of ASCE 7. Roof snow loads to be included in the seismic dead load (W) may be adjusted as outlined in Section 1616.4.1, Item 4, as amended.

(~~57~~47) Section 1805.2.1 is deleted and replaced with the following:

Sections 1805.2.1 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

(1) Extending below the frost line of the locality;

(2) Constructed in accordance with ASCE-32; or

(3) Erected on solid rock.

Exception: Freestanding buildings meeting all of the following conditions shall not be required to be protected:

1. Classified in Importance Category ~~IV~~, in accordance with ~~(see Table 1604.5)~~, or Occupancy Group U ~~(see Section 312)~~;

2. Area of 1,000 square feet (93m²) or less;

3. Eave height of 10 feet (3048 mm) or less; and

4. Constructed of light-wood-framed construction.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

(~~58~~48) Section 1805.5 is deleted and replaced with the following:

1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.4 ~~and 1805.5.8 through 1805.5.8.2~~. Concrete foundation walls may also be constructed in accordance with Section 1805.5.9 ~~8~~.

(~~59~~49) A new section ~~[New Sections 1805.5.8, 1805.5.8.1, 1805.5.8.2 and 1805.5.9 are]~~ is added as follows:

1805.5.8 [Seismic requirements. Tables 1805.5(1) through 1805.5(4) shall be subject to the following limitations based on the seismic design category assigned to the structure as defined in Section 1616.

~~1805.5.8.1 Seismic requirements for concrete foundation walls. Concrete foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:~~

~~1. Seismic Design Category A and B. Provide two No. 5 bars around window and door openings. Such bars shall extend at least 24 inches (610 mm) beyond the corners of the openings.~~

~~2. Seismic Design Category C. Tables shall not be used except as permitted for plain concrete members in Section 1910.4.~~

~~3. Seismic Design Categories D, E and F. Tables shall not be used except as allowed for plain concrete members in ACI 318, Section 22.10.~~

~~1805.5.8.2 Seismic requirements for masonry foundation walls. Masonry foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:~~

~~1. Seismic Design Category A and B. No additional seismic requirements.~~

~~2. Seismic Design Category C. The requirements of Section 2106.4 shall apply.~~

~~3. Seismic Design Category D. The requirements of Section 2106.5 shall apply.~~

~~4. Seismic Design Categories E and F. The requirements of Section 2106.6 shall apply.~~

~~1805.5.9] Empirical foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1805.5[-9](5).~~

~~([60]50) Table 1805.5[-9](5) is added as follows:~~

~~Table 1805.5[-9](5), entitled "Empirical Foundation Walls, dated September 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 1805.5[-9](5) identifies foundation requirements for empirical walls. [~~

~~(61) Table 2305.3.3 is deleted and replaced with the following:~~

~~TABLE 2305.3.3
MAXIMUM SHEAR WALL ASPECT RATIOS~~

TYPE	MAXIMUM HEIGHT WIDTH RATIO
Wood structural panels or particleboard, nailed edges	For wind: 3 1/2:1 For seismic: 2:1a
Diagonal sheathing, single fiberboard	2:1 1 1/2:1

~~a. For design to resist seismic forces, shear wall aspect ratios greater than 2:1, but not exceeding 3 1/2:1, are permitted provided the allowable shear capacities in Table 2306.4.1 are multiplied by 2w/h.~~

~~] ([62]51) A new section 2306.1.4 is added as follows:~~

~~2306.1.4 Load duration factors. The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Frequently Used Load Duration Factors, C_d, of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).~~

~~([63]52) Section 2308.6 is deleted and replaced with the following:~~

~~2308.6 Foundation plates or sills. Foundations and footings shall be as specified in Chapter 18. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 and shall be bolted or anchored by one of the following:~~

1. Foundation plates or sill shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece.

2. Foundation plates or sills shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 32 inches (816 mm) apart. There shall be a minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from each end of each piece.

A properly sized nut and washer shall be tightened on each bolt to the plate.

~~([64]53) In Section 2902.1, the title for Table 2902.1 is deleted and replaced with the following and footnote g is added as follows: Table 2902.1, Minimum Number of Plumbing Facilities^{a, b}, (see Sections 403.2 and 403.3).~~

~~FOOTNOTE: g. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms.~~

~~([65]54) A new section 2902.1.1 is added as follows:~~

~~2902.1.1 Unisex toilets and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with section 2902 are permitted to be included in determining the minimum number of fixtures for assembly and mercantile occupancies.~~

~~([66]55) Section 3006.5 Shunt Trip, the following exception is added:~~

~~Exception: Hydraulic elevators and roped hydraulic elevators with a rise of 50 feet or less. [~~

~~(67) In Section 3104.2, a second exception is added as follows:~~

~~2. For the purposes of calculating the number of Type B units required by Chapter 11, structurally connected buildings and buildings with multiple wings shall be considered one structure.]~~

~~([68]56) A new section 340[2]3.5 is added as follows:~~

~~340[2]3.5 Parapets and other appendages. Building constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.~~

~~EXCEPTION: Group R-3 an U occupancies.~~

~~Original Plans and/or structural calculations may be utilized to demonstrate that the parapet or appendages are structurally adequate.~~

~~When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.~~

~~The maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F. If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in [Table 1621.2] ASCE 7-02 Table 9.6.2.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative~~

methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

~~(69) Section 3408.1 is deleted and replaced with the following:
3408.1 Scope: The provision of sections 3408.2 through 3408.5 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.]~~

~~(57) The exception in 3409.1 is deleted and replaced with the following:~~

~~Exception[s]:~~

~~1. When maintenance, additions or alteration occur,]Type B dwelling or sleeping units required by section 1107[5.4] are not required to be provided in existing buildings and facilities, except when an existing occupancy is changed to R-2.~~

~~(58) In Section 3409.3, number 7 is added as follows:~~

~~[2]7. When a change of occupancy in a building or portion of a building results in multiple dwelling or sleeping units as determined in section 1107[5.4]6.2, not less than 20 percent of the dwelling or sleeping units shall be Type B dwelling or sleeping units. These dwelling or sleeping units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling or sleeping units shall be Type A dwelling units.]~~

~~(70) Referenced standards number 1557 91 under ASTM in chapter 35 is deleted and replaced with the following:~~

TABLE

Standard Number	Title	Code Section
D1557 91 E01	Laboratory Compaction	1500.15.2
	Characteristics of soil using Modified Effort	K1.1.2, K1.7.5

~~](59) The following referenced standard is added under NFPA in chapter 35:~~

TABLE

Number	Title	Referenced in code Section number
720-99	Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment	907.2.10.1, 907.2.10.5

~~(60) In Chapter 35, Referenced Standards, the following referenced standards are deleted and replaced with the current versions as follows:~~

TABLE

DELETED	REPLACED BY	
13 - 99	13 - 02	Installation of Sprinkler Systems
13D - 99	13D - 02	Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes
13R - 99	13R - 02	Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height
72 - 99	72 - 02	National Fire Alarm Code
101 - 00	101 - 03	Life Safety Code

~~[(71) A new appendix K, Grading, is added as follows:~~

~~APPENDIX K GRADING~~

~~K1.1 GENERAL~~

~~K1.1.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.~~

~~—K1.1.2 Standards. The following standards of quality shall apply:~~

~~1. ASTM D1557 91 E01, Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft lb/ft).~~

~~K1.2 DEFINITIONS~~

~~K1.2.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.~~

~~BENCH. A relatively level step excavated into earth material on which fill is to be placed.~~

~~COMPACTION. The densification of a fill by mechanical means.~~

~~CUT. See Excavation.~~

~~DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.~~

~~EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.~~

~~EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.~~

~~FILL. Deposition of earth materials by artificial means.~~

~~GRADE. The vertical location of the ground surface.~~

~~GRADE, EXISTING. The grade prior to grading.~~

~~GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.~~

~~GRADING. An excavation or fill or combination thereof.~~

~~KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.~~

~~SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.~~

~~TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.~~

~~K1.3 PERMITS REQUIRED~~

~~K1.3.1 Permits required. Except as exempted in Section K1.3.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.~~

~~K1.3.2 Exemptions. A grading permit shall not be required for the following:~~

~~1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.~~

~~2. Excavation for construction of a structure permitted under this code.~~

~~3. Cemetery graves.~~

~~4. Refuse disposal sites controlled by other regulations.~~

~~5. Excavations for wells, or trenches for utilities.~~

~~6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.~~

~~7. Exploratory excavations performed under the direction of a registered design professional for the sole purpose of preparing a soils report.~~

~~Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The listed exemptions shall not apply to areas located in a floodway or floodplain regulated under Appendix G.~~

~~— K1.4 PERMIT APPLICATION AND SUBMITTALS~~~~— K1.4.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.~~~~— K1.4.2 Site plan requirements. In addition to the provisions of Section 106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.~~~~— K1.4.3 Soils report. A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.~~~~— Exception: A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.~~~~— K1.4.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short period (S_e) greater than 0.5g as determined by Section 1615, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.~~~~— Exception: A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.~~~~— K1.5 INSPECTIONS~~~~— K1.5.1 General. Inspections shall be governed by Section 109 of this code.~~~~— K1.5.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.~~~~— K1.6 EXCAVATIONS~~~~— K1.6.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50%) unless the applicant furnishes a soils report justifying a steeper slope.~~~~— Exceptions:~~~~— 1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67%) provided that all the following are met:~~~~— (a) it is not intended to support structures or surcharges;~~~~— (b) it is adequately protected against erosion;~~~~— (c) it is no more than 8 feet (2438 mm) in height; and~~~~— (d) it is approved by the building official.~~~~— 2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100%)~~~~— K1.7 FILLS~~~~— K1.7.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.~~~~— K1.7.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.~~~~— K1.7.3 Benching. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20%) and the depth of the fill exceeds five feet (1524 mm) benching shall be provided in accordance with Figure K1.7.3 dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division~~~~of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. A key shall be provided which is at least 10 feet (3048 mm) in width and two feet (610 mm) in depth.~~~~— K1.7.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305mm) in any dimension shall be included in fills.~~~~— K1.7.5 Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.~~~~— K1.7.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50%) shall be justified by soils reports or engineering data.~~~~— K1.8 SETBACKS~~~~— K1.8.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure K1.8.1, dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference, unless substantiating data is submitted justifying reduced setbacks.~~~~— K1.8.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure K1.8.1, or than is required to accommodate any required interceptor drains, whichever is greater.~~~~— K1.8.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Such protection may include but shall not be limited to:~~~~— 1. Setbacks greater than those required by Figure K1.8.1.~~~~— 2. Provisions for retaining walls or similar construction.~~~~— 3. Erosion protection of the fill slopes.~~~~— 4. Provision for the control of surface waters.~~~~— K1.9 DRAINAGE AND TERRACING~~~~— K1.9.1 General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.~~~~— Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33%).~~~~— K1.9.2 Terraces. Terraces at least six feet (1829 mm) in width shall be established at not more than 30 foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.~~~~— Where more than two terraces are required, one terrace, located at approximately mid height, shall be at least 12 feet (3658 mm) in width.~~~~— Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5%) and shall be paved with concrete not less than three inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of five feet (1524 mm).~~~~— A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.~~

~~— K1.9.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of one foot (305 mm) and a minimum width of three feet (915 mm). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2%). The drain shall be paved with concrete not less than three inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.~~

~~— K1.9.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.~~

~~— K1.10 EROSION CONTROL~~

~~— K1.10.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.~~

~~— Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion resistant character of the materials.~~

~~— Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.~~

~~— K1.10.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.]~~

R156-56-705. Local Amendments to the IBC.

The following are adopted as amendments to the IBC to be applicable to the following jurisdictions:

(1) City of Farmington:

Section (F)903.2.[46]14 is adopted as follows:

(F)903.2.[46]14 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

1. The structure is over two stories high, as defined by the building code;
2. The nearest point of structure is more than 150 feet from the public way;
3. The total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or
4. The structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief.

(2) City of North Salt Lake

Section (F)903.2.[46]14 is adopted as follows:

(F)903.2.[46]14 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when the following condition is present:

1. The structure is over 6,200 square feet.

Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless required by the fire chief.

(3) Park City Corporation and Park City Fire District:

Section (F)903.2 is deleted and replaced with the following:

(F)903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the location described in this section.

All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.

All new construction having more than two (2) stories, except R-3 occupancy.

All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.

All new construction in the Historic Commercial Business zone district, regardless of occupancy.

All new construction and buildings in the General Commercial zone district where there are side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.

All existing building within the Historic District Commercial Business zone.

In Table 1505.1, the following is added as footnotes d and e:

d. Wood roof covering assemblies are prohibited in R-3 occupancies in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors.

e. Wood roof covering assemblies shall have a Class A rating in occupancies other than R-3 in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors. The owner of the building shall enter into a written and recorded agreement that the Class A rating of the roof covering assembly will not be altered through any type of maintenance process.

TABLE 1505.1.1
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

TABLE 1505.1.2
PROHIBITION/ALLOWANCE OF WOOD ROOFING

Rating	R-3 Occupancy	All Other Occupancies
less than or equal to 11	wood roof covering assemblies per Table 1505.1 are allowed	wood roof covering assemblies per Table 1505.1 are allowed
greater than or equal to 12	wood roof covering is prohibited	wood roof covering assemblies with a Class A rating are allowed

Appendix C is adopted.

(4) Sandy City

Section (F)903.2.14 is added as follows:

(F)903.2.14 An automatic sprinkler system shall be installed in accordance with NFPA 13 throughout buildings containing all occupancies where fire flow exceeds 2,000 gallons per minute, based on Table B105.1 of the 2003 International Fire Code. Exempt locations as indicated in Section 903.3.1.1.1 are allowed.

Exception: Automatic fire sprinklers are not required in buildings used solely for worship, Group R Division 3, Group U occupancies and buildings complying with the International Residential Code unless otherwise required by the International Fire Code.

R156-56-707. Statewide Amendments to the IPC.

The following are adopted as amendments to the IPC to be applicable statewide:

(1) In Section 202, the definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

(2) In Section 202, the definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In Section 202, the following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In Section 202, the definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

(5) In Section 202, the following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In Section 202, the definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section 202, the following definition is added:

S-Trap. A trap having its weir installed above the inlet of the vent connection.

(8) In Section 202, the following definition is added:

Trap Arm. That portion of a fixture drain between a trap weir and the vent fitting.

(9) In Section 202, the definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls

and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(10) Section 304.3 Meter Boxes is deleted.

(11) Section 304.4 is deleted and replaced with the following:

304.4 Opening of Pipes. In or on the exterior habitable envelop of structures where openings have been made in walls, floors, or ceilings for the passage of pipes, the annular space between the opening and the pipe shall not exceed 1/2 inch (12.7 mm). Openings exceeding 1/2 inch (12.7 mm) shall be closed and protected by the installation of approved metal collars that are securely fastened to the adjoining structure.

(12) Section 305.5 is deleted and replaced with the following:

305.5 Pipes through or under footings or foundation walls. Any pipe that passes under or through a footing or through a foundation wall shall be protected against structural settlement.

(13) Section 305.8 is deleted and replaced with the following:

305.8 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1 1/2 inches (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.

(14) Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(15) Sections 308.7 and 308.7.1 are deleted and replaced with the following:

308.7 Anchorage. All ~~[draining]~~ drainage piping except ABS, PVC, CPVC, PP or any other approved piping material having solvent weld or heat fused joints shall be anchored and restrained to prevent axial movement.

308.7.1 Location. Restraints specified by an engineer and approved by the code official shall be provided for pipe sizes greater than 4 inches (102 mm), having changes in direction greater than 45 degrees and at all changes in diameter greater than two pipe sizes.

(16) Section 311.1 is deleted.

(17) Section 312.9 is deleted in its entirety and replaced with the following:

312.9 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly ~~and the spring loaded check valve assembly described in Section 608.16.4].~~

(18) In Section 403.1, the title for Table 403.1 is deleted and replaced with the following title and footnote ~~[g]~~ is added as follows: Table 403.1, Minimum Number of Plumbing Facilities^{a, [e]f}, (see Sections 403.2 and 403.3).

FOOTNOTE: [g]f. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms.]

~~(19) A new section 403.7 is added as follows:~~

~~403.7 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.]~~

(~~20~~19) In Section 406.3, an exception is added as follows:

Exception: Gravity discharge clothes washers, when properly trapped and vented, shall be allowed to be directly connected to the drainage system or indirectly discharge into a properly sized catch basin, trench drain, or other approved indirect waste receptor installed for the purpose of receiving such waste.

(~~21~~20) A new section 406.4 is added as follows:

406.4 Automatic clothes washer metal safe pans. Metal safe pans, when installed under automatic clothes washers, shall only be allowed to receive the unintended discharge from a leaking appliance, valve, supply hose, or overflowing waste water from the clothes washer standpipe. Clothes washer metal safe pans shall not be used as indirect waste receptors to receive the discharge of waste water from any other equipment, appliance, appurtenance, drain pipe, etc. Each safe pan shall be provided with an approved trap seal primer, conforming to ASSE 1018 or 1044 or a deep seal trap. The sides of the safe pan shall be no less than 1 1/2" high and shall be soldered at the joints to provide a water tight seal.

406.4.1 Safe pan outlet. The safe pan shall be no less than 1 1/2" in diameter and shall be located in a visible and accessible location to facilitate cleaning and maintenance. The outlet shall be flush with the surface of the pan so as not to allow water retention within the pan.

(~~22~~21) Section 412.1 is deleted and replaced with the following:

412.1 Approval. Floor drains shall be made of ABS, PVC, cast-iron, stainless steel, brass, or other approved materials that are listed for the use.

(~~23~~22) Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one floor drain.

(~~24~~23) Section 417.5.2 is deleted and replaced with the following:

417.5.2 Shower lining. Floors under show compartments, except where prefabricated receptors have been provided, shall be lined and made water tight utilizing material complying with Sections 417.5.2.1 through 417.5.2.4. Such liners shall turn up on all sides at least three inches (76.2 mm) above the finished threshold level. Liners shall be recessed and fastened to an approved backing so as not to occupy the space required for wall covering, and shall not be nailed or perforated at any point less than two inches (50.8 mm) above finished threshold. Liners shall be pitched one-fourth unit vertical in 12 units horizontal (2-percent slope) and shall be sloped towards the fixture drains and be securely fastened to the waste outlet at the seepage entrance, making a watertight joint between the liner and the outlet.

(~~25~~24) Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1M, ASME A112.19.2M, ASME A112.19.3M, ASME

A112.19.4M, ASME A112.19.9M, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

(~~26~~25) Section 424.5] (~~in the fourth printing~~) is deleted and replaced with the following:

424.5 Shower Valves. Shower and tub-shower combination valves shall be balanced pressure, thermostatic or combination balanced-pressure/thermostatic valves that conform to the requirements of ASSE 1016 or CSA B125. Multiple (gang) showers supplied with a single tempered water supply pipe shall have the water supply for such showers controlled by an approved master thermostatic mixing valve ~~complying with ASSE 1017~~. Shower and tub-shower combination valves and master thermostatic mixing valves required by this section shall be equipped with a means to limit the maximum setting of the valve to 120 degrees F (49 degrees C), which shall be field adjusted in accordance with the manufacturer's instructions. The water heater thermostat shall not be used as a water tempering device to meet this requirement.]

~~(27) The exception to Section 502.4 is deleted and replaced with the following:~~

~~Exceptions: The exceptions are specified in exceptions 1 to 5 listed in the IFGC Section 303.3.]~~

(~~28~~26) Section 502.6]4 is deleted and replaced with the following:

502.6]4 Water Heater Seismic Bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(~~29~~27) Section 504.6.2 is deleted and replaced with the following:

504.6.2 Material. Relief valve discharge piping shall be of those materials listed in Table 605.5 and meet the requirements for Section 605.5 or shall be tested, rated and approved for such use in accordance with ASME A112.4.1. Piping from safety pan drains shall meet the requirements of Section 804.1 and be constructed of those materials listed in Section 702.

(~~30~~28) Section 504.7.1 is amended as follows:

The measurement of "3/4 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

(~~31~~29) Section 504.7.2 is deleted and replaced with the following:

504.7.2 Pan drain termination. The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor, floor drain or extend to the exterior of the building and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface. When permitted by the administrative authority, the pan drain may be directly connected to a soil stack, waste stack, or branch drain. The pan drain shall be individually trapped and vented as required in Section 907.1. The pan drain shall not be directly or indirectly connected to any vent. The trap shall be provided with a trap primer conforming to ASSE 1018 or ASSE 1044.

(~~32~~30) A new section 504.7.3 is added as follows:

504.7.3 Pan Designation. A water heater pan shall be considered an emergency receptor designated to receive the discharge of water from the water heater only and shall not receive the discharge from any other fixtures, devices or equipment.

(~~33~~31) Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply

shall be utilized provided that the source has been developed in accordance with Sections 73-3-1, 73-3-3, and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

~~(34)32~~ Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

~~(35)33~~ Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet. [

~~(36) Section 606.2 is deleted and replaced with the following:
606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:~~

~~1. On the fixture supply to each plumbing fixture.~~

~~Exceptions:~~

~~A. bath tubs and showers.~~

~~B. in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.~~

~~2. On the water supply pipe to each appliance or mechanical equipment.]~~

~~(37)34~~ Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

~~(38)35~~ Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

~~(39)36~~ In Section 608.1, the following sentence is added at the end of the paragraph:

Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

~~(40)37~~ Table 608.1 is deleted and replaced with the following:

TABLE 608.1
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.

Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)

Low Backpressure or Backsiphonage 1/2" - 16"

d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.

a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.
b. Shall be installed in a horizontal position unless listed or approved for vertical installation.

Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)

High or Low Backsiphonage 1/2" - 2"

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.
c. Shall not be installed below ground or in a vault or pit.
d. Shall be installed in a vertical position only.

Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)

High or Low Backsiphonage 1/4" - 2"

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.
c. Shall not be installed below ground or in a vault or pit.
d. Shall be installed in a vertical position only.

Atmospheric Vacuum Breaker (ASSE 1001 USC-FCCCHR, CSA CAN/CSA-B64.1.1)

High or Low Backsiphonage

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

General Installation Criteria

- b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.
 - c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.
 - d. Shall be installed on the discharge (downstream) side of any valves.
 - e. The AVB shall be installed in a vertical position only.
- The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.
- The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.
- In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.
- Assemblies shall be maintained as an intact assembly.

Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure 1/4" - 3/4"	ASSE 1012 CSA CAN/ CSA-B64.3
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure 1/4" - 3/8"	ASSE 1032
Hose-connection Vacuum Breaker	Low	Backsiphonage 1/2", 3/4", 1"	ASSE 1011 CSA CAN/ CSA-B64.2
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage 3/4", 1"	ASSE 1019 CSA CAN/ CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7
Hose Connection Backflow Preventer	Low	Backsiphonage 1/2" - 1"	ASSE 1052

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

([42]39) In Section 608.3.1, the following sentence is added at the end of the paragraph:

All piping and hoses shall be installed below the atmospheric vacuum breaker.

([43]40) Section 608.7 is deleted in its entirety.

([44]41) In Section 608.8, the following sentence is added at the end of the paragraph:

In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

([45]42) In Section 608.11, the following sentence is added at the end of the paragraph:

The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

([46]43) Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

([47]44) Section 608.13.4 is deleted in its entirety.

([48]45) Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

([49]46) Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the

([44]38) Table 608.1.1 is added as follows:

TABLE 608.1.1
Specialty Backflow Devices for low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125
Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure 1/4" - 1"	ASSE 1024

pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

~~(50)47~~ Section 608.15.4.2 is deleted and replaced with the following:

608.15.4.2 Hose connections. Sillcocks, hose bibbs, wall hydrants and other openings with a hose connection shall be protected by an atmospheric-type or pressure-type vacuum breaker or a permanently attached hose connection vacuum breaker. Add-on-type backflow prevention devices shall be non-removable. In climates where freezing temperatures occur, a listed self-draining frost proof hose bibb with an integral backflow preventer shall be used.[]

~~(51) Section 608.16.1 is deleted and replaced with the following:~~

~~608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a vented dual check valve meeting ASSE Standard 1022 and installed according to the requirements of this chapter.~~

~~(52)48~~ In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

~~(53)49~~ Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls.

Exceptions:

1. Single wall heat exchangers shall be permitted when all of the following conditions are met:

a. It utilizes~~[Utilize]~~ a heat transfer medium of potable water or contains only substances which are recognized as safe by the United States Food and Drug Administration (FDA);

b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and

c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.

2. Steam systems that comply with paragraph 1 above.

3. Approved listed electrical drinking water coolers.

~~(54)50~~ In Section 608.16.4.1, add the following exception:

Exception: All class 1 and 2 systems containing chemical additives consisting of strictly glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol shall be protected against backflow with a double check valve assembly. Such systems shall include written certification of the chemical additives at the time of original installation and service or maintenance.

~~(55)51~~ Section 608.16.~~[6]5~~ is deleted and replaced with the following:

608.16.6 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double check valve backflow preventer or a

reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

~~(56)52~~ Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

~~(57)53~~ Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

~~(58)54~~ Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

~~(59)55~~ Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

~~(60)56~~ Section 608.17 is deleted in its entirety.

~~(64)57~~ Section 701.2 is deleted and replaced with the following:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-~~[5]501~~ through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.[]

~~(62) Section 802.1.1 is deleted and replaced with the following:~~

~~802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap.~~

~~Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. If used for dishwashing and food preparation, a minimum of one compartment of the dishwashing sink shall be drained through an indirect waste pipe by means of an air gap or an air break.~~

~~(63) Section 802.3 is amended as follows:~~

~~The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".]~~

~~(64)58~~ Section 802.3.2 is deleted in its entirety and replaced with the following:

802.3.2 Open hub waste receptors. Waste receptors for clear water waste shall be permitted in the form of a hub or pipe extending not more than 1/2 inch above a water impervious floor and are not required to have a strainer.[]

~~(65) Section 803.2 is deleted and replaced with the following:~~

~~803.2 Neutralizing device required for corrosive wastes. Corrosive liquids, spent acids or other harmful chemicals that destroy or injure a drain, sewer, soil or waste pipe, or create noxious or toxic fumes or interfere with sewage treatment processes, shall not be discharged into the plumbing system without being thoroughly diluted, neutralized or treated by passing through an approved dilution or neutralizing device. Such devices shall be provided with a sufficient supply of diluting water or neutralizing medium as to make the contents non-injurious before discharge into the drainage system. The nature of the corrosive or harmful waste and the method of its treatment or dilution shall be approved prior to installation.]~~

([66]59) Section 904.1 is deleted and replaced with the following:

904.1 Roof extensions. All open vent pipes that extend through a roof shall be terminated at least 12 inches (304.8 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (2134 mm) above the roof.

([67]60) In Section 904.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

([68]61) In Section 905.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out.

([69]62) Section 1002.2 is deleted and replaced with the following:

1002.2 Design of traps. Fixture traps shall be self-scouring. Fixture traps shall not have interior partitions, except where such traps are integral with the fixture or where such traps are constructed of an approved material that is resistant to corrosion and degradation. Slip joints shall be made with an approved elastomeric gasket and shall only be installed on the trap inlet, trap outlet and within the trap seal. One slip joint fitting shall be allowed to be installed downstream of the trap.

([70]63) Section 1002.8 is deleted and replaced with the following:

1002.8 Recess for trap connection. A recess provided for connection of the underground trap, such as one serving a bathtub in slab-type construction, shall have sides and a bottom of corrosion-resistant, insect- and vermin-proof construction. The annular space between the pipe and the penetration shall not exceed 1/2 inch (12.7 mm).

([74]64) Section 1003.3.5 is added as follows:

1003.3.5 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

([72]65) Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm drainage systems is prohibited.

([73]66) Section 1108 is deleted in its entirety. [

~~(74) Section 1204 is amended to read:~~

~~1204 Fuel gas piping systems. All fuel gas piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the International Mechanical Code.~~

~~(75) Section 1205 is amended to read:~~

~~Section 1205 CNG GAS DISPENSING SYSTEMS~~

~~1205.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.~~

~~1205.2 Ventilation. Gas dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.~~

~~1205.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPA 52 and the fire code as adopted by the State Fire Marshal.]~~

([76]67) Chapter [44]13, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-99 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC-	Foundation for Cross-Connection	Table 608.1
FCCCHR	Control and Hydraulic Research	
9th	University of Southern California	
Edition	Kaprielian Hall 300	
Manual	Los Angeles CA 90089-2531	
	of Cross	
	Connection	
	Control	

([77]68) Appendix C of the IPC, Gray Water Recycling Systems, shall not be adopted by any jurisdiction until approved by the [Department of Health and the Department of Environmental Quality]Uniform Building Code Commission.

R156-56-708. Statewide Amendments to the IMC.

The following are adopted as amendments to the IMC to be applicable statewide: [

~~(1) Chapter 3, Section 304.8 is amended by adding the following exception at the end of the paragraph:~~

~~Exception: R-3 occupancy.~~

~~(2) Chapter 3, Section 304.9 is amended by adding the following exception at the end of the paragraph:~~

~~Exception: R-3 occupancy.~~

~~(3) Chapter 3, Section 306.5 is amended by adding the following exception at the end of the paragraph:~~

~~Exception: R-3 occupancy.~~

~~(4) Chapter 3, Section 306.6 is amended by adding the following exception at the end of the paragraph:~~

~~Exception: Evaporative coolers serving R-3 occupancy.~~

~~(5) Chapter 6, Section 603.8.1 is added as follows:~~

~~Section 603.8.1 Residential round ducts. Crimp joints for residential round ducts shall have a contact lap of at least 1 1/2 inches (38 mm) and shall be mechanically fastened by means of at least three sheet metal screws equally spaced around the joint, or an equivalent fastening method.]~~

R156-56-709. Statewide Amendments to the IFGC.

The following are adopted as amendments to the IFGC to be applicable statewide:

(1) [Chapter 3, Section 306.5 Appliances on roofs or elevated structures is amended by adding the following exception at the end of the paragraph:

~~Exception: R-3 occupancies.~~

~~—(2) Chapter 3, Section 306.6 Guards is amended by adding the following exception at the end of the paragraph:~~

~~—Exception: R-3 occupancy.~~

~~—(3) Chapter 4, Section 401 General, a new section 401.9 is added as follows:~~

~~401.9 Meter location. Gas meters shall be located so as to be protected from physical damage, including ice and snow falling from roofs.~~

~~—(4) Chapter 5, Section 503.10.13 Inspection is amended as follows:~~

~~—503.10.13 Inspection. The entire length of a single wall vent connector shall be provided with ready access for inspection, cleaning, and replacement.~~

~~—(5) Chapter 5, Section 504.3.5 is deleted and replaced with the following:~~

~~—504.3.5 Common vertical vent offset. Where the common vertical vent is offset as shown in Figure B-12, the maximum common vent capacity listed in the common venting tables shall be reduced by 5% per fitting for all offsets of 45 degrees or less and 10% per fitting for all offsets greater than 45 degrees. The total horizontal length of the common vent offsets (L_M) shall not exceed 1 1/2 feet for each inch (18 mm per mm) of common vent diameter (D).~~

R156-56-710. Statewide Amendments to the IECC.

The following are adopted as amendments to the IECC to be applicable statewide:

(1) In Section 504.7, the following exception is added:

Exception: Heat traps, other than the arrangement of piping and fittings, shall be prohibited unless a means of controlling thermal expansion can be ensured as required in the IPC Section 607.3.

~~—(2) Section 801.2 is deleted and replaced with the following:~~

~~—801.2 Application. The requirements in Section 802, 803, 804, and 805 shall each be satisfied on an individual basis. Where one or more of these sections is not satisfied, compliance with that section shall be demonstrated in accordance with the applicable provisions of ANSI/ASHRAE/IESNA Standard 90.1-1999 Energy Standard for Buildings Except Low-Rise Residential Buildings.~~

~~—(3) Chapter 9 Reference Standards, ASHRAE, Item 4 is deleted and replaced with the following:~~

~~—ANSI/ASHRAE/IESNA Energy Standard for Buildings Except Low-Rise Residential Buildings 503.1, 701.101.2, 802.1 and 802.2.~~

R156-56-711. Statewide Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable statewide:

(1) All amendments to the IBC under Section R156-56-704, local amendments under Section R156-56-705, the NEC under Section R156-56-706, the IPC under Section R156-56-707, the IMC under Section R156-56-708, the IFGC under Section R156-56-709 and the IECC under Section R156-56-710 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC. All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Section R156-56-701(1)(b). Should there be any conflicts between the NEC and the IRC, the NEC shall prevail.

(2) In Section 109, a new section is added as follows:

R109.1.5 Weather-resistive barrier and flashing inspections. An inspection shall be made of the weather-resistive barrier as required by Section R703.1 and flashings as required by Section R703.8 to prevent water from entering the weather-resistant exterior wall envelope.

The remaining sections are renumbered as follows:

R109.1.6 Other inspections

R109.1.6.1 Fire-resistance-rated construction inspection

R109.1.7 Final inspection.

(3) Section R114.1 is deleted and replaced with the following:

R114.1 Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

~~(3)4~~ In Section R202, the definition of "Backsiphonage" is deleted and replaced with the following:

BACKSIPHONAGE: The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

~~(4)5~~ In Section R202 the following definition is added:

CERTIFIED BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

~~(5)6~~ In Section R202 the definition of "Cross Connection" is deleted and replaced with the following:

CROSS CONNECTION. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow, Water Distribution").

~~(6)7~~ In Section R202 the following definition is added:

HEAT exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

~~(7)8~~ In Section R202 the definition of "Potable Water" is deleted and replaced with the following:

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

~~(8)9~~ In Section R202, the following definition is added:

S-Trap. A trap having its weir installed above the inlet of the vent connection.

~~(9)10~~ In Section R202 the definition of "Water Heater" is deleted and replaced with the following:

WATER HEATER. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use externally to the system at pressures not exceeding 160 psig (1100 kPa (gauge)), including the apparatus by which heat is generated, and

all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(~~[40]~~11) Section R301.~~[4]~~5 is deleted and replaced with the following:

R301.~~[4]~~5 Live Load. The minimum uniformly distributed live load shall be as provided in Table R301.~~[4]~~5.

TABLE R301.~~[4]~~5
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(in pounds per square foot)

USE	LIVE LOAD
Exterior balconies	60
Decks (f)	60
Fire escapes	40
Passenger vehicle garages (a)	50(a)
Attics without storage (b), (e), (g)	10
Attics with storage (b), (e)	20
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40(e)
Guardrails and handrails (d)	200]
Attics with storage (b), (e)	20
Attics without storage (b), (e), (g)	10
Decks (f)	60
Exterior balconies	60
Fire escapes	40
Guardrails and handrails (d)	200
Guardrails in-fill components (f)	50
Passenger vehicle garages (a)	50(a)
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40(c)

For SI: 1 pound per square foot = 0.0479kN/m², 1 square inch = 645 mm² 1 pound = 4.45N.

(a) Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.

(b) No storage with roof slope not over 3 units in 12 units.

(c) Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.

(d) A single concentrated load applied in any direction at any point along the top.

(e) Attics constructed with wood trusses shall be designated in accordance with Section R802.10.1.

(f) See Section R502.2.1 for decks attached to exterior walls.

(g) This live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

(~~[44]~~12) Section R304.3 is deleted and replaced with the following:

R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.]

~~(12) Section R309.2 is deleted and replaced with the following:
R309.2 Separation required. The garage shall be separated from the residence and its attic area by installation of materials approved for one-hour fire-resistive construction applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by installation of materials approved for one-hour fire-resistive construction.]~~

(13) Section ~~[R312.1.2]~~R311.4.3 is deleted and replaced with the following:

~~[R312.1.2]~~R311.4.3 Landings at doors. There shall be a floor or landing on each side of each exterior door.

Exception: At the exterior side of all non required exit doors. The floor or landing at a door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold.

Exception: The landing of an exterior doorway shall not be more than 8 inches (197 mm) below the top of the threshold, provided that the door, other than an exterior storm or screen door, does not swing over the landing.

(14) Section ~~[R314.2]~~R311.5.3 is deleted and replaced with the following:

~~[R314.2]~~R311.5.3 Treads and risers. The maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2-percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

~~[R314.2.1]~~R311.5.3.1 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19.1 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inches (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions:

1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

(15) Section ~~[R315.4]~~R311.5.6 is deleted and replaced with the following:

~~[R315.4]~~R311.5.6 Handrails. Handrails shall be provided on at least one side of stairways consisting of four or more risers. Handrails shall have a minimum height of 34 inches (864 mm) and a maximum height of 38 inches (965 mm) measured vertically from the nosing of the treads. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser to a point directly above the lowest riser of the stairway. The ends of the handrail shall be returned into a wall or shall terminate in newel post or safety terminals. A minimum clear space of 1 1/2 inches (38 mm) shall be provided between the wall and the handrail.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at a turn.

2. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.

(16) Section ~~[R315.2]~~R311.5.6.3 is deleted and replaced with the following:

~~[R315.2]~~R311.5.6.3 Handrail grip size. The handgrip portion of handrails shall have a circular cross section of 1 1/4 inches (32mm) minimum to 2 5/8 inches (67mm) maximum. Edges shall have a minimum radius of 1/8 inch (3.2mm).

Exception: Non-circular handrails shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16mm) and 1.5 inches (38mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6mm) deep on each side and shall be at least 0.5 inch (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(17) Section R313 is deleted and replaced with the following:

R313.1 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside of each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

All smoke alarms shall be listed and installed in accordance with the provisions of this code and the household fire warning equipment provision of NFPA 72.

R313.2 Carbon monoxide alarms. Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit equipped with fuel burning appliances. All carbon monoxide detectors shall be listed and comply with U.L. 2034 and shall be installed in accordance with provisions of this code and NFPA 720.

R313.3 Interconnection of alarms. When multiple alarms are required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Approved combination smoke- and carbon-monoxide detectors shall be permitted.

R313.4 Power source. In new construction, the required alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Alarms shall be permitted to be battery operated when installed in buildings without commercial power or in buildings that undergo alterations, repairs, or additions regulated by Section R313.5

R313.5 Alterations, repairs and additions. When interior alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be provided with alarms located as required for new dwellings; the alarms shall be interconnected and hard wired.

Exceptions:

1. Alarms in existing areas shall not be required to be interconnected and hard wired where the alterations or repairs do not result in the removal of interior wall or ceiling finished exposing the structure, unless there is an attic, crawl space, or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.

2. Repairs to the exterior surfaces of dwellings are exempt from the requirements of this section.

~~(17)~~18) In Section [321.3.2]317.3.2 Exception 1.1 is deleted and replaced with the following:

1.1 By a horizontal distance of not less than the width of a stud space regardless of stud spacing, or

~~(18)~~19) [Section R403.1.4 is deleted and replaced with the following:-

~~— R403.1.4 Minimum depth.~~ All exterior footings shall be placed at least 12 inches (305 mm) below the undisturbed ground. Where applicable, the depth of footings shall also conform to Section R403.1.4.1.

~~— [In Section R403.1.4.1 exception 1 is deleted and replaced with the following:] Frost Protection.~~ Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

- ~~— 1. Extended below the frost line specified in Table R301.2(1);~~
- ~~— 2. Constructed in accordance with Section R403.3;~~
- ~~— 3. Constructed in accordance with ASCE 32-01; or~~
- ~~— 4. Erected on solid rock.~~

~~— Exceptions:]~~

1. Freestanding accessory structures, not intended for human occupancy, with an area of 1,000 square feet (93m²) or less, of wood framed construction, with an eave height of 10 feet (3080 mm) or less shall not be required to be protected.[]

~~— 2. Decks not supported by a dwelling need not be provided with footings that extend below frost line.~~

~~— Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.]~~

~~(19)~~20) In Section R403.1.6 the exception is deleted and replaced with the following exceptions:[Section R403.1.6.1 is deleted and replaced with the following:-

~~— R403.1.6.1 Foundation anchorage in Seismic Design Categories D₁ and D₂.~~ In addition to the requirements of Section R403.1.6, the following requirements shall apply to light wood frame structures in Seismic Design Categories D₁ and D₂. Anchor bolts shall be located within 12 inches (305 mm) from the ends of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls. Plate washers a minimum of 2 inches by 2 inches by 3/16 inch (51 mm by 4.8 mm) thick shall be used on each bolt.]

Exceptions:

1. Foundation anchor straps, spaced as required to provide equivalent anchorage to 1/2 inch diameter (12.7 mm) anchor bolts.

[a]2. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls.[]

b. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, a properly sized round washer may be used.

~~— The maximum anchor bolt spacing shall be 4 feet (1219 mm) for two-story structures.]~~

(21) In Section R403.1.6.1 the following exception is added:

Exception: When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls.

~~(20)22~~ Section R703.6 is deleted and replaced with the following:

R703.6 Exterior plaster.

R703.6.1 Lath. All lath and lath attachments shall be of corrosion-resistant materials. Expanded metal or woven wire lath shall be attached with 1 1/2 inch-long (38 mm), 11 gage nails having 7/16 inch (11.1 mm) head, or 7/8-inch-long (22.2 mm), 16 gage staples, spaced at no more than 6 inches (152 mm), or as otherwise approved.

R703.6.2 Weather-resistant barriers. Weather-resistant barriers shall be installed as required in Section R703.2 and, where applied over wood-based sheathing, shall include a weather-resistive vapor permeable barrier with a performance at least equivalent to two layers of Grade D paper.

R703.6.3 Plaster. Plastering with portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completed concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1). On wood-frame construction with an on-grade floor slab system, exterior plaster shall be applied in such a manner as to cover, but not extend below, lath, paper and screed.

The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).[

~~(21) In Section R703.7 Stone and masonry veneer, general the following exceptions are added:~~

~~Exceptions:~~

~~3. For detached one or two family dwellings with a maximum nominal thickness of 4 inches (102 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D₁, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a nonecombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete or masonry wall, provided the following criteria are met:~~

~~(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.~~

~~(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 45% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.~~

~~(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2100 lbs (952.5 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3700 lbs (1678 kg). In all cases, the hold down connector force shall be transferred to the foundation.~~

~~(d) Cripple walls shall not be permitted.~~

~~4. For detached one and two family dwellings with a maximum actual thickness of 3 inches (76 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D₂, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a nonecombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete on masonry wall, provided the following criteria are met:~~

~~(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.~~

~~(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 55% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.~~

~~(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2300 lbs (1043 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3900 lbs. (1769 kg). In all cases, the hold down connector force shall be transferred to the foundation.~~

~~(d) Cripple walls shall not be permitted.]~~

~~(22)23~~ In Section R703.8, number 8 is added as follows:

8. At the intersection of foundation to stucco, masonry, siding, or brick veneer with an approved corrosive-resistance flashing with a 1/2" drip leg extending past exterior side of the foundation.

~~(23)24~~ Section P2602.[2]3 is added as follows:

P2602.[2]3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction.

~~(24)25~~ Section P2602.[3]4 is added as follows:

P2602.[3]4 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-[5]501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

~~(25)26~~ Section P2603.2.1 is deleted and replaced with the following:

P2603.2.1 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters, or similar members less than 1 1/2 inch (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be a minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.]

~~(26) Section P2710.1 is deleted and replaced with the following:~~

~~P2710.1 Finished. Shower walls shall be finished in accordance with Section R307.2.]~~

(27) Section P2801.~~[7]2.1~~ is added as follows:

P2801.~~[7]2.1~~ Water heater seismic bracing. In Seismic Design Categories C, D₁ and D₂, water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(28) Section P2902.1.1 is added as follows:

P2902.1.1 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly~~], and the spring loaded check valve assembly described in amended Section 608.16.4 of the International Plumbing Code].~~

~~(29) Section P2903.9.3 is deleted and replaced with the following:~~

~~P2903.9.3 Valve requirements. Valves serving individual fixtures, appliances, risers, and branches shall be provided with access. An individual shutoff valve shall be required on the water supply pipe to each water closet, lavatory, kitchen sink, and appliance.]~~

~~(30)29~~ Section P3003.2.1 is added as follows:

Section P3003.2.1 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

~~(31)30~~ In Section P3103.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

~~(32)31~~ In Section P3104.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed below grade in accordance with Chapter 30, and Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent.

~~(33)32~~ Chapter 43, Referenced Standards, is amended as follows:

The following reference standard is added:

TABLE

USC- FCCCHR 9th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Section P2902
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(33) In Chapter 43, the following standard is added under NFPA as follows:

TABLE

720-98 Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment	R313.2
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(34) A new Section G2411.9 is added as follows:

G2411.9 Meter location. Gas meters shall be located so as to be protected from physical damage, including ice and snow falling from roofs.

R156-56-712. Local Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable to the following jurisdictions:

(1) City of Farmington:

Sections R32[8]4.1 and R32[8]4.2 are added as follows:

R32[8]4.1 When required. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

1. the structure is over two stories high, as defined by the building code;
2. the nearest point of structure is more than 150 feet from the public way;
3. the total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or
4. the structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

R32[8]4.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief. Such system shall be installed in accordance with NFPA 13-D.

(2) Morgan City Corp:

Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

- a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered animal rights.
- b. The structure is setback not less than 50 feet from the rear or side of dwellings, and not less than 10 feet from property lines and other structures.

c. The structure does not exceed 1000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.

d. Before construction, a site plan is submitted to, and approved by the building official.

Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure.

(3) Morgan County:

Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

- a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered animal rights.
- b. The structure is set back not less than required by the Morgan County Zoning Ordinance for such structures, but not less than 10 feet from property lines and other structures.
- c. The structure does not exceed 1000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.
- d. Before construction, a Land Use Permit must be applied for, and approved, by the Morgan County Planning and Zoning Department.

Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure.

(4) City of North Salt Lake:

Sections R32[8]4.1 and R32[8]4.2 are added as follows:

R32[8]4.1 When Required. An automatic sprinkler system shall be installed throughout every dwelling when the following condition is present:

1. The structure is over 6,200 square feet.

R32[8]4.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless required by the fire chief. Such system shall be installed in accordance with NFPA 13-D.

(5) Park City Corporation and Park City Fire District:

Section R905.7 is deleted and replaced with the following:

R905.7 Wood shingles. The installation of wood shingles shall comply with the provisions of this section.

Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

Section R905.8 is deleted and replaced with the following:

R905.8 Wood Shakes. The installation of wood shakes shall comply with the provisions of this section. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

Appendix K is adopted.

KEY: contractors, building codes, building inspection, licensing
~~July 17, 2003~~
Notice of Continuation May 16, 2002
58-1-106(1)(a)
58-1-202(1)(a)
58-56-1
58-56-4(2)
58-56-6(2)(a)



**Commerce, Occupational and
Professional Licensing**
R156-56-707
Statewide Amendments to the IPC

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26692

FILED: 10/09/2003, 10:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Uniform Building Code Commission are proposing amendments to adopt rules allowing gray water recycling.

SUMMARY OF THE RULE OR CHANGE: Additions are being made in Section R156-56-707 to allow for gray water recycling in certain commercial occupancies if also allowed by the local jurisdiction and certain protections are included in the system.

Gray water is defined as water coming from bathtubs, showers, clothes washers and laundry sinks. Under this proposal, this gray water may be used in flushing urinals and toilets within the same building. This proposed amendment is being filed as a separate rule filing because it is anticipated that this filing may be controversial and may need modification after a public hearing. Opponents of gray water recycling believe that gray water recycling within a building is a substantial health risk and normally would cost more to install and operate than a building without the system.

They also believe that recycling water is best handled at the community level where larger scale recycling can occur rather than individual buildings where water savings may be minimal.

Proponents of gray water recycling systems believe more needs to be done to allow gray water recycling. This proposed amendment has been reviewed and approved by the UBCC Plumbing/Health Advisory Committee and the Uniform Building Code Commission. The Department of Environmental Quality and Department of Health also participated in the committee drafting this amendment.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1 and Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-56-4(2) and 58-56-6(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no direct effect on the state budget as a result of this proposed amendment. It is not

anticipated that state buildings would use gray water recycling.

❖ LOCAL GOVERNMENTS: There is no direct effect on local government budgets as a result of this proposed amendment. It is not anticipated that local government buildings would use gray water recycling.

❖ OTHER PERSONS: No additional cost is required by this proposed amendment because the installation is optional rather than a requirement. It is impossible to estimate the impact on either individuals or aggregate impact because the cost may vary depending on the type of project involved. However, it does appear that the cost of adding such a system may be substantial and may not be cost efficient when considered with the cost of water that may be saved.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional cost is required by this proposed amendment because the installation is optional rather than a requirement. It is impossible to estimate the impact on either individuals or aggregate impact because the cost may vary depending on the type of project involved. However, it does appear that the cost of adding such a system may be substantial and may not be cost efficient when considered with the cost of water that may be saved.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: If passed, this rule change presents an option for commercial establishments to apply for a gray water recycling system. Passage of the rule could boost the engineering and plumbing industries that would be involved in adding a gray water system for those commercial buildings that obtain such a permit. Presumably, more water will be saved from use of such a system, but no hard numbers have been presented. In addition, there may be possible health risks associated with the use of such a system, but again, no specific information has been provided, and it would be difficult to speculate. Klarice A. Bachman, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/17/2003 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, Utah.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-707. Statewide Amendments to the IPC.**

The following are adopted as amendments to the IPC to be applicable statewide:

(1) In Section 202, the definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

(2) In Section 202, the definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In Section 202, the following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In Section 202, the definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

(5) In Section 202, the following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In Section 202, the definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section 202, the following definition is added:

S-Trap. A trap having its weir installed above the inlet of the vent connection.

(8) In Section 202, the following definition is added:

Trap Arm. That portion of a fixture drain between a trap weir and the vent fitting.

(9) In Section 202, the definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(10) Section 304.3 Meter Boxes is deleted.

(11) Section 304.4 is deleted and replaced with the following:

304.4 Opening of Pipes. In or on the exterior habitable envelop of structures where openings have been made in walls, floors, or ceilings for the passage of pipes, the annular space between the opening and the pipe shall not exceed 1/2 inch (12.7 mm). Openings exceeding 1/2 inch (12.7 mm) shall be closed and protected by the installation of approved metal collars that are securely fastened to the adjoining structure.

(12) Section 305.5 is deleted and replaced with the following:

305.5 Pipes through or under footings or foundation walls. Any pipe that passes under or through a footing or through a foundation wall shall be protected against structural settlement.

(13) Section 305.8 is deleted and replaced with the following:

305.8 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1 1/2 inches (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.

(14) Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(15) Sections 308.7 and 308.7.1 are deleted and replaced with the following:

308.7 Anchorage. All draining piping except ABS, PVC, CPVC, PP or any other approved piping material having solvent weld or heat fused joints shall be anchored and restrained to prevent axial movement.

308.7.1 Location. Restraints specified by an engineer and approved by the code official shall be provided for pipe sizes greater than 4 inches (102 mm), having changes in direction greater than 45 degrees and at all changes in diameter greater than two pipe sizes.

(16) Section 311.1 is deleted.

(17) Section 312.9 is deleted in its entirety and replaced with the following:

312.9 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly, and the spring loaded check valve assembly described in Section 608.16.4.

(18) In Section 403.1, the title for Table 403.1 is deleted and replaced with the following title and footnote g is added as follows: Table 403.1, Minimum Number of Plumbing Facilities^{a, g}, (see Sections 403.2 and 403.3).

FOOTNOTE: g. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms.

(19) A new section 403.7 is added as follows:

403.7 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas,

food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.

(20) In Section 406.3, an exception is added as follows:

Exception: Gravity discharge clothes washers, when properly trapped and vented, shall be allowed to be directly connected to the drainage system or indirectly discharge into a properly sized catch basin, trench drain, or other approved indirect waste receptor installed for the purpose of receiving such waste.

(21) A new section 406.4 is added as follows:

406.4 Automatic clothes washer metal safe pans. Metal safe pans, when installed under automatic clothes washers, shall only be allowed to receive the unintended discharge from a leaking appliance, valve, supply hose, or overflowing waste water from the clothes washer standpipe. Clothes washer metal safe pans shall not be used as indirect waste receptors to receive the discharge of waste water from any other equipment, appliance, appurtenance, drain pipe, etc. Each safe pan shall be provided with an approved trap seal primer, conforming to ASSE 1018 or 1044 or a deep seal trap. The sides of the safe pan shall be no less than 1 1/2" high and shall be soldered at the joints to provide a water tight seal.

406.4.1 Safe pan outlet. The safe pan shall be no less than 1 1/2" in diameter and shall be located in a visible and accessible location to facilitate cleaning and maintenance. The outlet shall be flush with the surface of the pan so as not to allow water retention within the pan.

(22) Section 412.1 is deleted and replaced with the following:

412.1 Approval. Floor drains shall be made of ABS, PVC, cast-iron, stainless steel, brass, or other approved materials that are listed for the use.

(23) Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one floor drain.

(24) Section 417.5.2 is deleted and replaced with the following:

417.5.2 Shower lining. Floors under show compartments, except where prefabricated receptors have been provided, shall be lined and made water tight utilizing material complying with Sections 417.5.2.1 through 417.5.2.4. Such liners shall turn up on all sides at least three inches (76.2 mm) above the finished threshold level. Liners shall be recessed and fastened to an approved backing so as not to occupy the space required for wall covering, and shall not be nailed or perforated at any point less than two inches (50.8 mm) above finished threshold. Liners shall be pitched one-fourth unit vertical in 12 units horizontal (2-percent slope) and shall be sloped towards the fixture drains and be securely fastened to the waste outlet at the seepage entrance, making a watertight joint between the liner and the outlet.

(25) Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

(26) Section 424.5 (in the fourth printing) is deleted and replaced with the following:

424.5 Shower Valves. Shower and tub-shower combination valves shall be balanced pressure, thermostatic or combination balanced-pressure/thermostatic valves that conform to the requirements of ASSE 1016 or CSA B125. Multiple (gang) showers supplied with a single tempered water supply pipe shall have the

water supply for such showers controlled by an approved master thermostatic mixing valve. Shower and tub-shower combination valves and master thermostatic mixing valves required by this section shall be equipped with a means to limit the maximum setting of the valve to 120 degrees F (49 degrees C), which shall be field adjusted in accordance with the manufacturer's instructions. The water heater thermostat shall not be used as a water tempering device to meet this requirement.

(27) The exception to Section 502.4 is deleted and replaced with the following:

Exceptions: The exceptions are specified in exceptions 1 to 5 listed in the IFGC Section 303.3.

(28) Section 502.6 is deleted and replaced with the following:
 502.6 Water Heater Seismic Bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(29) Section 504.6.2 is deleted and replaced with the following:

504.6.2 Material. Relief valve discharge piping shall be of those materials listed in Table 605.5 and meet the requirements for Section 605.5 or shall be tested, rated and approved for such use in accordance with ASME A112.4.1. Piping from safety pan drains shall meet the requirements of Section 804.1 and be constructed of those materials listed in Section 702.

(30) Section 504.7.1 is amended as follows:

The measurement of "3/4 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

(31) Section 504.7.2 is deleted and replaced with the following:

504.7.2 Pan drain termination. The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor, floor drain or extend to the exterior of the building and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface. When permitted by the administrative authority, the pan drain may be directly connected to a soil stack, waste stack, or branch drain. The pan drain shall be individually trapped and vented as required in Section 907.1. The pan drain shall not be directly or indirectly connected to any vent. The trap shall be provided with a trap primer conforming to ASSE 1018 or ASSE 1044.

(32) A new section 504.7.3 is added as follows:

504.7.3 Pan Designation. A water heater pan shall be considered an emergency receptor designated to receive the discharge of water from the water heater only and shall not receive the discharge from any other fixtures, devices or equipment.

(33) Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1, 73-3-3, and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

(34) Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

(35) Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

(36) Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exceptions:

A. bath tubs and showers.

B. in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. On the water supply pipe to each appliance or mechanical equipment.

(37) Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

(38) Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

(39) In Section 608.1, the following sentence is added at the end of the paragraph:

Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

(40) Table 608.1 is deleted and replaced with the following:

TABLE 608.1
 General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.
Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly	Low	Backpressure or Backsiphonage 1/2" - 16"	a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof

<p>Backflow Preventer (ASSE 1048, USC-FCCCHR)</p>			<p>or ceiling with adequate room for testing and maintenance.</p> <p>b. Shall be installed in a horizontal position unless listed or approved for vertical installation.</p>	<p>General Installation Criteria</p>	<p>e. The AVB shall be installed in a vertical position only.</p> <p>The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.</p> <p>The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.</p>
<p>Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)</p>	<p>High or Low</p>	<p>Backsiphonage 1/2" - 2"</p>	<p>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</p> <p>b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</p> <p>c. Shall not be installed below ground or in a vault or pit.</p> <p>d. Shall be installed in a vertical position only.</p>		<p>In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.</p> <p>Assemblies shall be maintained as an intact assembly.</p>

<p>Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)</p>	<p>High or Low</p>	<p>Backsiphonage 1/4" - 2"</p>	<p>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</p> <p>b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.</p> <p>c. Shall not be installed below ground or in a vault or pit.</p> <p>d. Shall be installed in a vertical position only.</p>		<p>In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.</p> <p>Assemblies shall be maintained as an intact assembly.</p>
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(41) Table 608.1.1 is added as follows:

TABLE 608.1.1 Specialty Backflow Devices for low hazard use only			
Device	Degree of Hazard	Application	Applicable Standard
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125
Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure 1/4" - 1"	ASSE 1024
Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure 1/4" - 3/4"	ASSE 1012 CSA CAN/ CSA-B64.3
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure 1/4" - 3/8"	ASSE 1032
Hose-connection Vacuum Breaker	Low	Backsiphonage 1/2", 3/4", 1"	ASSE 1011 CSA CAN/ CSA-B64.2

<p>Atmospheric Vacuum Breaker (ASSE 1001 USC-FCCCHR, CSA CAN/CSA-B64.1.1</p>	<p>High or Low</p>	<p>Backsiphonage</p>	<p>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.</p> <p>b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.</p> <p>c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.</p> <p>d. Shall be installed on the discharge (downstream) side of any valves.</p>
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Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage 3/4", 1"	ASSE 1019 CSA CAN/ CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7
Hose Connection Backflow Preventer	Low	Backsiphonage 1/2" - 1"	ASSE 1052

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

(42) In Section 608.3.1, the following sentence is added at the end of the paragraph:

All piping and hoses shall be installed below the atmospheric vacuum breaker.

(43) Section 608.7 is deleted in its entirety.

(44) In Section 608.8, the following sentence is added at the end of the paragraph:

In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

(45) In Section 608.11, the following sentence is added at the end of the paragraph:

The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

(46) Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

(47) Section 608.13.4 is deleted in its entirety.

(48) Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

(49) Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

(50) Section 608.15.4.2 is deleted and replaced with the following:

608.15.4.2 Hose connections. Sillcocks, hose bibbs, wall hydrants and other openings with a hose connection shall be

protected by an atmospheric-type or pressure-type vacuum breaker or a permanently attached hose connection vacuum breaker. Add-on-type backflow prevention devices shall be non-removable. In climates where freezing temperatures occur, a listed self-draining frost proof hose bibb with an integral backflow preventer shall be used.

(51) Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a vented dual check valve meeting ASSE Standard 1022 and installed according to the requirements of this chapter.

(52) In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

(53) Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls.

Exceptions:

1. Single wall heat exchangers shall be permitted when all of the following conditions are met:

a. Utilize a heat transfer medium of potable water or contains only substances which are recognized as safe by the United States Food and Drug Administration (FDA);

b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and

c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.

2. Steam systems that comply with paragraph 1 above.

3. Approved listed electrical drinking water coolers.

(54) In Section 608.16.4.1, add the following exception:

Exception: All class 1 and 2 systems containing chemical additives consisting of strictly glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol shall be protected against backflow with a double check valve assembly. Such systems shall include written certification of the chemical additives at the time of original installation and service or maintenance.

(55) Section 608.16.6 is deleted and replaced with the following:

608.16.6 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double check valve backflow preventer or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

(56) Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(57) Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

(58) Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(59) Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

(60) Section 608.17 is deleted in its entirety.

(61) Section 701.2 is deleted and replaced with the following:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(62) Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap.

Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. If used for dishwashing and food preparation, a minimum of one compartment of the dishwashing sink shall be drained through an indirect waste pipe by means of an air gap or an air break.

(63) Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

(64) Section 802.3.2 is deleted in its entirety and replaced with the following:

802.3.2 Open hub waste receptors. Waste receptors for clear water waste shall be permitted in the form of a hub or pipe extending not more than 1/2 inch above a water impervious floor and are not required to have a strainer.

(65) Section 803.2 is deleted and replaced with the following:

803.2 Neutralizing device required for corrosive wastes. Corrosive liquids, spent acids or other harmful chemicals that destroy or injure a drain, sewer, soil or waste pipe, or create noxious or toxic fumes or interfere with sewage treatment processes, shall not be discharged into the plumbing system without being thoroughly diluted, neutralized or treated by passing through an approved dilution or neutralizing device. Such devices shall be provided with a sufficient supply of diluting water or neutralizing medium as to make the contents non-injurious before discharge into the drainage system. The nature of the corrosive or harmful waste and the method of its treatment or dilution shall be approved prior to installation.

(66) Section 904.1 is deleted and replaced with the following:

904.1 Roof extensions. All open vent pipes that extend through a roof shall be terminated at least 12 inches (304.8 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (2134 mm) above the roof.

(67) In Section 904.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(68) In Section 905.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out.

(69) Section 1002.2 is deleted and replaced with the following:

1002.2 Design of traps. Fixture traps shall be self-scouring. Fixture traps shall not have interior partitions, except where such traps are integral with the fixture or where such traps are constructed of an approved material that is resistant to corrosion and degradation. Slip joints shall be made with an approved elastomeric gasket and shall only be installed on the trap inlet, trap outlet and within the trap seal. One slip joint fitting shall be allowed to be installed downstream of the trap.

(70) Section 1002.8 is deleted and replaced with the following:

1002.8 Recess for trap connection. A recess provided for connection of the underground trap, such as one serving a bathtub in slab-type construction, shall have sides and a bottom of corrosion-resistant, insect- and vermin-proof construction. The annular space between the pipe and the penetration shall not exceed 1/2 inch (12.7 mm).

(71) Section 1003.3.5 is added as follows:

1003.3.5 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

(72) Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm drainage systems is prohibited.

(73) Section 1108 is deleted in its entirety.

(74) Section 1204 is amended to read:

1204 Fuel gas piping systems. All fuel gas piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the International Mechanical Code.

(75) Section 1205 is amended to read:

Section 1205 CNG GAS-DISPENSING SYSTEMS

1205.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

1205.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.

1205.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPA 52 and the fire code as adopted by the State Fire Marshal.

(76) Chapter 14, Referenced Standards, is amended as follows:
NSF - Standard Reference Number 61-99 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC- Foundation for Cross-Connection Table 608.1
 FCCCHR Control and Hydraulic Research
 9th University of Southern California
 Edition Kaprielian Hall 300
 Manual Los Angeles CA 90089-2531
 of Cross
 Connection
 Control

(77) Appendix C of the IPC, Gray Water Recycling Systems, shall not be adopted by any jurisdiction until approved by the Department of Health and the Department of Environmental Quality. Appendix C of the IPC, Gray Water Recycling Systems as amended herein shall not be adopted by any local jurisdiction until such jurisdiction has requested Appendix C as amended to be adopted as a local amendment and such local amendment has been approved as a local amendment under these rules.

(78) In jurisdictions which have adopted Appendix C as amended as a local amendment as provided herein, Section 301.3 of the IPC is deleted and replaced with the following:

301.3 Connection to the drainage system. All plumbing fixtures, drains, appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be directly connected to the drainage system of the building or premises, in accordance with the requirements of this Code. This section shall not be construed to prevent indirect waste systems provided for in Chapter 8.

Exception: Bathtubs, showers, lavatories, clothes washers and laundry sinks shall not be required to discharge to the sanitary drainage system where such fixtures discharge to a gray water recycling system meeting all the requirements as specified in Appendix C as amended by these rules.

(79) Appendix C is deleted and replaced with the following, to be effective only in jurisdictions which have adopted Appendix C as amended as a local amendment under these rules:

Appendix C. Gray Water Recycling Systems, C101 Gray Water Recycling Systems

C101.1 General, recycling gray water within a building. In R1, R2 and R4 occupancies and one- and two-family dwellings, gray water recycling systems are prohibited.

In commercial occupancies, recycled gray water shall only be utilized for the flushing of water closets and urinals that are located in the same building as the gray water recycling system, provided the following conditions are met:

1. Such systems comply with Sections C101.1 through C101.14 as amended by these rules.

2. The commercial establishment demonstrates that it has and will have qualified staff to oversee the gray water recycling systems. Qualified staff is defined as level 3 waste water treatment plan operator as specified by the Department of Environmental Quality.

3. Gray water recycling systems shall only receive non hazardous waste discharge of bathtubs, showers, lavatories, clothes washers and laundry sinks such as chemicals having a pH of 6.0 to 9.0, or non flammable or non combustible liquids, liquids without objectionable odors, non-highly pigmented liquids, or other liquids that will not interfere with the operation of the sewer treatment facilities.

C101.2 Permit required. A permit for any gray water recycling system shall not be issued until complete plans prepared by a licensed engineer, with appropriate data satisfactory to the Code Official, have been submitted and approved. No changes or connections shall be made to either the gray water recycling system

or the potable water system within any site containing a gray water recycling system, without prior approved by the Code Official. A permit may also be required by the local health department to monitor compliance with this appendix for system operator standards and record keeping.

C101.3 Definition. The following term shall have the meaning shown herein.

GRAY WATER. Waste water discharged from lavatories, bathtubs, showers, clothes washers and laundry sinks.

C101.4 Installation. All drain, waste and vent piping associated with gray water recycling systems shall be installed in full compliance with this code.

C101.5 Gray Water Reservoir. Gray water shall be collected in an approved reservoir construction of durable, nonabsorbent and corrosion-resistant materials. The reservoir shall be a closed and gas-tight vessel. Gas tight access openings shall be provided to allow inspection and cleaning of the reservoir interior. The holding capacity of the reservoir shall be a minimum of twice the volume of water required to meet the daily flushing requirements of the fixtures supplied by the gray water, but not less than 50 gallons (189 L). The reservoir shall be sized to limit the retention time of gray water to 72 hours maximum.

C101.6 Filtration. Gray water entering the reservoir shall pass through an approved cartridge filter or other method approved by the Code Official.

C101.7 Disinfection. Gray water shall be disinfected by an approved method that employs one or more disinfectants such as chlorine, iodine or ozone. A minimum of 1 ppm free residual chlorine shall be maintained in the gray water recycling system reservoir. Such disinfectant shall be automatically dispensed. An alarm shall be provided to shut down the gray water recycling system if disinfectant levels are not maintained at the required levels.

C101.8 Makeup water. Potable water shall be supplied as a source of makeup water for the gray water recycling system. The potable water supply to any building with a gray water recycling system shall be protected against backflow by an RP backflow assembly installed in accordance with this code. There shall be full-open valve on the makeup water supply to the reservoir. The potable water supply to the gray water reservoir shall be protected by an air gap installed in accordance with this code.

C101.9 Overflow. The reservoir shall be equipped with an overflow pipe of the same diameter as the influent pipe for the gray water. The overflow shall be directly connected to the sanitary drainage system.

C101.10 Drain. A drain shall be located at the lowest point of the reservoir and shall be directly connected to the sanitary drainage system. The drain shall be the same diameter as the overflow pipe required by Section C101.9 and shall be provided with a full-open valve.

C101.11 Vent required. The reservoir shall be provided with a vent sized in accordance with Chapter 9 based on the size of the reservoir influent pipe.

C101.12 Coloring. The gray water shall be automatically dyed blue or green with a food grade vegetable dye before such water is supplied to the fixtures.

C101.13 Identification. All gray water distribution piping and reservoirs shall be identified as containing non-potable water. Gray water recycling system piping shall be permanently colored purple or continuously wrapped with purple-colored Mylar tape. The tape or permanently colored piping shall be imprinted in black, upper

case letters with the words "CAUTION: GRAY WATER, DO NOT DRINK."

All equipment areas and rooms for gray water recycling system equipment shall have a sign posted in a conspicuous place with the following text: TO CONSERVE WATER, THIS BUILDING USES GRAY WATER TO FLUSH TOILETS AND URINALS, DO NOT CONNECT TO THE POTABLE WATER SYSTEM. The location of the signage shall be determined by the Code Official.

C101.14 Removal from service. All gray water recycling systems that are removed from service shall have all connections to the reservoir capped and routed back to the building sewer. All gray water distribution lines shall be replaced with new materials.

C201.1 Outside the building. Gray water reused outside the building shall comply with the requirements of the Department of Environmental Quality Rule R317.

KEY: contractors, building codes, building inspection, licensing [July 17, 2003]

Notice of Continuation May 16, 2002

58-1-106(1)(a)

58-1-202(1)(a)

58-56-1

58-56-4(2)

58-56-6(2)(a)



Community and Economic Development, Community Development **R199-8** Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26702

FILED: 10/15/2003, 15:57

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes in the proposed amendments result from the board's annual review of its policies and procedures. The proposed amendments will allow the board to more effectively utilize its programmatic assets to meet a variety of community infrastructure needs throughout rural Utah.

SUMMARY OF THE RULE OR CHANGE: Changes to Section R199-8-5 clarifies the actions the Board will take if applicant agencies within a county area do not submit the annual updated local capital improvement list in the uniform format required by the Board. This includes holding all applications from the affected county area until these requirements are met. Adoption of Section R199-8-7 specifies the manner in which the Board to hold electronic meetings.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 52-4-7.8

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Changes to Section R199-8-5 will not result in any net costs or savings to the Board. The amendment clarifies existing policies and procedures. Adoption of Section R199-8-7 will not result in any net costs or savings to the Board. Decreases in travel and per diem expenses for the Board will probably be off-set by cost associated with holding electronic meetings.

❖ **LOCAL GOVERNMENTS:** Changes to Section R199-8-5 will not result in any net costs or savings to local government. The amendment clarifies existing policies and procedures. Adoption of Section R199-8-7 will not result in any net costs or savings to local government. Decreases in travel and per diem expenses for local government will probably be off-set by cost associated with holding electronic meetings.

❖ **OTHER PERSONS:** None. Only specified state agencies or subdivisions of the state are eligible for the Board's loan and grant programs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Changes to Section R199-8-5 will not result in any net costs or savings to local government. The amendment clarifies existing policies and procedures. Adoption of Section R199-8-7 will not result in any net costs or savings to local government. Decreases in travel and per diem expenses for local government will probably be off-set by cost associated with holding electronic meetings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impacts from the proposed rule amendments will accrue to business as only subdivisions of the state are eligible for participation in the Board's loan and grant programs.

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

COMMUNITY AND ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT
Room 500
324 S STATE ST
SALT LAKE CITY UT 84111-2388, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Keith Burnett or Gayle Gardner at the above address, by phone at 801-538-8725 or 801-538-8735, by FAX at 801-538-8725 or 801-538-8888, or by Internet E-mail at kjburnett@utah.gov or ggardner@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/06/2003 at 9:30 AM, Utah State Library Division, 250 North 1950 West, Room 218-219, Salt Lake City, Utah.

THIS RULE MAY BECOME EFFECTIVE ON: 12/04/2003

AUTHORIZED BY: David Harmer, Executive Director

R199-8. Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance.

R199-8-1. Purpose.

The Permanent Community Impact Fund Board (the Board) provides loans and/or grants to State agencies and subdivisions of the State which are or may be socially or economically impacted, directly or indirectly, by mineral resource development. Authorization for the Board is contained in Section 9-4-301 et seq.

R199-8-2. Eligibility.

Only those applications for funding assistance which are submitted by an eligible applicant for an eligible project shall be funded by the Board.

Eligible projects include: a) planning; b) the construction and maintenance of public facilities; and c) the provision of public services. "Public Facilities and Services" means public infrastructure or services traditionally provided by governmental entities.

Eligible applicants include state agencies and subdivisions of the state as defined in Subsection 9-4-302(5)3, which are or may be socially or economically impacted, directly or indirectly, by mineral resource development.

R199-8-3. Application Requirements.

A. Applicants shall submit their funding requests on the Board's most current application form, furnished by the Department of Community and Economic Development (DCED). Applicants submitting incomplete applications will be notified of deficiencies and their request for funding assistance will be held by the Board's staff pending submission of the required information by the applicant.

Complete applications which have been accepted for processing will be placed on the next available "Application Review Meeting" agenda.

B. Additional general information not specifically covered by the application form should also be furnished to the Board and its staff when such information would be helpful to the Board in appraising the merits of the project.

C. For proposed drinking water and sewer projects, sufficient technical information must be provided to the Utah Department of Environmental Quality (DEQ) to permit their review. The Board will not act on any drinking water or sewer project unless they receive such review from DEQ.

D. Planning grants and studies normally require a fifty percent cash contribution by the applicant.

E. The Board requires all applicants to have a vigorous public participation effort. All applicants shall hold at least one formal public hearing to solicit comment concerning the size, scope and nature of any funding request prior to its submission to the Board. In that public hearing, the public shall be advised the financing may be in the form of a loan, even if the application requests a grant.

Complete and detailed information shall be given to the public regarding the proposed project and its financing. The information shall include the expected financial impact including potential repayment terms and the costs to the public as user fees, special assessments, or property taxes if the financing is in the form of a

loan. The Board may require additional public hearings if determines the applicant did not adequately disclose to the public the impact of the financial assistance during the initial public hearing.

When the Board offers the applicant a financial package that is substantially different in the amounts, terms or conditions initially requested by an applicant, the Board may require additional public hearings to solicit public comment on the modified funding package.

A copy of the public notice and transcript or minutes of the hearing shall be attached to the funding request. Public opinion polls may be submitted in addition to the transcript or minutes.

F. Letters of comment outlining specific benefits (or problems) to the community and State may be submitted with the application.

G. All applicants are required to notify in writing the applicable Association of Governments of their intention to submit a funding request to the Board. A copy of any comments made by the Association of Governments shall be attached to the funding request. It is the intent of the Board to encourage regional review and prioritization of funding requests to help ensure the timely consideration of all worthwhile projects.

H. State statute requires the Board before it grants or loans any funds or approves any undertaking to take into account the effect of the undertaking on any district, site, building structure or specimen that is included in or eligible for inclusion in the National Register of Historic Places or the State Register and to allow the state historic preservation officer (SHPO) a reasonable opportunity to comment on the undertaking or expenditure. In order to comply with that duty, the Board requires all applicants to provide the SHPO with a description of the proposed project and attach the SHPO's comments to the application. The Board also requires that if during the construction of the project the applicant discovers any cultural/paleontological resources, the applicant shall cease project activities which may affect or impact the cultural/paleontological resource, notify the Board and the SHPO of the discovery, allow the Board to take into account the effects of the project on cultural/paleontological resources, and not proceed until further approval is given by the Board.

I. All applicants must provide evidence and arguments to the Board as to how the proposed funding assistance provides for planning, the construction and maintenance of public facilities or the provision of public services.

J. All applicants must demonstrate that the facilities or services provided will be available and open to the general public and that the proposed funding assistance is not merely a device to pass along low interest government financing to the private sector.

K. All applicants must demonstrate that any arrangement with a lessee of the proposed project will constitute a true lease, and not a disguised financing arrangement. The lessee must be required to pay a reasonable market rental for the use of the facility. In addition, the applicant shall have no arrangement with the lessee to sell the facility to the lessee, unless fair market value is received.

L. Each applicant must submit evidence and legal opinion that it has the authority to construct, own and lease the proposed project. In the case of a request for an interest bearing loan, the applicant must provide an opinion of nationally-recognized bond counsel that the interest will not be subject to federal income taxes.

M. All applicants shall certify to the Board that they will comply with the provisions of Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000e), as amended, which prohibits discrimination against any employee or applicant for employment or any applicant or recipient of services, on the basis of race, religion, color, or national origin; and further agree to abide by Executive

Order No. 11246, as amended, which prohibits discrimination on the basis of sex; 45 CFR 90, as amended, which prohibits discrimination on the basis of age; Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and 28 CFR 35, as amended, which prohibit discrimination on the basis of disabilities; Utah Anti-Discrimination Act, Section 34A-5-101 et seq., which prohibits discrimination against any employee or applicant for employment because of race, color, sex, age, religion, national origin, or handicap, and to certify compliance with the ADA to the Board on an annual basis and upon completion of the project.

R199-8-4. Board Review Procedures.

A. The Board will review applications and authorize funding assistance on a "Trimester" basis. The initial meetings of each "Trimester" shall be "Project Review Meetings". The final meeting of each "Trimester" shall be a "Prioritization and Funding Meeting". Board meetings shall be held monthly, except July when no meeting will be held. "Prioritization and Funding Meetings" shall be held in April for the 1st Trimester, August for the 2nd Trimester and December for the 3rd Trimester.

The deadlines for submitting applications for each of the Trimesters will no later than the following dates: 1st Trimester, December 1st; 2nd Trimester, April 1st; 3rd Trimester, August 1st.

B. The process for review of new applications for funding assistance shall be as follows:

1. Submission of an application to the Board's staff for technical review and analysis.

2. Incomplete applications will be held by the Board's staff pending submission of required information.

3. Complete applications accepted for processing will be placed on the next available "Project Review Meeting" agenda.

4. At the "Project Review Meeting" the Board may either:

a. deny the application;

b. place the application on the "Pending List" for consideration at a future "Project Review Meeting" after additional review, options analysis and funding coordination by the applicant and the Board's staff;

c. place the application on the "Prioritization List" for consideration at the next "Prioritization and Funding Meeting".

C. Applicants and their representatives shall be informed of any "Project Review Meeting" at which their applications will be considered. Applicants may make formal presentations to the Board and respond to the Board's questions during the "Project Review Meetings".

D. No funds shall be committed by the Board at the "Project Review Meetings", with the exception of bona fide emergencies.

E. Applications for funding assistance which have been placed on the "Prioritization List" will be considered at the "Prioritization and Funding Meeting" for that Trimester. Applications which do not receive funding authorization will be held over for reconsideration at the next "Prioritization and Funding Meeting". Applications which have not received funding authorization after reconsideration will be deemed denied.

F. In instances of bona fide public safety or health emergencies or for other compelling reasons, the Board may suspend the provisions of this section and accept, process, review and authorize funding of an application on an expedited basis.

R199-8-5. Local Capital Improvement Lists.

A. A consolidated list of the anticipated capital needs for eligible entities shall be submitted from each county area, or in the

case of state agencies, from DCED. This list shall be produced as a cooperative venture of all the eligible entities within each county area.

B. The list shall contain a short term (one year) and a medium term (five year) component.

C. The list shall contain the following items: jurisdiction, summary description, project time frame, anticipated time of submission to PCIFB, projected overall cost of project, anticipated funding sources, the individual applicant's priority for their own projects, and the county area priority for each project. The county area priority for each project shall be developed as a cooperative venture of all eligible entities within a county area.

D. Projects not identified in a county area's or DCED's list, will not be funded by the PCIFB, unless they address a bona fide public safety or health emergency or for other compelling reasons.

E. An up-dated list shall be submitted to the Board no later than April 1st of each year. The up-dated list shall be submitted in the uniform format required by the Board.

F. If the consolidated list from a county area does not contain the information required in R-199-8-5-C. or is not in the uniform format required in R-199-8-5-E, all applications from the affected county area will be held by the Board's staff until the next funding cycle pending submission of the required information in the uniform format.

G. The Board has authorized its staff to hold any application that does not appear on the applicable local capital improvement list. Such applications will be held until the next funding cycle to allow the applicant time to pursue amending the local capital improvement list.

H. The amendment to include an additional project must follow the process used for the original list, and it must contain the required information and be submitted in the uniform format, particularly the applicant and county area prioritization.

I. The regional Association of Governments are the compilers of the capital improvement lists. The AOG cannot simply add additional applications to any given list without the applicant meeting the process requirements outlined in Item III-B, above.

J. Notwithstanding Item III-C, above, allowing an applicant to add a project to the capital improvement list just prior to the application deadline subverts the intent of the capital improvement list process. Such applications will be held by the Board's staff until the next funding cycle.

R199-8-6. Modification or Alteration of Approved Projects.

A recipient of PCIFB grant funds may not, for a period of ten years from the approval of funding by the Board, change or alter the use, intended use, ownership or scope of a project without the prior approval of the Board. A recipient of PCIFB loan funds may not, for the term of the loan, change or alter the use, intended use, ownership or scope of a project without the prior approval of the Board. The recipient shall submit a written request for such approval and provide such information as requested by the Board or its staff, including at a minimum a description of the modified project sufficient for the Board to determine whether the modified project is an eligible use of PCIFB funds.

The Board may place such conditions on the proposed modifications or modified project as it deems appropriate, including but not limited to modifying or changing the financial terms, requiring additional project actions or participants, or requiring purchase or other satisfaction of all or a portion of the Board's interests in the approved project. Approval shall only be granted if

the modified project, use or ownership is also an eligible use of PCIFB funds, unless the recipient purchases or otherwise satisfies in full the Board's interest in the previously approved or the proposed project.

R199-8-7. Procedures for Electronic Meetings.

A. These provisions govern any meeting at which one or more members of the Board or one or more applicant agencies appear telephonically or electronically pursuant to Section 52-4-7.8.

B. If one or more members of the Board or one or more applicant agencies may participate electronically or telephonically, public notices of the meeting shall so indicate. In addition, the notice shall specify the anchor location where the members of the CIB not participating electronically or telephonically will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

C. Notice of the meeting and the agenda shall be posted at the anchor location. Written or electronic notice shall also be provided to at least one newspaper of general circulation within the state and to a local media correspondent. These notices shall be provided at least 24 hours before the meetings.

D. Notice of the possibility of an electronic meeting shall be given to the members of the Board and applicant agencies at least 24 hours before the meeting. In addition, the notice shall describe how the members of the Board and applicant agencies may participate in the meeting electronically or telephonically.

E. When notice is given of the possibility of a member of the Board appearing electronically or telephonically, any member of the Board may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the Board. At the commencement of the meeting, or at such time as any member of the Board initially appears electronically or telephonically, the Chair shall identify for the record all those who are appearing telephonically or electronically. Votes by members of the Board who are not at the physical location of the meeting shall be confirmed by the Chair.

F. The anchor location shall be designated in the notice. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. In addition, the anchor location has space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

KEY: grants

[January 23, 2001]2003

Notice of Continuation November 5, 2002

9-4-305

▼ ————— ▼
**Environmental Quality, Radiation
 Control**

R313-19-50

Reporting Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26701

FILED: 10/15/2003, 13:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule change updates the edition date of a U.S. Nuclear Regulatory Commission (NRC) regulation that is incorporated by reference, and adds information on the incident reporting requirements for special nuclear material (SNM).

SUMMARY OF THE RULE OR CHANGE: The NRC regulation edition change makes the rule consistent with other rules referencing this same regulation. The rule change also describes the verbal and written reporting requirements for licensees who have an incident involving the use of SNM. The reporting requirements prescribe the form and timeframe for the incident reporting.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104, and 19-3-108

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Appendix B of 10 CFR 20.1001 through 20.2402

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There are minimal cost savings to the state budget arising from the Division not having to maintain a 2000 and a 2001 copy of the same rule for licensees who request a printed copy of the Division's rules. However, most licensees obtain copies of the rules from the Division's web site. Also, licensees requesting a printed copy of the rule typically purchase it from the Division. No anticipated costs or savings to the State are expected from the change in the reporting requirements since incidents involving SNM are rare in the State, and the new requirements are similar to requirements for other types of radioactive material (RAM).
- ❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government from either issue in the rule change. If an agency of local government possesses RAM, the agency can obtain copies of the rules over the Internet at no cost. It is not probable that a local government agency would possess SNM, and even less likely that the agency would be involved in such an incident. There is no involvement of local government in the incident reporting rules.
- ❖ **OTHER PERSONS:** There would be no anticipated costs or savings to other persons since the Division's rules are available on-line, and the additional reporting requirements are similar to existing requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only potential costs to affected persons would be the time and costs involved in the verbal and written incident notification, and costs associated with purchasing a new printed copy of the rules. A full set of the rules is \$20, and a partial set is \$15. Since rules are available on the Internet, there may be no cost to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule modification should have no fiscal impact on businesses required to comply with this rule. Dianne R. Nielson, Ph.D.

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/12/2003

AUTHORIZED BY: Craig Jones, Acting Director

R313. Environmental Quality, Radiation Control.

R313-19. Requirements of General Applicability to Licensing of Radioactive Material.

R313-19-50. Reporting Requirements.

(1) Licensees shall notify the Executive Secretary as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits. Events may include fires, explosions, toxic gas releases, etc.

(2) The following events involving licensed material require notification of the Executive Secretary by the licensee within 24 hours:

(a) an unplanned contamination event that:

(i) requires access to the contamination area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

(ii) involves a quantity of material greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR 20.1001 through 20.2402 (~~[2000]~~2001), which is incorporated by reference, for the material; and

(iii) has access to the area restricted for a reason other than to allow radionuclides with a half-life of less than 24 hours to decay prior to decontamination; or

(b) an event in which equipment is disabled or fails to function as designed when:

(i) the equipment is required by rule or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

(ii) the equipment is required by rule or license condition to be available and operable; and

(iii) no redundant equipment is available and operable to perform the required safety function; or

(c) an event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body; or

(d) an unplanned fire or explosion damaging licensed material or a device, container, or equipment containing licensed material when:

(i) the quantity of material involved is greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR 20.1001 through 20.2402 (~~[2000]~~2001), which is incorporated by reference, for the material; and

(ii) the damage affects the integrity of the licensed material or its container.

(3) Preparation and submission of reports. Reports made by licensees in response to the requirements of Section R313-19-50 must be made as follows:

(a) For radioactive materials, other than special nuclear material, licensees shall make reports required by Subsections R313-19-50(1) and (2) by telephone to the Executive Secretary. To the extent that the information is available at the time of notification, the information provided in these reports must include:

(i) the caller's name and call back telephone number;

(ii) a description of the event, including date and time;

(iii) the exact location of the event;

(iv) the radionuclides, quantities, and chemical and physical form of the licensed material involved; and

(v) available personnel radiation exposure data.

(b) For special nuclear materials, licensees shall make reports required by Subsections R313-19-50(1) and (2) by telephone to the Executive Secretary. To the extent that the information is available at the time of notification, the information provided in these reports must include:

(i) the caller's name, position title, and call-back telephone number;

(ii) the date, time, and exact location of the event; and

(iii) a description of the event, including:

(A) radiological or chemical hazards involved, including isotopes, quantities, and chemical and physical form of any material released; and

(B) actual or potential health and safety consequences to the workers, the public, and the environment, including relevant chemical and radiation data for actual personnel exposures to radiation or radioactive materials or hazardous chemicals produced from radioactive materials (e.g., level of radiation exposure, concentration of chemicals, and duration of exposure).

(b)(c) Written report for materials other than special nuclear materials. A licensee who makes a report required by Subsections R313-19-50(1) or (2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports shall be sent to the Executive Secretary. The report shall include the following:

(i) A description of the event, including the probable cause and the manufacturer and model number, if applicable, of equipment that failed or malfunctioned;

(ii) the exact location of the event;

(iii) the radionuclides, quantities, and chemical and physical form of the licensed material involved;

(iv) date and time of the event;

(v) corrective actions taken or planned and results of evaluations or assessments; and

(vi) the extent of exposure of individuals to radiation or radioactive materials without identification of individuals by name.

(d) Written report for special nuclear material. A licensee who makes a report required by Subsections R313-19-50(1) or (2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports shall be sent to the Executive Secretary. The report shall include the following:

(i) the complete applicable information required by Subsection R313-19-50(3)(b);

(ii) the probable cause of the event, including all factors that contributed to the event and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned; and

(iii) corrective actions taken or planned to prevent occurrence of similar or identical events in the future and the results of any evaluations or assessments.

KEY: license, reciprocity, transportation, exemptions
[May 9, 2003] 2004

Notice of Continuation October 10, 2001

19-3-104

19-3-108

▼ ————— ▼

Environmental Quality, Radiation Control **R313-21** General Licenses

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 26699

FILED: 10/15/2003, 13:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes in Section R313-21-21 are text corrections. The changes in Section R313-21-22 include text changes and changes in the registration and control of devices containing radioactive material (RAM) distributed under a general license. The rule change is also required for Utah to maintain Agreement State compatibility with the U.S. Nuclear Regulatory Commission (NRC).

SUMMARY OF THE RULE OR CHANGE: The rule change incorporates various text changes and changes to the registration and control of devices containing RAM that were distributed under a general license. The changes to the registration and control of these devices shift the emphasis from types of devices to devices containing above certain levels of specific radioactive isotopes. These changes reflect the recently adopted NRC regulations governing these types of devices.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-3-104

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is an expected decrease in revenue for the General Fund from the registration of only those devices containing specific isotopes with activities greater than a certain limit. Currently, there are 95 general licensees with devices containing RAM who are licensed with the Division. When the rule change becomes effective, only 37 of the 95 general licensees will need to register with the Division. This would result in a loss of \$1160 per year in registration fees for the General Fund. (Annual/renewal/new registration fees are \$20 per year for each general licensee.) No other costs or savings to the State budget are anticipated.

❖ **LOCAL GOVERNMENTS:** The only costs/savings anticipated would be for those local government agencies that possess generally licensed devices that contain RAM that would no longer need to be registered with the Division when the rule change becomes effective. This would be a savings of \$20 per year for each of those agencies. Otherwise, there are no other anticipated costs/savings to local government from this rule change.

❖ **OTHER PERSONS:** There is an anticipated savings of \$20 per year to 58 regulated persons (aggregate cost savings of \$1160 per year) who would no longer need to register their devices containing RAM with the Division.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The rule change will relieve some current general licensees from paying registration fees to the Division. There will be no additional costs for those licensees who will continue to pay registration fees.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule modification will have a minor impact on the State General Fund, and will relieve the financial impact from registration for a number of current general licensees. Dianne R. Nielson, Ph.D.

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/12/2003

AUTHORIZED BY: Craig Jones, Acting Director

R313. Environmental Quality, Radiation Control.

R313-21. General Licenses.

R313-21-21. General Licenses--Source Material.

(1) A general license is hereby issued authorizing commercial and industrial firms, research, educational and medical institutions, and state and local government agencies to use and transfer not more than ~~6.82 kilogram (15 [pounds (6.82 kg)]lb)~~ of source material at any one time for research, development, educational, commercial, or operational purposes. A person authorized to use or transfer source material, pursuant to this general license, may not receive more than a total of ~~68.2 kilogram (150 [pounds (68.2 kg)]lb)~~ of source material in any one calendar year.

(2) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in R313-21-21(1) are exempt from the provisions of R313-15 and R313-18, to the extent that such receipt, possession, use or transfer is within the terms of the general license; provided, however, that this exemption shall not be deemed to apply to a person who is also in possession of source material under a specific license issued pursuant to R313-22.

(3) Persons who receive, possess, use, or transfer source material pursuant to the general license in R313-21-21(1) are prohibited from administering source material, or the radiation therefrom, either externally or internally, to human beings except as may be authorized by the Executive Secretary in a specific license.

(4) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize a person to receive, possess, use, or transfer source material.

(5) Depleted uranium in industrial products and devices.

(a) A general license is hereby issued to receive, acquire, possess, use, or transfer, in accordance with the provisions of R313-21-21(5)(b), (c), (d), and (e), depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

(b) The general license in R313-21-21(5)(a) applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to R313-22-75(~~12~~11) or in accordance with a specific license issued to the manufacturer by ~~a Licensing State,~~ the Nuclear Regulatory Commission, ~~or~~ an Agreement State, or a Licensing State which authorizes manufacture of the products or devices for distribution to persons generally licensed by the Nuclear Regulatory Commission, ~~or~~ an Agreement State, or a Licensing State.

(c)(i) Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by R313-21-21(5)(a) shall file form DRC-12 "Registration Form-Use of Depleted Uranium Under General License," with the Executive Secretary. The form shall be submitted within 30 days after the first receipt or acquisition of depleted uranium. The registrant shall furnish on form DRC-12 the following information and other information as may be required by that form:

(A) name and address of the registrant;

(B) a statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in R313-21-21(5)(a) and designed to prevent transfer of such depleted uranium in any form, including

metal scrap, to persons not authorized to receive the depleted uranium; and

(C) name or title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in R313-21-21(5)(c)(i)(B).

(ii) The registrant possessing or using depleted uranium under the general license established by R313-21-21(5)(a) shall report in writing to the Executive Secretary any changes in information previously furnished on the "Registration Form - Use of Depleted Uranium Under General License." The report shall be submitted within 30 days after the effective date of the change.

(d) A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by R313-21-21(5)(a):

(i) shall not introduce depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;

(ii) shall not abandon depleted uranium;

(iii) shall transfer or dispose of depleted uranium only by transfer in accordance with the provisions of R313-19-41. In the case where the transferee receives the depleted uranium pursuant to the general license established by R313-21-21(5)(a), the transferor shall furnish the transferee a copy of ~~this rule~~ R313-21-21(5) and a copy of form DRC-12. In the case where the transferee receives the depleted uranium pursuant to a general license contained in the Nuclear Regulatory Commission's or Agreement State's regulation equivalent to R313-21-21(5)(a), the transferor shall furnish the transferee a copy of this rule and a copy of form DRC-12 accompanied by a note explaining that use of the product or device is regulated by the Nuclear Regulatory Commission or Agreement State under requirements substantially the same as those in ~~this rule~~ R313-21-21(5);

(iv) within 30 days of any transfer, shall report in writing to the Executive Secretary the name and address of the person receiving the depleted uranium pursuant to the transfer;

(v) shall not export depleted uranium except in accordance with a license issued by the Nuclear Regulatory Commission pursuant to 10 CFR Part 110; and

(vi) shall pay annual fees pursuant to R313-70.

(e) Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by R313-21-21(5)(a) is exempt from the requirements of R313-15 and R313-18 of these rules with respect to the depleted uranium covered by that general license.

R313-21-22. General Licenses*--Radioactive Material Other Than Source Material.

NOTE: *Different general licenses are issued in this section, each of which has its own specific conditions and requirements.

(1) Certain devices and equipment. A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with the specifications contained in a specific license issued ~~[to the manufacturer]~~ by the Executive Secretary, the Nuclear Regulatory Commission, an Agreement State, or a Licensing State ~~[for use pursuant to 10 CFR 31.3]~~. This general license is subject to the provisions of R313-12-51 through R313-12-70, R313-15, R313-18 and R313-19 of these rules.

(a) Static Elimination Devices. Devices designed for use as static eliminators which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 megabecquerel (500 microcuries (18.5 MBq) [uCi]) of polonium-210 per device.

(b) Ion Generating Tube. Devices designed for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 megabecquerel (500 microcuries (18.5 MBq) [uCi]) of polonium-210 per device or a total of not more than 1.85 gigabecquerel (50 millicuries (1.85 GBq) [mCi]) of hydrogen-3 (tritium) per device.

(2) RESERVED.

(3) RESERVED.

(4) Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere.

(a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and state or local government agencies to ~~own,~~ acquire, receive, possess, use or transfer, in accordance with the provisions of R313-21-22(4)(b), (c) and (d), radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(b)(i) The general license in R313-21-22(4)(a) applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in:

~~(A) a specific license issued by the Executive Secretary pursuant to R313-22-75[-](4); or~~

~~(B) [in accordance with] an equivalent specific license issued by the Nuclear Regulatory Commission, an Agreement State or a Licensing State, which authorizes distribution of devices to persons generally licensed by the Nuclear Regulatory Commission, an Agreement State or Licensing State.*~~

NOTE: *Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in 21 CFR 179.21.

~~(ii) the devices must have been received from one of the specific licensees described in R313-21-22(4)(b)(i) or through a transfer made under R313-21-22(4)(c)(ix).~~

(c) Any person who ~~owns,~~ acquires, receives, possesses, uses or transfers radioactive material in a device pursuant to the general license in R313-21-22(4)(a):

(i) ~~[shall register all devices by submitting form DRC-13, "Registration Form - Radioactive Material in Certain Measuring, Gauging or Controlling Devices Under General License," to the Executive Secretary within 30 days after the first receipt or acquisition of a device, however:~~

~~(A) devices containing no more than ten millicuries of polonium-210 and used for producing an ionized atmosphere need not be registered; and~~

~~(B) devices containing hydrogen-3 (tritium) and used for producing light need not be registered;~~

~~(ii) shall furnish on form DRC-13 the following information and other information as may be required by that form:~~

~~(A) name and address of the registrant;~~

~~(B) a statement that the registrant has developed and will maintain procedures designed to establish physical control over the device described in R313-21-22(4)(a) and designed to prevent transfer~~

~~of the device other than to a specific licensee authorized to receive it or to another general licensee only as authorized by R313-21-22(4)(c)(xii); and~~

~~(C) name or title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising and maintaining the procedures identified in R313-21-22(4)(c)(ii)(B);~~

~~(iii) shall report in writing to the Executive Secretary any changes in information previously furnished on form DRC-13. The information shall be submitted within 30 days after the effective date of a change;~~

~~(iv) other than those persons using less than ten millicuries polonium-210 or hydrogen-3 (tritium) for producing light or an ionized atmosphere, shall submit the appropriate fee as required by R313-70-7(11) within 30 days after the first receipt or acquisition of the device.~~

~~(v) shall assure that all labels affixed to the device at the time of receipt[-] and bearing a statement that removal of the label is prohibited[-] are maintained thereon and shall comply with all instructions and precautions provided by the labels;~~

~~(vi) shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at other intervals as are specified in the label[-]; however:~~

~~(A) [d] Devices containing only krypton need not be tested for leakage of radioactive material[-] and~~

~~(B) [d] Devices containing only tritium or not more than 3.7 megabecquerel (100 microcuries (3.7 MBq) [uCi]) of other beta, gamma, or both, [gamma]-emitting material or 0.37 megabecquerel (10 microcuries (0.37 MBq) [uCi]) of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;~~

~~(vii) shall assure that the tests required by R313-21-22(4)(c)(vi) and other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed:~~

~~(A) in accordance with the instructions provided by the labels; or~~

~~(B) by a person holding a specific license pursuant to R313-22 or from [the Executive Secretary, a Licensing State,] the Nuclear Regulatory Commission, [or] an Agreement State, or a Licensing State to perform such activities[-] which authorizes the activities in R313-21-22(4)(c)(vii);~~

~~(viii) shall maintain records showing compliance with the requirements of R313-21-22(4)(c)(vi) and (vii). The records shall show the results of tests. The records also shall show the dates of performance of, and the names of persons performing, testing, installing, servicing, and [removal] removing from the installation [concerning] the radioactive material[-] and its shielding or containment.~~

~~The licensee shall retain these records as follows:~~

~~(A) [Records] Each record of a test[s] for leakage [of] or radioactive material required by R313-21-22(4)(c)(vi) shall be [maintained] retained for three years after the next required leak test is performed or until the sealed source is transferred or disposed of[-];~~

~~(B) [Records] Each record of a test[s] of the on-off mechanism and indicator required by R313-21-22(4)(c)(vi) shall be [maintained] retained for three years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of[-];~~

~~(C) [Records which are] Each record that is required by R313-21-22(4)(c)(viii) shall be [maintained] retained for [a period of two] three years from the date of the recorded event or until the device is transferred or disposed of;~~

~~(ix) [upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the~~

~~radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie (185 Bq) or more removable radioactive material, shall immediately suspend operation of the device if there is a failure of, or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 becquerel (0.005 uCi) or more removable radioactive material. The device may not be operated until it has been repaired by the manufacturer or other person holding a specific license to repair the device that was issued under R313-22 or by [from the Executive Secretary, a Licensing State,] the Nuclear Regulatory Commission, [or an Agreement State, or a Licensing State, to repair the devices, or]. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by a specific license to receive the radioactive material [contained] in the device or as otherwise approved by the Executive Secretary. [and, within 30 days, furnish to the Executive Secretary a] A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 185 becquerel (0.005 uCi) or more removable radioactive material or failure of or damage to a source likely to result in contamination of the premises or the environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use, must be furnished to the Executive Secretary within 30 days. Under these circumstances, the criteria set out in R313-15-402 may be applicable, as determined by the Executive Secretary on a case-by-case basis;~~

~~(i) shall not abandon any device containing radioactive material;~~

~~(ii) shall not export the device containing radioactive materials except in accordance with 10 CFR 110;~~

~~(iii)(A) [except as provided in R313-21-22(4)(c)(xii),] shall transfer or dispose of the device containing radioactive material only by export as provided by R313-21-22(4)(c)(vii), by transfer to another general licensee as authorized in R313-21-22(4)(c)(ix), or to a person [holding] authorized to receive the device by a specific license issued under R313-22, or R313-22 that authorizes waste collection, or equivalent regulations of the [Executive Secretary, the] Nuclear Regulatory Commission, an Agreement State, or a Licensing State [whose specific license authorizes the person to receive the device and], or as otherwise approved under R313-21-22(4)(c)(viii)(C);~~

~~(B) shall furnish a report to the Executive Secretary within 30 days after transfer of a device to a specific licensee or export. The report must contain: [shall furnish to the Executive Secretary a report containing]~~

~~(I) the identification of the device by manufacturer's or initial transferor's name [and], model number, and serial number;~~

~~(II) [and] the name [and], address, and license number of the person receiving the device [-], the license number is not applicable if exported; and [No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;]~~

~~(III) the date of the transfer;~~

~~(C) shall obtain written approval from the Executive Secretary before transferring the device to any other specific licensee not specifically identified in R313-21-22(4)(c)(viii)(A);~~

~~(ix) shall transfer the device to another general licensee only if:~~

~~(A) [where] the device remains in use at a particular location. In this case, the transferor shall give the transferee a copy of R313-21-22(4), R313-12-51, R313-15-1201, and R313-15-1202, and any safety documents identified in the label of the device, [and within] Within 30 days of the transfer, the transferor shall report to the Executive Secretary;~~

~~(I) the manufacturer's or initial transferor's name;~~

~~(II) [and] the model number and serial number of the device transferred [-];~~

~~(III) the transferee's name and mailing address for the location of use; and [of the transferee,]~~

~~(IV) [and] the name [or position], title, and phone number of [an] the responsible individual [who may constitute a point of contact between the Executive Secretary and the transferee] identified by the transferee in accordance with R313-21-22(4)(c)(xii) to have knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements; or~~

~~(B) [where] the device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee;~~

~~(x) shall comply with the provisions of R313-15-1201 and R313-15-1202 for reporting radiation incidents, theft or loss of licensed material, but shall be exempt from the other requirements of R313-15 and R313-18; [and]~~

~~(xi) shall respond to written requests from the Executive Secretary to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by submitting a letter to the Executive Secretary and provide written justification as to why it cannot comply;~~

~~(xii) shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;~~

~~(xiii)(A) shall register, in accordance with R313-21-22(4)(c)(xiii)(B) and (C), devices containing at least 370 megabecquerel (ten mCi) of cesium-137, 3.7 megabecquerel (0.1 mCi) of strontium-90, 37 megabecquerel (one mCi) of cobalt-60, or 37 megabecquerel (one mCi) of americium-241 or any other transuranic, for example, an element with atomic number greater than uranium (92), based on the activity indicated on the label. Each address for a location of use, as described under R313-21-22(4)(c)(xiii)(C)(IV) of this section, represents a separate general licensee and requires a separate registration and fee;~~

~~(B) if in possession of a device meeting the criteria of R313-21-22(4)(c)(xiii)(A), shall register these devices annually with the Executive Secretary and shall pay the fee required by R313-70. Registration must be done by one of or a combination of verifying, correcting, or adding to the information provided in a request for registration received from the Executive Secretary. The registration information must be submitted to the Executive Secretary within 30 days of the date of the request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices meeting the criteria of R313-21-22(4)(c)(xiii)(A) is subject to the bankruptcy notification requirement in R313-19-34(5) and (6);~~

~~(C) in registering devices, the general licensee shall furnish the following information and any other information specifically requested by the Executive Secretary:~~

~~(I) name and mailing address of the general licensee;~~

~~(II) information about each device: the manufacturer or initial transferor, model number, serial number, the radioisotope and activity as indicated on the label;~~

(III) name, title, and telephone number of the responsible person designated as a representative of the general licensee under R313-21-22(4)(c)(xii);

(IV) address or location at which the device(s) are used, stored, or both. For portable devices, the address of the primary place of storage;

(V) certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information; and

(VI) certification by the responsible representative of the general licensee that they are aware of the requirements of the general license; and

(D) persons generally licensed by the Nuclear Regulatory Commission, an Agreement State, or Licensing State with respect to devices meeting the criteria in R313-21-22(4)(c)(xiii)(A) are not subject to registration requirements if the devices are used in areas subject to Division jurisdiction for a period less than 180 days in any calendar year. The Executive Secretary will not request registration information from such licensees;

(xiv) shall report changes to the mailing address for the location of use, including changes in the name of a general licensee, to the Executive Secretary within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage; and

(xv) may not hold devices that are not in use for longer than 2 years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by R313-21-22(4)(c)(ii) need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.

~~[(xiv) shall pay annual fees pursuant to R313-70.]~~

(d) The general license in R313-21-22(4)(a) does not authorize the manufacture or import of devices containing radioactive material.

(e) The general license provided in R313-21-22(4)(a) is subject to the provisions of R313-12-51 through R313-12-53, R313-12-70, R313-14, R313-19-34, R313-19-41, R313-19-61, and R313-19-100.

(5) Luminous safety devices for aircraft.

(a) A general license is hereby issued to own, receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:

(i) each device contains not more than 370.0 gigabecquerel (10 curies (370.0 GBq)Ci) of tritium or 11.1 gigabecquerel (300 millicuries (11.1 GBq)mCi) of promethium-147; and

(ii) each device has been manufactured, assembled or ~~imported~~ initially transferred in accordance with a specific license issued by the Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Executive Secretary or an Agreement State to the manufacturer or assembler of the device pursuant to licensing requirements equivalent to those in ~~[40 CFR 32.53]~~ R313-22-75(5).

(b) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to the general license in R313-21-22(5) are exempt from the requirements of R313-15 and R313-18,

except that they shall comply with the provisions of R313-15-1201 and R313-15-1202.

(c) This general license does not authorize the manufacture, assembly, ~~or~~ repair, or import of luminous safety devices containing tritium or promethium-147.

~~(d) This general license does not authorize the export of luminous safety devices containing tritium or promethium-147.~~

~~(d)e~~ This general license does not authorize the ownership, receipt, acquisition, possession or use of promethium-147 contained in instrument dials.

~~(e)f~~ This general license is subject to the provisions of R313-12-51 through R313-12-70, R313-14, R313-19-34, R313-19-41, R313-19-61, and R313-19-100.

(6) Ownership of radioactive material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of R313-21, this general license does not authorize the manufacture, production, transfer, receipt, possession~~or~~, use, import, or export of radioactive material.

(7) Calibration and reference sources.

(a) A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use and transfer, in accordance with the provisions of R313-21-22(7)(d) and (e), americium-241 in the form of calibration or reference sources:

(i) a~~ny~~ person who holds a specific license issued by the Executive Secretary which authorizes that person to receive, possess, use and transfer radioactive material; and

(ii) a~~ny~~ person who holds a specific license issued by the Nuclear Regulatory Commission which authorizes that person to receive, possess, use and transfer special nuclear material.

(b) A general license is hereby issued to own, receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of R313-21-22(7)(d) and (e) to a person who holds a specific license issued by the Executive Secretary which authorizes that person to receive, possess, use and transfer radioactive material.

(c) A general license is hereby issued to own, receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of R313-21-22(7)(d) and (e) to a person who holds a specific license issued by the Executive Secretary which authorizes that person to receive, possess, use and transfer radioactive material.

(d) The general licenses in R313-21-22(7)(a), (b) and (c) apply only to calibration or reference sources which have been manufactured or initially transferred in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the Nuclear Regulatory Commission pursuant to 10 CFR 32.57 or 10 CFR 70.39 or which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer by the Executive Secretary, a Licensing State, or an Agreement State ~~[pursuant to licensing requirements equivalent to those contained in 40 CFR 32.57 or 10 CFR 70.39]~~ which authorizes manufacture of the sources for distribution to persons generally licensed by the Executive Secretary, a Licensing State, or an Agreement State.

(e) The general licenses provided in R313-21-22(7)(a), (b), and (c) are subject to the provisions of R313-12-51 through R313-12-53, R313-12-70, R313-14, R313-19-34, R313-19-41, R313-19-61, R313-19-100, R313-15 and R313-18. In addition, persons who own, receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

(i) shall not possess at any one time, at any one location of storage or use, more than ~~185.0 kilobecquerel (5 [microcuries (185.0 kBq)]uCi)~~ of americium-241, 185.0 kilobecquerel (5 [microcuries (185.0 kBq)]uCi) of plutonium, or 185.0 kilobecquerel (5 [microcuries (185.0 kBq)]uCi) of radium-226 in a source;

(ii) shall not receive, possess, use or transfer a source unless the source, or the storage container, bears a label which includes one of the following statements or a substantially similar statement which contains the information called for in one of the following statements, as appropriate:

(A) The receipt, possession, use and transfer of this source, Model No., Serial No., are subject to a general license and the regulations of the United States Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL
THIS SOURCE CONTAINS (AMERICIUM-241)(PLUTONIUM)*
DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

.....
Typed or printed name of the manufacturer or importer
NOTE: *Show the name of the appropriate material.

(B) The receipt, possession, use and transfer of this source, Model No....., Serial No....., are subject to a general license and the regulations of a Licensing State. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL
THIS SOURCE CONTAINS RADIUM-226
DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

.....
Typed or printed name of the manufacturer or importer

(iii) shall not transfer, abandon, or dispose of a source except by transfer to a person authorized by a license from the Executive Secretary, ~~[a Licensing State]~~ the Nuclear Regulatory Commission, ~~[or] an Agreement State, or a Licensing State~~ to receive the source;

(iv) shall store a source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 which might otherwise escape during storage; and

(v) shall not use a source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(f) These general licenses do not authorize the manufacture, import, or export of calibration or reference sources containing americium-241, plutonium, or radium-226.

(8) RESERVED.

(9) General license for use of radioactive material for certain in vitro clinical or laboratory testing.*

NOTE: *The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drug in interstate commerce.

(a) A general license is hereby issued to any physician, veterinarian in the practice of veterinary medicine, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for the following stated tests, in accordance with the provisions of R313-21-22(9) (b), (c), (d), (e), and (f) the following radioactive materials in prepackaged units for use in in-vitro clinical or laboratory tests not involving internal or external administration of

radioactive material, or the radiation therefrom, to human beings or animals:

(i) iodine-125, in units not exceeding 370.0 kilobecquerel (10 [microcuries (370.0 kBq)]uCi) each;

(ii) iodine-131, in units not exceeding 370.0 kilobecquerel (10 [microcuries (370.0 kBq)]uCi) each;

(iii) carbon-14, in units not exceeding 370.0 kilobecquerel (10 [microcuries (370.0 kBq)]uCi) each;

(iv) hydrogen-3 (tritium), in units not exceeding 1.85 megabecquerel (50 [microcuries (1.85 MBq)]uCi) each;

(v) iron-59, in units not exceeding 740.0 kilobecquerel (20 [microcuries (740.0 kBq)]uCi) each;

(vi) cobalt-57, in units not exceeding 370.0 kilobecquerel (10 [microcuries (370.0 kBq)]uCi) each;

(vii) selenium-75, in units not to exceed 370.0 kilobecquerel (10 [microcuries (370.0 kBq)]uCi) each; or

(viii) mock iodine-125, reference or calibration sources, in units not exceeding 1.85 kilobecquerel (0.05 [microcurie (1.85 kBq)]uCi) of iodine-129 and 185.0 becquerel (0.005 [microcurie (185.0 Bq)]uCi) of americium-241 each.

(b) A person shall not receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by R313-21-22(9)(a) until that person has filed form DRC-07, "Registration Form-In Vitro Testing with Radioactive Material Under General License," with the Executive Secretary and received a Certificate of Registration signed by the Executive Secretary, or until that person has been authorized pursuant to R313-32 to use radioactive material under the general license in R313-21-22(9). The physician, veterinarian, clinical laboratory or hospital shall furnish on form DRC-07 the following information and other information as may be required by that form:

(i) name and address of the physician, veterinarian, clinical laboratory or hospital;

(ii) the location of use; and

(iii) a statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in R313-21-22(9)(a) and that the tests will be performed only by personnel competent in the use of radiation measuring instruments and in the handling of the radioactive material.

(c) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by R313-21-22(9)(a) shall comply with the following:

(i) The general licensee shall not possess at any one time, pursuant to the general license in R313-21-22(9)(a) at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, iron-59 and cobalt-57, or any combination, in excess of 7.4 megabecquerel (200 [microcuries (7.4 MBq)]uCi).

(ii) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

(iii) The general licensee shall use the radioactive material only for the uses authorized by R313-21-22(9)(a).

(iv) The general licensee shall not transfer the radioactive material except by transfer to a person ~~who is not~~ authorized to receive it pursuant to a license issued by the Executive Secretary, the Nuclear Regulatory Commission, an Agreement State or Licensing State, nor transfer the radioactive material in a manner other than in the unopened, labeled shipping container as received from the supplier.

(v) The general licensee shall dispose of the Mock Iodine-125 reference or calibration sources described in R313-21-22(9)(a)(viii) as required by R313-15-1001.

(vi) The general licensee shall pay annual fees pursuant to R313-70.

(d) The general licensee shall not receive, acquire, possess, or use radioactive material pursuant to R313-21-22(9)(a):

(i) Except as prepackaged units which are labeled in accordance with the provision of an applicable specific license issued pursuant to R313-22-75(8) or in accordance with the provisions of a specific license issued by the Nuclear Regulatory Commission, an Agreement State, or a Licensing State ~~which that~~ authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57, or Mock Iodine-125 for distribution to persons generally licensed ~~under R313-21-22(9) or its equivalent~~ by the Executive Secretary, the Nuclear Regulatory Commission, an Agreement State, or a Licensing State, and

(ii) Unless one of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to prepackaged units or appears in a leaflet or brochure which accompanies the package:

"This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

.....
Name of Manufacturer"

"This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

.....
Name of Manufacturer"

(e) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license in R313-21-22(9)(a) shall report in writing to the Executive Secretary, changes in the information previously furnished in the "Registration Form-In Vitro Testing with Radioactive Material Under General License", form DRC -07. The report shall be furnished within 30 days after the effective date of a change.

(f) Any person using radioactive material pursuant to the general license of R313-21-22(9)(a) is exempt from the requirements of R313-15 and R313-18 with respect to radioactive material covered by that general license, except that persons using the Mock Iodine-125 described in R313-21-22(9)(a)(viii) shall comply with the provisions of R313-15-1001, R313-15-1201 and R313-15-1202.

(10) Ice Detection Devices.

(a) A general license is hereby issued to own, receive, acquire, possess, use and transfer strontium-90 contained in ice detection

devices, provided each device contains not more than 1.85 megabecquerel (50 microcuries (1.85 MBq) [uCi]) of strontium-90 and each device has been manufactured or ~~imported~~ initially transferred in accordance the specifications contained in ~~with~~ a [specific] license issued pursuant to R313-22-75(8) [by the Nuclear Regulatory Commission] or [each device has been manufactured] in accordance with the specifications contained in a specific license issued to the manufacturer by the ~~Executive Secretary or~~ Nuclear Regulatory Commission, an Agreement State, or a Licensing State ~~[to the manufacturer of the device pursuant to licensing requirements equivalent to those in 10 CFR 32.61] which authorizes manufacture of the ice detection devices for distribution to persons generally licensed by the Nuclear Regulatory Commission, an Agreement State, or a Licensing State.~~

(b) Persons who own, receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in R313-21-22(10)(a):

(i) shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from over-heating to the device, discontinue use of the device until it has been inspected, tested for leakage and repaired by a person holding a specific license from the ~~Executive Secretary, the Nuclear Regulatory Commission, or~~ an Agreement State, or a Licensing State to manufacture or service the device; or shall dispose of the device pursuant to the provisions of ~~these rules~~ R313-15-1001;

(ii) shall assure that all labels affixed to the device at the time of receipt, and which bear a statement which prohibits removal of the labels, are maintained thereon; and

(iii) are exempt from the requirements of R313-15 and R313-18 ~~of these rules~~ except that the persons shall comply with the provisions of R313-15-1001, R313-15-1201 and R313-15-1202.

(c) This general license does not authorize the manufacture, assembly, disassembly, ~~or~~ repair, or import of strontium-90 in ice detection devices.

(d) This general license is subject to the provision of R313-12-51 through R313-12-53, R313-12-70, R313-14, R313-19-34, R313-19-41, R313-19-61, and R313-19-100 of these rules.

KEY: radioactive material, general licenses, source material
~~July 18, 1997~~ **2004**
Notice of Continuation January 25, 1999
19-3-104



**Environmental Quality, Radiation
Control
R313-22
Specific Licenses**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 26700
FILED: 10/15/2003, 13:57

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule change in Section R313-22-35 adds new requirements for those licensees who need to provide financial assurance for

the decommissioning and decontamination of their facilities. The rule changes in Section R313-22-75 consist of text changes, and changes in the regulations governing the distribution of devices under a general license by specific licensees. The latter rule change is required for Utah to maintain Agreement State compatibility with the U.S. Nuclear Regulatory Commission.

SUMMARY OF THE RULE OR CHANGE: The rule change in Section R313-22-35 adds new requirements for those licensees who need to provide financial assurance for the decommissioning and decontamination of their facilities. The rule change adds a requirement that the licensees' financial assurance documents meet the applicable criteria of a specific guidance document, and a requirement that legal remedies regarding financial assurance issues be sought in a Utah court of appropriate jurisdiction. In addition to text changes, the rule changes in Section R313-22-75 address changes in the distribution of generally licensed devices by and reporting requirements for specific licensees who distributed such devices. The rule change involving the distribution of generally licensed devices by specific licensees is required for Utah to maintain Agreement State compatibility with the U.S. Nuclear Regulatory Commission (NRC).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104, and 19-3-108

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The only anticipated cost/savings to the State budget would be a savings resulting from lower legal costs when and if the Attorney General's Office (AG) has to seek legal remedies to a dispute over a licensee's financial assurance for decommissioning/decontamination. If the AG's Office has to go to court in another state, the cost for fighting the case increases substantially. It is not possible to determine the exact amount of any savings since the need for such legal action is anticipated to be rare, and the actual legal costs to represent the State in a court of another jurisdiction would vary greatly. No other costs or savings to the State budget are anticipated.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings associated with this rule change. It is not very likely that any local government would possess enough radioactive material (RAM) so as to require financial assurance. Also, no local government would likely be distributing devices containing RAM under a general license.

❖ **OTHER PERSONS:** The only anticipated costs or savings to other persons would be potential increased costs for those holding a specific license to possess RAM. This could occur due to the need of licensees needing to provide financial assurance for decommissioning to ensure that any disputes could be resolved in a Utah court of appropriate jurisdiction. Additionally, cost could occur for specific licensee who distribute under a general license devices containing RAM. The costs would be the result of additional reporting requirements. Due to the speculative nature of these potential costs, no dollar amount can be estimated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The rule change may cause specific license holders to incur additional costs in

order that any disputes involving their financial assurance will be settled in a Utah court of appropriate jurisdiction. There may be additional costs to specific licensees who distribute devices containing RAM under a general license due to changes in the reporting and notification requirements. Any additional costs should be minor, if any at all.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change is not anticipated to have a significant financial impact on business required to comply with this rule. Dianne R. Nielson, Ph. D.

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/12/2003

AUTHORIZED BY: Craig Jones, Acting Director

R313. Environmental Quality, Radiation Control.
R313-22. Specific Licenses.
R313-22-35. Financial Assurance and Recordkeeping for Decommissioning.

(1) Applicants for a specific license authorizing the possession and use of unsealed radioactive material of half-life greater than 120 days and in quantities exceeding 10^5 times the applicable quantities set forth in Appendix B of 10 CFR 30.1 through 30.72, 2001 ed., which is incorporated by reference, shall submit a decommissioning funding plan as described in Subsection R313-22-35(5). The decommissioning funding plan shall also be submitted when a combination of radionuclides is involved if R divided by 10^5 is greater than one, where R is defined here as the sum of the ratios of the quantity of each radionuclide to the applicable value in Appendix B of 10 CFR 30.1 through 30.72, 2001 ed., which is incorporated by reference.

(2) Applicants for a specific license authorizing possession and use of radioactive material of half-life greater than 120 days and in quantities specified in Subsection R313-22-35(4) shall either:

(a) submit a decommissioning funding plan as described in Subsection R313-22-35(5); or

(b) submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by Subsection R313-22-35(4) using one of the methods described in Subsection R313-22-35(6). For an applicant, this certification may

state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of Subsection R313-22-35(6) shall be submitted to the Executive Secretary before receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to the Executive Secretary, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements in Subsection R313-22-35(6).

(3)(a) Holders of a specific license issued on or after January 1, 1995, which is of a type described in Subsections R313-22-35(1) or (2) shall provide financial assurance for decommissioning in accordance with the criteria set forth in Section R313-22-35.

(b) Holders of a specific license issued before January 1, 1995, and of a type described in Subsection R313-22-35(1) shall submit, on or before January 1, 1995, a decommissioning funding plan as described in Subsection R313-22-35(5) or a certification of financial assurance for decommissioning in an amount at least equal to \$750,000 in accordance with the criteria set forth in Section R313-22-35. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal.

(c) Holders of a specific license issued before January 1, 1995, and of a type described in Subsection R313-22-35(2) shall submit, on or before January 1, 1995, a decommissioning funding plan as described in Subsection R313-22-35(5) or a certification of financial assurance for decommissioning in accordance with the criteria set forth in Section R313-22-35.

(d) A licensee who has submitted an application before January 1, 1995, for renewal of license in accordance with Section R313-22-37 shall provide financial assurance for decommissioning in accordance with Subsections R313-22-35(1) and (2). This assurance shall be submitted before January 1, 1997.

(e) Applicants for a specific license authorizing the possession and use of radioactive materials in sufficient quantities that require financial assurance and recordkeeping for decommissioning under Section R313-22-35 shall assure that all documents submitted to the Executive Secretary for the purpose of demonstrating compliance with financial assurance and recordkeeping requirements meet the applicable criteria contained in the Nuclear Regulatory Commission's document NUREG-1727, "NMSS Decommissioning Standard Review Plan" (9/2000).

(f) Documents provided to the Executive Secretary under Subsection R313-22-35(3)(e) shall provide that legal remedies be sought in a court of appropriate jurisdiction within Utah.

(4) Table of required amounts of financial assurance for decommissioning by quantity of material:

TABLE

Greater than 10^4 but less than or equal to 10^5 times the applicable quantities of radioactive material, as defined in Appendix B of 10 CFR 30.1 through 30.72, 2001 ed., which is incorporated by reference, in unsealed form. For a combination of radionuclides, if R, as defined in Subsection R313-22-35(1) divided by 10^4 is greater than one but R divided by 10^5 is less than or equal to

one:	\$750,000
Greater than 10^3 but less than or equal to 10^4 times the applicable quantities of radioactive material, as defined in Appendix B of 10 CFR 30.1 through 30.72, 2001 ed., which is incorporated by reference, in unsealed form. For a combination of radionuclides, if R, as defined in Subsection R313-22-35(1) divided by 10^3 is greater than one but R divided by 10^4 is less than or equal to one:	\$150,000
Greater than 10^{10} times the applicable quantities of radioactive material, as defined in Appendix B of 10 CFR 30.1 through 30.72, 2001 ed., which is incorporated by reference, in sealed sources or plated foils. For combination of radionuclides, if R, as defined in R313-22-35(1), divided by 10^{10} is greater than one:	\$75,000

(5) A decommissioning funding plan shall contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from Subsection R313-22-35(6), including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. The decommissioning funding plan shall also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of Subsection R313-22-35(6).

(6) Financial assurance for decommissioning shall be provided by one or more of the following methods:

(a) Prepayment. Prepayment is the deposit prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control of cash or liquid assets so that the amount of funds would be sufficient to pay decommissioning costs. Prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities;

(b) A surety method, insurance, or other guarantee method. These methods shall guarantee that decommissioning costs will be paid. A surety method may be in the form of a surety bond, letter of credit, or line of credit. A parent company guarantee of funds for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in Subsection R313-22-35(8). A parent company guarantee may not be used in combination with other financial methods to satisfy the requirements of Section R313-22-35. A guarantee of funds by the applicant or licensee for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in Subsection R313-22-35(9). A guarantee by the applicant or licensee may not be used in combination with any other financial methods to satisfy the requirements of Section R313-22-35 or in any situation where the applicant or licensee has a parent company holding majority control of the voting stock of the company. A surety method or insurance used to provide financial assurance for decommissioning shall contain the following conditions:

(i) the surety method or insurance shall be open-ended or, if written for a specified term, such as five years, shall be renewed automatically unless 90 days or more prior to the renewal date the issuer notifies the Executive Secretary, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance shall also provide that the full face amount be paid to the

beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the Executive Secretary within 30 days after receipt of notification of cancellation,

(ii) the surety method or insurance shall be payable to a trust established for decommissioning costs. The trustee and trust shall be acceptable to the Executive Secretary. An acceptable trustee includes an appropriate state or federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency, and

(iii) the surety method or insurance shall remain in effect until the Executive Secretary has terminated the license;

(c) An external sinking fund in which deposits are made at least annually, coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control in which the total amount of funds would be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions shall be as stated in Subsection R313-22-35(6)(b);

(d) In the case of Federal, State or local government licensees, a statement of intent containing a cost estimate for decommissioning or an amount based on the Table in Subsection R313-22-35(4) and indicating that funds for decommissioning will be obtained when necessary; or

(e) When a governmental entity is assuming custody and ownership of a site, an arrangement that is deemed acceptable by such governmental entity.

(7) Persons licensed under Rule R313-22 shall keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in accordance with Subsection R313-19-34(2), licensees shall transfer all records described in Subsections R313-22-35(7)(a) through (d) to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated. If records important to the decommissioning of a facility are kept for other purposes, reference to these records and their locations may be used. Information the Executive Secretary considers important to decommissioning consists of the following:

(a) records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records shall include any known information on identification of involved nuclides, quantities, forms, and concentrations;

(b) as-built drawings and modification of structures and equipment in restricted areas where radioactive materials are used or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee

shall substitute appropriate records of available information concerning these areas and locations;

(c) except for areas containing only sealed sources, provided the sources have not leaked or no contamination remains after a leak, or radioactive materials having only half-lives of less than 65 days, a list contained in a single document and updated every two years, including all of the following:

(i) all areas designated and formerly designated as restricted areas as defined under Section R313-12-3;

(ii) all areas outside of restricted areas that require documentation under Subsection R313-22-35(7)(a);

(iii) all areas outside of restricted areas where current and previous wastes have been buried as documented under Section R313-15-1109; and

(iv) all areas outside of restricted areas which contain material such that, if the license expired, the licensee would be required to either decontaminate the area to meet the criteria for decommissioning in Sections R313-15-401 through R313-15-406, or apply for approval for disposal under Section R313-15-1002; and

(d) records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.

(8) Criteria relating to use of financial tests and parent company guarantees for providing reasonable assurance of funds for decommissioning.

(a) To pass the financial test referred to in Subsection R313-22-35(6)(b), the parent company shall meet one of the following criteria:

(i) The parent company shall have all of the following:

(A) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5;

(B) Net working capital and tangible net worth each at least six times the current decommissioning cost estimates, or prescribed amount if a certification is used;

(C) Tangible net worth of at least \$10 million; and

(D) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the current decommissioning cost estimates, or prescribed amount if a certification is used; or

(ii) The parent company shall have all of the following:

(A) A current rating for its most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's;

(B) Tangible net worth at least six times the current decommissioning cost estimate, or prescribed amount if a certification is used;

(C) Tangible net worth of at least \$10 million; and

(D) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the current decommissioning cost estimates, or prescribed amount if certification is used.

(b) The parent company's independent certified public accountant shall have compared the data used by the parent company in the financial test, which is derived from the independently audited, year end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure the licensee shall inform the

Executive Secretary within 90 days of any matters coming to the auditor's attention which cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

(c)(i) After the initial financial test, the parent company shall repeat the passage of the test within 90 days after the close of each succeeding fiscal year.

(ii) If the parent company no longer meets the requirements of Subsection R313-22-35(8)(a) the licensee shall send notice to the Executive Secretary of intent to establish alternative financial assurance as specified in Section R313-22-35. The notice shall be sent by certified mail within 90 days after the end of the fiscal year for which the year end financial data show that the parent company no longer meets the financial test requirements. The licensee shall provide alternate financial assurance within 120 days after the end of such fiscal year.

(d) The terms of a parent company guarantee which an applicant or licensee obtains shall provide that:

(i) The parent company guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the licensee and the Executive Secretary. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the licensee and the Executive Secretary, as evidenced by the return receipts.

(ii) If the licensee fails to provide alternate financial assurance as specified in Section R313-22-35 within 90 days after receipt by the licensee and Executive Secretary of a notice of cancellation of the parent company guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the licensee.

(iii) The parent company guarantee and financial test provisions shall remain in effect until the Executive Secretary has terminated the license.

(iv) If a trust is established for decommissioning costs, the trustee and trust shall be acceptable to the Executive Secretary. An acceptable trustee includes an appropriate State or Federal Government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

(9) Criteria relating to use of financial tests and self guarantees for providing reasonable assurance of funds for decommissioning.

(a) To pass the financial test referred to in Subsection R313-22-35(6)(b), a company shall meet all of the following criteria:

(i) Tangible net worth at least ten times the total current decommissioning cost estimate, or the current amount required if certification is used, for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor;

(ii) Assets located in the United States amounting to at least 90 percent of total assets or at least ten times the total current decommissioning cost estimate, or the current amount required if certification is used, for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor; and

(iii) A current rating for its most recent bond issuance of AAA, AA, or A as issued by Standard and Poor's, or Aaa, Aa, or A as issued by Moody's.

(b) To pass the financial test, a company shall meet all of the following additional requirements:

(i) The company shall have at least one class of equity securities registered under the Securities Exchange Act of 1934;

(ii) The company's independent certified public accountant shall have compared the data used by the company in the financial test which is derived from the independently audited, yearend financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform the Executive Secretary within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test; and

(iii) After the initial financial test, the company shall repeat passage of the test within 90 days after the close of each succeeding fiscal year.

(c) If the licensee no longer meets the requirements of Subsection R313-22-35(9)(a), the licensee shall send immediate notice to the Executive Secretary of its intent to establish alternate financial assurance as specified in Section R313-22-35 within 120 days of such notice.

(d) The terms of a self-guarantee which an applicant or licensee furnishes shall provide that:

(i) The guarantee will remain in force unless the licensee sends notice of cancellation by certified mail to the Executive Secretary. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by the Executive Secretary, as evidenced by the return receipt.

(ii) The licensee shall provide alternative financial assurance as specified in Section R313-22-35 within 90 days following receipt by the Executive Secretary of a notice of a cancellation of the guarantee.

(iii) The guarantee and financial test provisions shall remain in effect until the Executive Secretary has terminated the license or until another financial assurance method acceptable to the Executive Secretary has been put in effect by the licensee.

(iv) The licensee shall promptly forward to the Executive Secretary and the licensee's independent auditor all reports covering the latest fiscal year filed by the licensee with the Securities and Exchange Commission pursuant to the requirements of section 13 of the Securities and Exchange Act of 1934.

(v) If, at any time, the licensee's most recent bond issuance ceases to be rated in a category of "A" or above by either Standard and Poor's or Moody's, the licensee shall provide notice in writing of such fact to the Executive Secretary within 20 days after publication of the change by the rating service. If the licensee's most recent bond issuance ceases to be rated in any category of A or above by both Standard and Poor's and Moody's, the licensee no longer meets the requirements of Subsection R313-22-35(9)(a).

(vi) The applicant or licensee shall provide to the Executive Secretary a written guarantee, a written commitment by a corporate officer, which states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the Board, the licensee shall set up and fund a trust in the amount of the current cost estimates for decommissioning.

R313-22-75. Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material.

(1) Licensing the introduction of radioactive material into products in exempt concentrations.

(a) In addition to the requirements set forth in Section R313-22-33, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the

licensee or another to be transferred to persons exempt under Subsection R313-19-13(2)(a) will be issued if:

(i) the applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioactive material in the product or material at the time of transfer; and

(ii) the applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in Section R313-19-70, that reconcentration of the radioactive material in concentrations exceeding those in Section R313-19-70 is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to a human being.

(b) Persons licensed under Subsection R313-22-75(1) shall file an annual report with the Executive Secretary which shall identify the type and quantity of products or materials into which radioactive material has been introduced during the reporting period; name and address of the person who owned or possessed the product and material, into which radioactive material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into the product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee. If no transfers of radioactive material have been made pursuant to Subsection R313-22-75(1) during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within thirty days thereafter.

(2) Licensing the distribution of radioactive material in exempt quantities. Authority to transfer possession or control by the manufacturer, processor or producer of equipment, devices, commodities or other products containing byproduct material whose subsequent possession, use, transfer, and disposal by other persons who are exempted from regulatory requirements may be obtained only from the [U.S.] Nuclear Regulatory Commission, Washington, D.C. 20555.

(a) An application for a specific license to distribute naturally occurring and accelerator-produced radioactive material (NARM) to persons exempted from these rules pursuant to Subsection R313-19-13(2)(b) will be approved if:

(i) the radioactive material is not contained in a food, beverage, cosmetic, drug or other commodity designed for ingestion or inhalation by, or application to, a human being;

(ii) the radioactive material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into a manufactured or assembled commodity, product, or device intended for commercial distribution; and

(iii) the applicant submits copies of prototype labels and brochures and the Executive Secretary approves the labels and brochures;

(b) The license issued under Subsection R313-22-75(2)(a) is subject to the following conditions:

(i) No more than ten exempt quantities shall be sold or transferred in a single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantities provided the sum of the fractions shall not exceed unity.

(ii) Exempt quantities shall be separated and individually packaged. No more than ten packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to Subsection R313-19-13(2)(b). The outer package shall not allow the dose rate at the external surface of the package to exceed 5.0 microsievert (0.5 millirem (5.0 uSv) mrem) per hour.

(iii) The immediate container of a quantity or separately packaged fractional quantity of radioactive material shall bear a durable, legible label which:

(A) identifies the radionuclide and the quantity of radioactivity; and

(B) bears the words "Radioactive Material."

(iv) In addition to the labeling information required by Subsection R313-22-75(2)(b)(iii), the label affixed to the immediate container, or an accompanying brochure, shall:

(A) state that the contents are exempt from Licensing State requirements;

(B) bear the words "Radioactive Material - Not for Human Use - Introduction into Foods, Beverages, Cosmetics, Drugs, or Medicinals, or into Products Manufactured for Commercial Distribution is Prohibited - Exempt Quantities Should Not Be Combined;" and

(C) set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage and disposal of the radioactive material.

(c) Persons licensed under Subsection R313-22-75(2) shall maintain records identifying, by name and address, persons to whom radioactive material is transferred for use under Subsection R313-19-13(2)(b) or the equivalent regulations of a Licensing State, and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of radionuclides transferred under the specific license shall be filed with the Executive Secretary. Reports shall cover the year ending June 30, and shall be filed within thirty days thereafter. If no transfers of radioactive material have been made pursuant to Subsection R313-22-75(2) during the reporting period, the report shall so indicate.

(3) Licensing the incorporation of naturally occurring and accelerator-produced radioactive material (NARM) into gas and aerosol detectors. An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under Subsection R313-19-13(2)(c)(iii) will be approved if the application satisfies requirements equivalent to those contained in 10 CFR 32.26, 2001 ed. The maximum quantity of radium-226 in each device shall not exceed 3.7 kilobecquerel (0.1 microcurie (3.7 kBq) mCi).

(4) Licensing the manufacture and distribution of devices to persons generally licensed under Subsection R313-21-22(4).

(a) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Subsection R313-21-22(4) or equivalent regulations of the [U.S.] Nuclear Regulatory Commission, an Agreement State or a Licensing State will be approved if:

(i) the applicant satisfies the general requirements of Section R313-22-33;

(ii) the applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety

instructions, and potential hazards of the device to provide reasonable assurance that:

(A) the device can be safely operated by persons not having training in radiological protection,

(B) under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that a person will receive in one year, a dose in excess of ten percent of the annual limits specified in Subsection R313-15-201(1), and

(C) under accident conditions, such as fire and explosion, associated with handling, storage and use of the device, it is unlikely that a person would receive an external radiation dose or dose commitment in excess of the following organ doses:

TABLE

Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye	150.0 mSv (15 rems)
Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than one square centimeter	2.0 Sv (200 rems)
Other organs	500.0 mSv (50 rems); and

(iii) each device bears a durable, legible, clearly visible label or labels approved by the Executive Secretary, which contain in a clearly identified and separate statement:

(A) instructions and precautions necessary to assure safe installation, operation and servicing of the device; documents such as operating and service manuals may be identified in the label and used to provide this information,

(B) the requirement, or lack of requirement, for leak testing, or for testing an "on-off" mechanism and indicator, including the maximum time interval for testing, and the identification of radioactive material by radionuclide, quantity of radioactivity, and date of determination of the quantity, and

(C) the information called for in one of the following statements, as appropriate, in the same or substantially similar form:

(I) "The receipt, possession, use and transfer of this device, Model No., Serial No., are subject to a general license or the equivalent, and the regulations of the [U.S.]Nuclear Regulatory Commission or a state with which the [U.S.]Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited." The label shall be printed with the words "CAUTION -RADIOACTIVE MATERIAL" and the name of the manufacturer or distributor shall appear on the label. The model, serial number, and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

(II) "The receipt, possession, use and transfer of this device, Model No., Serial No., are subject to a general license or the equivalent, and the regulations of a Licensing State. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited." The label shall be printed with the words "CAUTION - RADIOACTIVE MATERIAL" and the name of the manufacturer or distributor shall appear on the label. The model, serial number, and name of the manufacturer or distributor may be omitted

from this label provided the information is elsewhere specified in labeling affixed to the device.

(D) Each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words, "Caution-Radioactive Material," the radiation symbol described in Section R313-15-901, and the name of the manufacturer or initial distributor.

(E) Each device meeting the criteria of Subsection R313-21-22(4)(c)(xiii)(A), bears a permanent label, for example, embossed, etched, stamped, or engraved, affixed to the source housing if separable, or the device if the source housing is not separable, that includes the words, "Caution-Radioactive Material," and, if practicable, the radiation symbol described in Section R313-15-901.

(b) In the event the applicant desires that the device be required to be tested at intervals longer than six months, either for proper operation of the "on-off" mechanism and indicator, if any, or for leakage of radioactive material or for both, the applicant shall include in the application sufficient information to demonstrate that a longer interval is justified by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the "on-off" mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the Executive Secretary will consider information which includes, but is not limited to:

- (i) primary containment, or source capsule;
- (ii) protection of primary containment;
- (iii) method of sealing containment;
- (iv) containment construction materials;
- (v) form of contained radioactive material;
- (vi) maximum temperature withstood during prototype tests;
- (vii) maximum pressure withstood during prototype tests;
- (viii) maximum quantity of contained radioactive material;
- (ix) radiotoxicity of contained radioactive material; and
- (x) operating experience with identical devices or similarly designed and constructed devices.

(c) In the event the applicant desires that the general licensee under Subsection R313-21-22(4), or under equivalent regulations of the [U.S.]Nuclear Regulatory Commission, an Agreement State or a Licensing State be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the "on-off" mechanism and indicator, or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with this activity or activities, and basis for these estimates. The submitted information shall demonstrate that performance of this activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a dose in excess of ten percent of the annual limits specified in Subsection R313-15-201(1).

(d)(i) [Persons licensed under Subsection R313-22-75(4) to distribute devices to generally licensed persons shall]If a device containing radioactive material is to be transferred for use under the general license contained in Subsection R313-21-22(4), each person that is licensed under Subsection R313-22-75(4) shall provide the information specified in Subsections R313-22-75(4)(d)(i)(A) through (E) to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person,

the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

(i) [A] [furnish] a copy of the general license contained in Subsection R313-21-22(4) to each person to whom the person directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license contained in Subsection R313-21-22(4); if Subsections R313-21-22(4)(c)(ii) through (iv) or R313-21-22(4)(c)(xiii) do not apply to the particular device, those paragraphs may be omitted;

(B) a copy of Sections R313-12-51, R313-15-1201, and R313-15-1202;

(C) a list of services that can only be performed by a specific licensee;

(D) Information on acceptable disposal options including estimated costs of disposal; and

(E) An indication that the Board's policy is to issue civil penalties for improper disposal.

(ii) [furnish a copy of the general license contained in the U.S. Nuclear Regulatory Commission's, Agreement State's, or Licensing State's regulation equivalent to Subsection R313-21-22(4), or alternatively, furnish a copy of the general license contained in Subsection R313-21-22(4) to each person to whom he directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission, the Agreement State or the Licensing State. If a copy of the general license in Subsection R313-21-22(4) is furnished to such a person, it shall be accompanied by a note explaining that the use of the device is regulated by the U.S. Nuclear Regulatory Commission, Agreement State or Licensing State under requirements substantially the same as those in Subsection R313-21-22(4); If radioactive material is to be transferred in a device for use under an equivalent general license of the Nuclear Regulatory Commission, an Agreement State, or Licensing State, each person that is licensed under Subsection R313-22-75(4) shall provide the information specified in Subsections R313-22-75(4)(d)(ii)(A) through (D) to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

(A) A copy of an Agreement State's or Licensing State's regulations equivalent to Sections R313-12-51, R313-15-1201, R313-15-1202, and Subsection R313-21-22(4) or a copy of 10 CFR 31.5, 10 CFR 31.2, 10 CFR 30.51, 10 CFR 20.2201, and 10 CFR 20.2002. If a copy of the Nuclear Regulatory Commission regulations is provided to a prospective general licensee in lieu of the Agreement State's or Licensing State's regulations, it shall be accompanied by a note explaining that use of the device is regulated by the Agreement State or Licensing State; if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted;

(B) A list of services that can only be performed by a specific licensee;

(C) Information on acceptable disposal options including estimated costs of disposal; and

(D) The name or title, address, and phone number of the contact at the Nuclear Regulatory Commission, Agreement State, or Licensing State from which additional information may be obtained.

(iii) An alternative approach to informing customers may be proposed by the licensee for approval by the Executive Secretary.

(iv) Each device that is transferred after February 19, 2002 must meet the labeling requirements in Subsection R313-22-75(4)(a)(iii).

(v) If a notification of bankruptcy has been made under Section R313-19-34 or the license is to be terminated, each person licensed under Subsection R313-22-75(4) shall provide, upon request, to the Executive Secretary, the Nuclear Regulatory Commission, or an appropriate Agreement State or Licensing State, records of final disposition required under Subsection R313-22-75(4)(d)(vii)(H).

(vi) Each person licensed under Subsection R313-22-75(4) to initially transfer devices to generally licensed persons shall comply with the requirements of Subsections R313-22-75(4)(d)(vi) and (vii).

(A) The person shall report [to the Executive Secretary] all transfers of [such] devices to persons for use under the general license [in] under Subsection R313-21-22(4) and all receipts of devices from persons licensed under Subsection R313-21-22(4) to the Executive Secretary. The report [shall] must be submitted on a quarterly basis on Form 653, "Transfers of Industrial Devices Report" as prescribed by the Nuclear Regulatory Commission, or in a clear and legible report containing all of the data required by the form.

(B) The required information for transfers to general licensees includes:

(I) The identity of each [identify the] general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternative address for the general licensee shall be submitted along with information on the actual location of use.

(II) [an individual by name or position who may constitute a point of contact between the Executive Secretary and the general licensee.] The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(III) The date of transfer;

(IV) The [the] type [and], model number, and serial number of device transferred[;]; and

(V) The [the] quantity and type of radioactive material contained in the device.

(C) If one or more intermediate persons will temporarily possess the device at the intended place of use [prior to] before its possession by the user, the report [shall] must include [identification of each intermediate person by name, address, contact, and relationship to the intended user] the same information for both the intended user and each intermediate person, and clearly designate the intermediate persons.

(D) For devices received from a Subsection R313-21-22(4) general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(E) If the licensee makes changes to a device possessed by a Subsection R313-21-22(4) general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

(F) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

(G) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

(H) If no transfers have been made to or from persons generally licensed under Subsection R313-21-22(4) during the reporting period, the report ~~shall~~ must so indicate. ~~[-The report shall cover each calendar quarter and shall be filed within thirty days thereafter;]~~

(i) ~~vii~~ ~~[furnish reports to other agencies]~~ The person shall report all transfers of devices to persons for use under a general license in the Nuclear Regulatory Commission's, an Agreement State's, or Licensing State's regulations that are equivalent to Subsection R313-21-22(4) and all receipts of devices from general licensees in the Nuclear Regulatory Commission's, Agreement State's, or Licensing State's jurisdiction to the Nuclear Regulatory Commission, or to the responsible Agreement State or Licensing State agency. The report must be submitted on Form 653, "Transfers of Industrial Devices Report" as prescribed by the Nuclear Regulatory Commission, or in a clear and legible report containing all of the data required by the form.

~~[-(A) Report to the U.S. Nuclear Regulatory Commission all transfers of those devices to persons for use under the U.S. Nuclear Regulatory Commission general license in 10 CFR 31.5, 2001 ed.~~

~~-(B) Report to the responsible State agency all transfers of devices manufactured and distributed pursuant to Subsection R313-22-75(4) for use under a general license in that State's regulations equivalent to Subsection R313-21-22(4).~~

~~](A) The required information for transfers to general licensee includes:~~

~~(C) ~~l~~ The ~~reports shall identify~~ identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternative address for the general licensee shall be submitted along with information on the actual location of use.~~

~~(II) ~~[-, an individual by name or position who may constitute a point of contact between the responsible agency and general licensee,]~~ The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;~~

~~(III) The date of transfer;~~

~~(IV) ~~[-the]~~ The type ~~[-and]~~, model number, and serial number of the device transferred~~[-];~~ and~~

~~(V) ~~[-the]~~ The quantity and type of radioactive material contained in the device.~~

(B) If one or more intermediate persons will temporarily possess the device at the intended place of use ~~[prior to]~~ before its possession by the user, the report ~~shall~~ must include ~~[identification of each intermediate person by name, address, contact, and relationship to the intended user]~~ the same information for both the intended user and each intermediate person, and clearly designate the intermediate persons.

(C) ~~[The]~~ For devices received from a general licensee, the report ~~shall~~ must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(D) If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

(E) The report must cover each calendar quarter, must be ~~submitted]~~ filed within ~~thirty]~~ 30 days ~~[after]~~ of the end of ~~[each]~~ the calendar quarter ~~[- in which a device is transferred to the generally licensed person],~~ and must clearly indicate the period covered by the report.

(F) The report must clearly identify the specific licensee submitting the report and must include the license number of the specific licensee.

~~(D) ~~G~~ If no transfers have ~~[not-]~~ been made to or from a ~~[U.S.]~~ Nuclear Regulatory Commission licensee~~[s]~~, or to or from a particular Agreement State or Licensing State licensee during the reporting period, this information shall be reported to the ~~[U.S.-]~~ Nuclear Regulatory Commission or the responsible Agreement State or Licensing State agency upon request of the agency.~~

~~[-(E) If transfers have not been made to general licensees within a particular state during the reporting period, this information shall be reported to the responsible state agency upon request of that agency; and~~

~~](~~v~~) ~~H~~ ~~[keep records showing the name, address and the point of contact for each general licensee to whom the person directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in Subsection R313-21-22(4), or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The records shall show the date of each transfer, the radionuclide and the quantity of radioactivity in each device transferred, the identity of intermediate persons, and compliance with the report requirements of Subsection R313-22-75(4)]~~ The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by Subsection R313-22-75(4)(d)(vii). Records required by Subsection R313-22-75(4)(d)(vii)(H) must be maintained for a period of three years following the date of the recorded event.~~

(5) Special requirements for the manufacture, assembly or repair of luminous safety devices for use in aircraft. An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft for distribution to persons generally licensed under Subsection R313-21-22(5) will be approved if:

(a) the applicant satisfies the general requirements of Section R313-22-33; and

(b) the applicant satisfies the requirements of 10 CFR 32.53 through 32.56 and 32.101, 2001 ed, or their equivalent.

(6) Special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under Subsection R313-21-22(7). An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 to persons generally licensed under Subsection R313-21-22(7) will be approved if:

(a) the applicant satisfies the general requirements of Section R313-22-33; and

(b) the applicant satisfies the requirements of 10 CFR 32.57 through 32.59, 32.102 and 10 CFR 70.39, 2001 ed., or their equivalent.

(7) Manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Subsection R313-21-22(9) will be approved if:

(a) the applicant satisfies the general requirements specified in Section R313-22-33;

(b) the radioactive material is to be prepared for distribution in prepackaged units of:

(i) iodine-125 in units not exceeding 370 kilobecquerel (ten microcuries (370.0 kBq) [uCi] each;

(ii) iodine-131 in units not exceeding 370 kilobecquerel (ten microcuries (370.0 kBq) [uCi] each;

- (iii) carbon-14 in units not exceeding 370 kilobecquerel (ten [microcuries (370.0 kBq)]uCi) each;
- (iv) hydrogen-3 (tritium) in units not exceeding 1.85 megabecquerel (50 [microcuries (1.85 MBq)]uCi) each;
- (v) iron-59 in units not exceeding 740.0 kilobecquerel (20 [microcuries (740.0 kBq)]uCi) each;
- (vi) cobalt-57 in units not exceeding 370 kilobecquerel (ten [microcuries (370.0 kBq)]uCi) each;
- (vii) selenium-75 in units not exceeding 370 kilobecquerel (ten [microcuries (370.0 kBq)]uCi) each; or
- (viii) mock iodine-125 in units not exceeding 1.85 kilobecquerel (0.05 [microcurie (1.85 kBq)]uCi) of iodine-129 and 1.85 kilobecquerel (0.05 [microcurie (1.85 kBq)]uCi) of americium-241 each;
- (c) prepackaged units bear a durable, clearly visible label:
 - (i) identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 370 kilobecquerel (ten [microcuries (370.0 kBq)]uCi) of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75; 1.85 megabecquerel (50 [microcuries (1.85 MBq)]uCi) of hydrogen-3 (tritium); 740.0 kilobecquerel (20 [microcuries (740.0 kBq)]uCi) of iron-59; or Mock Iodine-125 in units not exceeding 1.85 kilobecquerel (0.05 [microcuries (1.85 kBq)]uCi) of iodine-129 and 1.85 kilobecquerel (0.05 [microcurie (1.85 kBq)]uCi) of americium-241 each; and
 - (ii) displaying the radiation caution symbol described in Section R313-15-901 and the words, "CAUTION, RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals";
 - (d) one of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:
 - (i) "This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the [U.S.] Nuclear Regulatory Commission or of a state with which the [U.S.] Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority.

.....
Name of Manufacturer"

- (ii) "This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

.....
Name of Manufacturer"

- (e) the label affixed to the unit, or the leaflet or brochure which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing radioactive material. In the case of the Mock Iodine-125 reference or calibration source, the information accompanying the source shall also contain directions to the licensee regarding the waste disposal requirements set out in Section R313-15-1001.

- (8) Licensing the manufacture and distribution of ice detection devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Subsection R313-21-22(10) will be approved if:
 - (a) the applicant satisfies the general requirements of Section R313-22-33; and
 - (b) the criteria of 10 CFR 32.61, 32.62, 32.103, 2001 ed. are met.
 - (9) Manufacture and distribution of radiopharmaceuticals containing radioactive material for medical use under group licenses.
 - (a) An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Rule R313-32 will be approved if:
 - (i) the applicant satisfies the general requirements specified in Section R313-22-33;
 - (ii) the applicant submits evidence that the applicant is at least one of the following:
 - (A) registered or licensed with the U.S. Food and Drug Administration (FDA) as a drug manufacturer;
 - (B) registered or licensed with a state agency as a drug manufacturer;
 - (C) licensed as a pharmacy by a State Board of Pharmacy; or
 - (D) operating as a nuclear pharmacy within a medical institution.
 - (iii) the applicant submits information on the radionuclide; the chemical and physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the shielding provided by the packaging to show it is appropriate for the safe handling and storage of the radioactive drugs by medical use licensees; and
 - (iv) the applicant satisfies the following labeling requirements:
 - (A) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL"; the name of the radioactive drug or its abbreviation; and the quantity of radioactivity at a specified date and time. For radioactive drugs with a half life greater than 100 days, the time may be omitted.
 - (B) A label is affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label must include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label.
 - (b) A licensee described by Subsections R313-22-75(9)(a)(ii)(C) or (D):
 - (i) May prepare radioactive drugs for medical use, as defined in Section R313-32-2, provided that the radioactive drug is prepared by either an authorized nuclear pharmacist, as specified in Subsections R313-22-75(9)(b)(ii) and (iii), or an individual under the supervision of an authorized nuclear pharmacist as specified in Section R313-32-25.
 - (ii) May allow a pharmacist to work as an authorized nuclear pharmacist if:
 - (A) this individual qualifies as an authorized nuclear pharmacist as defined in Section R313-32-2;
 - (B) this individual meets the requirements specified in Subsection R313-32-980(2) and Section R313-32-972 and the licensee has received an approved license amendment identifying this individual as an authorized nuclear pharmacist; or

(C) this individual is designated as an authorized nuclear pharmacist in accordance with Subsection R313-22-75(9)(b)(iii).

(iii) The actions authorized in Subsections R313-22-75(9)(b)(i) and (ii) are permitted in spite of more restrictive language in license conditions.

(iv) May designate a pharmacist, as defined in Section R313-32-2, as an authorized nuclear pharmacist if the individual is identified as of January 1, 1997 as an "authorized user" on a nuclear pharmacy license issued by the Executive Secretary under Subsection R313-22-75(9).

(v) Shall provide to the Executive Secretary a copy of each individual's certification by the Board of Pharmaceutical Specialties, the [U.S.] Nuclear Regulatory Commission or Agreement State license, or the permit issued by a licensee of broad scope, and a copy of the state pharmacy licensure or registration, no later than 30 days after the date that the licensee allows, pursuant to Subsections R313-22-75(9)(b)(ii)(A) and (B), the individual to work as an authorized nuclear pharmacist.

(c) A licensee shall possess and use instrumentation to measure the radioactivity of radioactive drugs. The licensee shall have procedures for use of the instrumentation. The licensee shall measure, by direct measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radioactive drugs prior to transfer for commercial distribution. In addition, the licensee shall:

(i) perform tests before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument; and make adjustments when necessary; and

(ii) check each instrument for constancy and proper operation at the beginning of each day of use.

(d) Nothing in Subsection R313-22-75(9) relieves the licensee from complying with applicable FDA, or Federal, and State requirements governing radioactive drugs.

(10) Manufacture and distribution of sources or devices containing radioactive material for medical use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Section R313-32-18 for use as a calibration or reference source or for the uses listed in Sections R313-32-400 and R313-32-500 will be approved if:

(a) the applicant satisfies the general requirements in Section R313-22-33;

(b) the applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

(i) the radioactive material contained, its chemical and physical form and amount,

(ii) details of design and construction of the source or device,

(iii) procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents,

(iv) for devices containing radioactive material, the radiation profile of a prototype device,

(v) details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests,

(vi) procedures and standards for calibrating sources and devices,

(vii) legend and methods for labeling sources and devices as to their radioactive content, and

(viii) instructions for handling and storing the source or device from the radiation safety standpoint, these instructions are to be included on a durable label attached to the source or device or attached

to a permanent storage container for the source or device; provided that instructions which are too lengthy for a label may be summarized on the label and printed in detail on a brochure which is referenced on the label;

(c) the label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity and date of assay, and a statement that the source or device is licensed by the Executive Secretary for distribution to persons licensed pursuant to Sections R313-32-18, R313-32-400, and R313-32-500 or under equivalent regulations of the [U.S.] Nuclear Regulatory Commission, an Agreement State or a Licensing State; provided that labeling for sources which do not require long term storage may be on a leaflet or brochure which accompanies the source;

(d) in the event the applicant desires that the source or device be required to be tested for leakage of radioactive material at intervals longer than six months, the applicant shall include in the application sufficient information to demonstrate that a longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source; and

(e) in determining the acceptable interval for test of leakage of radioactive material, the Executive Secretary shall consider information that includes, but is not limited to:

(i) primary containment or source capsule,

(ii) protection of primary containment,

(iii) method of sealing containment,

(iv) containment construction materials,

(v) form of contained radioactive material,

(vi) maximum temperature withstood during prototype tests,

(vii) maximum pressure withstood during prototype tests,

(viii) maximum quantity of contained radioactive material,

(ix) radiotoxicity of contained radioactive material, and

(x) operating experience with identical sources or devices or similarly designed and constructed sources or devices.

(11) Requirements for license to manufacture and distribute industrial products containing depleted uranium for mass-volume applications.

(a) An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Subsection R313-21-21(5) or equivalent regulations of the [U.S.] Nuclear Regulatory Commission or an Agreement State will be approved if:

(i) the applicant satisfies the general requirements specified in Section R313-22-33;

(ii) the applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to provide reasonable assurance that possession, use or transfer of the depleted uranium in the product or device is not likely to cause an individual to receive a radiation dose in excess of ten percent of the annual limits specified in Subsection R313-15-201(1); and

(iii) the applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.

(b) In the case of an industrial product or device whose unique benefits are questionable, the Executive Secretary will approve an application for a specific license under Subsection R313-22-75(11)

only if the product or device is found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.

(c) The Executive Secretary may deny an application for a specific license under Subsection R313-22-75(11) if the end use of the industrial product or device cannot be reasonably foreseen.

(d) Persons licensed pursuant to Subsection R313-22-75(11)(a) shall:

(i) maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;

(ii) label or mark each unit to:

(A) identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or device; and

(B) state that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the [U.S.]Nuclear Regulatory Commission or an Agreement State;

(iii) assure that the uranium before being installed in each product or device has been impressed with the following legend clearly legible through a plating or other covering: "Depleted Uranium";

(iv) furnish to each person to whom depleted uranium in a product or device is transferred for use pursuant to the general license contained in Subsection R313-21-21(5) or its equivalent:

(A) a copy of the general license contained in Subsection R313-21-21(5) and a copy of form DRC-12; or

(B) a copy of the general license contained in the [U.S.]Nuclear Regulatory Commission's or Agreement State's regulation equivalent to Subsection R313-21-21(5) and a copy of the [U.S.]Nuclear Regulatory Commission's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Subsection R313-21-21(5) and a copy of form DRC-12 with a note explaining that use of the product or device is regulated by the [U.S.]Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in Subsection R313-21-21(5);

(v) report to the Executive Secretary all transfers of industrial products or devices to persons for use under the general license in Subsection R313-21-21(5). The report shall identify each general licensee by name and address, an individual by name or position who may constitute a point of contact between the Executive Secretary and the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of the calendar quarter in which the product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Subsection R313-21-21(5) during the reporting period, the report shall so indicate;

(vi) provide certain other reports as follows:

(A) report to the [U.S.]Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the [U.S.]Nuclear Regulatory Commission general license in 10 CFR 40.25, 2001 ed.;

(B) report to the responsible state agency all transfers of devices manufactured and distributed pursuant to Subsection R313-22-75(11) for use under a general license in that state's regulations equivalent to Subsection R313-21-21(5),

(C) reports shall identify each general licensee by name and address, an individual by name or position who may constitute a point

of contact between the agency and the general licensee, the type and model number of the device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of each calendar quarter in which a product or device is transferred to the generally licensed person,

(D) if no transfers have been made to [U.S.]Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the [U.S.]Nuclear Regulatory Commission, and

(E) if no transfers have been made to general licensees within a particular Agreement State during the reporting period, this information shall be reported to the responsible Agreement State agency upon the request of that agency; and

(vii) records shall be kept showing the name, address and point of contact for each general licensee to whom the person transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Subsection R313-21-21(5) or equivalent regulations of the [U.S.]Nuclear Regulatory Commission or an Agreement State. The records shall be maintained for a period of two years and shall show the date of each transfer, the quantity of depleted uranium in the product or device transferred, and compliance with the report requirements of Subsection R313-22-75(11).

KEY: specific licenses, decommissioning, broad scope, radioactive materials

~~July 23, 2002~~ 2004

Notice of Continuation October 10, 2001

19-3-104

19-3-108



Labor Commission, Industrial Accidents

R612-4-2

Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26697

FILED: 10/14/2003, 14:51

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment establishes premium assessment rates for 2004 to fund the Employers' Reinsurance Fund, the Uninsured Employers' Fund, and the Workplace Safety Account.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment sets the workers compensation insurance premium assessment rates for the 2004 calendar year for purposes of funding the Uninsured Employers Fund, the Employers Reinsurance Fund and the Workplace Safety Account.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 59-9-101(2); and Sections 59-9-101.3, and 34A-2-202

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The proposed workers compensation premium assessment rates are unchanged from last year and will therefore result in no aggregate costs or savings to the state budget.
- ❖ LOCAL GOVERNMENTS: The proposed workers compensation premium assessment rates are unchanged from last year and will therefore result in no aggregate costs or savings to local government.
- ❖ OTHER PERSONS: The proposed workers compensation premium assessment rates are unchanged from last year and will therefore result in no aggregate costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule maintains the status quo and imposes no additional compliance costs on affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposal leaves the workers compensation insurance premium assessment at the same rate as last year. Consequently, the proposed rule should have no new fiscal impact on business.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at 801-530-6988, by FAX at 801-530-6804, or by Internet E-mail at jsewell@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: R Lee Ellertson, Commissioner

R612. Labor Commission, Industrial Accidents.

R612-4. Premium Rates.

R612-4-2. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.

A. Pursuant to Section 59-9-101(2), Section 59-9-101.3 and 34A-2-202 the workers' compensation premium rates effective January 1, 200[3]4, as established by the Labor Commission, shall be:

1. 0.25% for the Uninsured Employers' Fund;
2. 9.25% for the Employers' Reinsurance Fund;
3. 0.25% for the workplace safety account.

B. The premium rates are a percentage of the total workers' compensation insurance premium income as detailed in Section 59-9-101(2)(a).

KEY: workers' compensation, rates

~~[December 17, 2002]~~2003

Notice of Continuation February 8, 2001
59-9-101(2)

Natural Resources, Water Rights **R655-10-4** Definitions

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE No.: 26683
FILED: 10/03/2003, 17:34

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change is necessary to define the "IDF" which is referred to in the rules. The change in the "SEP" is necessary to include all storms rather than just local storms.

SUMMARY OF THE RULE OR CHANGE: Define Inflow Design Flood (IDF), and better define Spillway Evaluation Precipitation (SEP) to be consistent with rules referencing the definition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 73-5a-101(2)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No impact to state budget because the clarified definitions affect the rule by definition clarification only with no fiscal change.
- ❖ LOCAL GOVERNMENTS: No impact to local government because the clarified definitions affect the rule by definition clarification only with no fiscal change.
- ❖ OTHER PERSONS: No impact to other persons because the clarified definitions affect the rule by definition clarification only with no fiscal change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact to compliance costs because the clarified definitions affect the rule by definition clarification only with no fiscal change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gail Nelson at the above address, by phone at 801-538-7370, by FAX at 801-538-7442, or by Internet E-mail at gailnelson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: Jerry Olds, Director

R655. Natural Resources, Water Rights.

R655-10. Dam Safety Classifications, Approval Procedures and Independent Reviews.

R655-10-4. Definitions.

ABUTMENT is the part of the valley side against which the dam is constructed. Right and left abutments are those on respective sides of an observer when viewed looking downstream.

ACRE-FOOT (AC-FT) of water is the volume of water required to cover one acre, one foot deep. This is the term commonly associated with reservoir storage. It is equal to 43,560 cubic feet.

ACTIVE FAULT is a fault that has exhibited one or more of the following characteristics:

(a) movement at or near the ground surface at least once in the last 35,000 years;

(b) instrumentally determined seismicity that demonstrates a causal relationship with the fault;

(c) structural relationship to an active fault such that movement on one fault could be expected to cause movement on the other.

ACTIVE STORAGE CAPACITY is the amount of storage that can be released and utilized.

ANISOTROPY means having physical characteristics which vary in different directions.

APPURTENANT STRUCTURE means the outlet works, spillways, access structures, bridges, and other related structure to a dam.

AXIS OF DAM is the plane or curved surface, arbitrarily chosen by a designer, appearing as a line, in plan or in cross section, to which the horizontal dimensions of the dam can be referred.

BENCHMARK is a permanent physical mark of known horizontal coordinates and elevation.

BREACH is an opening or a breakthrough in a dam.

CALIBRATED WATERSHEDS are watersheds with sufficient precipitation and streamflow measuring devices and records to allow for computations of the relationships between precipitation and streamflow.

CAMBER is additional material placed on the dam crest to protect design freeboard from anticipated settlement.

CAPACITY is the maximum volume that can be stored in a reservoir below the primary spillway level.

CAVITATION is wear on a hydraulic structure where a high hydraulic gradient is present.

CHANGE ORDER is a document used to modify approved plans or make adjustments in pay quantities.

COLLECTION PIPE is a conduit used to collect seepage waters from drainage blankets and drains and convey the water to a point downstream of the dam.

CONDUIT is a closed channel to convey water through, under, or around a dam.

CONDUIT FILTER DRAIN is a pervious filter drain around a conduit for the purpose of seepage control.

CONTROL SECTION is the section where flow passes through critical depth.

CONTOUR LINE is a line of constant elevation on a map or drawing.

CREST LENGTH is the developed length of the top of a dam.

CREST WIDTH is the developed width of the top of a dam.

CUBIC FEET PER SECOND (CFS) is a unit expressing rates of discharge. One cubic foot per second is equal to the discharge through a rectangular cross-section, one foot wide and one foot deep, flowing at an average velocity of one foot per second.

CUTOFF COLLAR is a projecting collar, usually of concrete, built around the outside of a pipe, tunnel, or conduit, to lengthen the seepage path along the outer surface of the conduit.

DAM is any artificial barrier or obstruction, together with appurtenant works, if any, which impounds or diverts water.

DEAD STORAGE is the storage that lies below the invert of the lowest outlet and that cannot be withdrawn from the reservoir without pumping.

DEFORMATION ANALYSIS is a study of how a dam will permanently deform as a result of strains caused by seismic loads.

DENTAL CONCRETE is concrete used to level discontinuities in dam foundations and abutments.

DESICCATION is the process of cracking of soils due to shrinkage during drying.

DIFFERENTIAL SETTLEMENT is unequal settlement of a structure or soil mass, often leading to excessive stresses or unacceptable strains.

DISPERSIVE CLAYS are clays whose particles detach in the presence of water and may be transported by the water, leading to a piping failure.

DRAINAGE AREA or watershed is the area that drains naturally to a particular point on a river, stream or creek.

DRAINAGE BLANKET is a drainage layer placed directly over the foundation material.

DRAINAGE WELLS or pressure relief wells are wells or boreholes usually downstream of impervious cores, grout curtains, or cutoffs, designed to collect and control seepage through or under a dam, so as to reduce uplift pressures under or within a dam. A line of wells forms a drainage curtain.

DRAWDOWN is the lowering of a reservoir's water surface level due to releases.

DRAWINGS are graphical details of proposed construction.

DROP STRUCTURES are permanent structures used to facilitate the vertical downward movement of water without causing erosion.

DYNAMIC ANALYSIS is an analysis which predicts the stability and[-]or deformation of a dam due to seismic loads.

EARLY WARNING SYSTEM is an automatic device used to alert downstream interests of existing or impending high flows caused by storms or dam failures.

EMERGENCY ACTION PLAN is a predetermined plan of action to be taken to reduce the potential for loss of life and property damage in an area affected by a dam break.

EMERGENCY SPILLWAY, or secondary spillway, is the spillway designed to convey excess water generated by unusual hydrological events through, over or around a dam.

ENLARGEMENT is any change or addition to an existing dam or its appurtenant works which increases, or may increase, the maximum quantity of water which can be stored therein.

EPICENTER is the point on the earth's surface directly above the site of initial movement on the fault.

EXIT CHANNEL is an open channel, located downstream from any conduit or spillway, which conducts the flow to a point where it may be released without jeopardizing the dam.

FACE, in reference to a structure, is the external surface that limits the structure.

FILTER or filter zone is a band or zone that is incorporated in a dam and is graded, either naturally or by selection, so as to allow seepage to flow across or down the filter without allowing the migration of material from zones adjacent to the filter.

FLASHBOARDS are lengths of timber, concrete, or steel placed on the crest of a spillway to raise the water level but that may be quickly removed in the event of a flood, either by a tripping device or by a deliberately designed failure of the flashboards or their supports.

FLOOD ROUTING is a computation of the changes in the rise and fall in stream flow or reservoir levels as a flood moves downstream. The results provide hydrographs of flow or elevation versus time at given points on the stream or in a reservoir.

FLOOD STAGE is the stage or elevation in which overflow of the natural banks of a stream or body of water begins.

FLOWLINE or invert is the lowest point in a water conveyance structure where water can flow.

FOUNDATION OF DAM is the natural material on which the dam structure is placed.

GALLERY is a permanent accessible structure within the interior of a dam used for seepage collection, monitoring, and remedial work.

GEOLOGIST is a person with a degree in geology or a related field from an accredited college or university with at least three years of experience in engineering geology.

GEOMEMBRANE is a term for a geosynthetic which is designed to be an impermeable barrier.

GEOSYNTHETICS is a broad term used to describe manmade fabrics used in geotechnical applications.

GEOTEXTILE is a term for a geosynthetic which is designed to be a filter, a drain, act as reinforcement, or for separation.

GROIN is that area along the contact or intersection of the face of a dam with the abutments.

GROUT CURTAIN is a barrier to reduce seepage under a dam, produced by injecting grout into a vertical zone in the foundation.

HYDRAULIC FRACTURING is the fracturing of soil materials due to excessive fluid pressures.

HYDRAULIC HEIGHT is the vertical dimension of a dam as measured from the natural streambed at the downstream toe to the elevation of the water surface at the crest of the primary spillway.

HYDRAULICS is the science of the static and dynamic behavior of fluids.

HYDROGRAPH is a graphical representation of discharge, stage, volume, or other hydraulic property, with respect to time, for a particular point.

HYDROLOGY is the study of the properties, distribution and movement of water on the earth's surface, in the soil and underlying rocks.

INCREMENTAL DAMAGE ASSESSMENT (IDA) is an analysis showing the influence of a dam failure when superimposed upon an extreme hydrologic event.

INDEPENDENT CONSULTANT is a consultant used, in addition to the owner's engineer, to assess the design, construction, investigation or operation of a dam.

INFILTRATION RATE is the rate at which a given soil can accept surface water.

INFLOW DESIGN FLOOD (IDF) means the flood hydrograph which is used to size a dam's spillway.

INITIAL FILLING PLAN is a written procedure used during the first filling of a reservoir.

INLET CHANNEL is an open channel upstream from a spillway or conduit.

INTERNAL EROSION is piping.

INUNDATION MAPS show areas that would be subject to flooding due to storm conditions or failure of a dam.

LIQUEFACTION is the sudden loss of strength or stiffness of a soil resulting from dynamic loading as from earthquakes.

LOG BOOM is a floating device intended to prevent large floating debris from being carried into a spillway.

LOW-LEVEL OUTLET is a conduit from a reservoir, generally used for lowering the reservoir or for providing downstream releases.

MAGNITUDE of an earthquake is a quantity characteristic of the total energy released by an earthquake.

MAXIMUM CAPACITY is the maximum volume of water that can be stored in a reservoir when filled to the crest of the dam.

MAXIMUM CREDIBLE EARTHQUAKE (MCE) -- All active sources of seismicity with the potential to impact the stability of a dam should be assigned a maximum credible seismic event. The event which has the greatest potential to cause damage at the site will be defined as the Maximum Credible Earthquake.

NAPPE is the free-falling stream from a weir.

NORMAL FREEBOARD is the vertical distance between the primary spillway overflow crest and the top of the dam.

ONE HUNDRED YEAR FLOOD means the flood having a one percent probability of being equalled or exceeded in any given year.

ONE HUNDRED YEAR PRECIPITATION means the precipitation having a one percent probability of being equalled or exceeded in any given year.

OPERATING BASIS EARTHQUAKE (OBE) -- All active sources of seismicity with the potential to impact the stability of a dam should be assigned an operating basis seismic event. This event is considered to have a return interval of at least 200 years. The event which has the greatest potential to cause damage at the site will be defined as the Operating Basis Earthquake.

OWNER includes all who own, control, operate, maintain, manage, or propose to construct a dam; also, their agents, lessees, trustees, and receivers.

OWNER'S ENGINEER is a professional engineer, licensed in Utah, retained to design, construct, monitor, operate, or evaluate a dam.

PEAK FLOW is the maximum instantaneous discharge that occurs during a flood. It is coincident with the peak of a flood hydrograph.

PERVIOUS ZONE is a part of the cross section of an embankment dam comprising material of high permeability.

PHREATIC SURFACE is the free surface of ground water at atmospheric pressure.

PIEZOMETER is an instrument for measuring pore water pressure within soil, rock, or concrete.

PIPING is the progressive development of internal erosion by seepage, appearing downstream as a hole or seam, discharging water that contains soil particles.

PLANS are engineering drawings, specifications, and design reports supporting the design of a dam and detailing the construction of the dam.

POROUS INTERVAL is the portion of a piezometer where infiltrating water is allowed to act on the device.

PRINCIPAL SPILLWAY is the main spillway for normal operating conditions.

PROBABLE MAXIMUM FLOOD (PMF) is the flood that may be reasonably expected from the most severe combination of critical meteorologic and hydrologic conditions that are possible in the region.

PROBABLE MAXIMUM PRECIPITATION (PMP) is the maximum amount of precipitation that could be expected to fall on a drainage under the most severe meteorologic condition.

PSEUDO STATIC ANALYSIS is an approximate method for predicting the dynamic stability of a structure using static loads.

RESERVOIR AREA is the surface area of a reservoir when filled to a given water elevation.

RESERVOIR RIM is a term used to describe the land forms around the perimeter of a reservoir which could have an adverse impact on the dam or reservoir due to movement.

RESERVOIR STAGE is the measure of the depth or elevation of water in a reservoir relative to an established datum.

RESIDUAL FREEBOARD means the vertical distance between the maximum water surface during a given hydrologic event and the top of the dam.

RESPONSE SPECTRUM is a graphical representation of actual motions, including displacement, velocity, and acceleration, caused by seismic events.

RIPRAP is a layer of large stones, broken rock, or precast blocks placed on the upstream slope of an embankment dam, on a reservoir shore, or on the sides of a channel, as a protection against waves, ice, and scour.

SEDIMENT POOL is the portion of the reservoir allotted to the accumulation of submerged sediment during the design life of the dam.

SEISMIC means pertaining to an earthquake or earth vibration.

SLOPE PROTECTION is the protection of an embankment slope against wave action or erosion.

SPECIFICATIONS are written descriptions of the proposed construction.

SPILLWAY is an open or closed channel, conduit or drop structure used to convey excess water through a reservoir. It may contain gates, either manually or automatically controlled, to regulate the discharge of the water.

SPILLWAY EVALUATION FLOOD (SEF) is the flood that may be expected at the dam from applying the SEP to a given watershed.

SPILLWAY EVALUATION PRECIPITATION (SEP) is the lowest, site specific, [~~local storm~~] precipitation estimate [~~adjusted for a drainage basin area~~], allowed by the State Engineer, used in the analysis of new, existing, high or moderate hazard dams.

STAFF GAGE is a permanent instrument or device used to read reservoir stage.

STANDARD OPERATING PLAN is a written procedure outlining the operation and maintenance of a dam and its appurtenant structures and equipment.

STATE ENGINEER is the Director of the Utah Division of Water Rights.

STILLING BASIN is a basin constructed to dissipate excess energy of waters emerging from a spillway or outlet.

STOPLOGS are beams placed on top of each other with their ends held in guides on each side of a channel or conduit.

STORAGE CAPACITY is the volume of water which can be stored at the elevation of the primary spillway, including both active and dead storage.

STRUCTURAL HEIGHT means the vertical dimension of a dam as measured from the natural streambed at the downstream toe of a dam to the top of a dam.

SURVEY MARKER is a permanent physical mark on a dam or appurtenant structure used to measure changes in horizontal and vertical movement.

TECTONICS is a study of the broader features of the earth's crust and the causes of its deformation.

TEST BORINGS are holes drilled to determine the type and physical properties of subsurface materials.

TEST PIT is an excavation used to evaluate and observe subsurface materials.

TOE OF DAM is the junction of a dam face with the foundation. For an embankment dam, the junction of the upstream face with ground surface is called the upstream toe, and the junction of the downstream face with the ground surface is referred to as the downstream toe.

TRANSITION ZONE is a zone of material used to provide filter requirements between two zones of material which do not meet filter requirements.

TRASH RACK is a screen located at an intake to prevent the entry of floating or submerged debris.

UNGATED OUTLET is an outlet that allows uncontrolled flow through or around a dam.

UNIT HYDROGRAPH is a hydrograph which shows the rates at which runoff occurs for one inch of storm runoff from a drainage area.

UPLIFT is the upward water pressure in the pores of a material or on the base of a structure.

WATER STOPS are strips of material used to prevent leakage through joints between adjacent sections of concrete.

WEIR is a device used to measure or control water.

KEY: dam safety, dams, reservoirs

~~[November 29, 2001]~~ **2003**

Notice of Continuation July 12, 2001

73-5a



Natural Resources, Water Rights **R655-11** Requirements for the Design, Construction and Abandonment of Dams

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26682

FILED: 10/03/2003, 17:33

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The new rule is necessary to define the requirement imposed by the State Engineer in designing a project to safely pass floods.

SUMMARY OF THE RULE OR CHANGE: This proposed amendment redefines the inflow design flood used in sizing spillways and freeboard.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 73-5a-101(2) and 73-5a-502(2)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Hansen, E. Marshall, et al. Probable Maximum Precipitation Estimates : Colorado River and Great Basin Drainages. Silver Spring, Md.: Dept. of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Office of Hydrology, Hydrometeorological Branch, 1977; Jensen, Donald T. Final Report: Probable Maximum Precipitation Estimates for Short-Duration, Small-Area Storms in Utah. Logan, Ut.: Utah State University, Utah Climate Center, 1995; Jensen, Donald T. Final Report: 2002 Update for Probable Maximum Precipitation, Utah 72-Hour Estimates, Areas to 5,000 Square Miles. Logan, Ut.: Utah State University, Utah Climate Center, 2003.

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Over the long term, there will be a cost savings to the State budget because the State provides grants to dam owners to meet the criteria. The overall savings could amount to millions of dollars based upon the number of grants provided.
- ❖ LOCAL GOVERNMENTS: If the local government owns the dams, they will realize a cost savings due to the less stringent standards which will result in lower construction costs.
- ❖ OTHER PERSONS: Others will realize a cost savings in the range of millions of dollars due to less stringent standards resulting in reduced construction costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs will not be affected due to less stringent standards, only savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These rules will result in the reduction of spillway evaluation flows and thus the size of spillway will be reduced. This should result in significant cost reduction for new dam construction and rehabilitation of existing dams.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gail Nelson at the above address, by phone at 801-538-7370, by FAX at 801-538-7442, or by Internet E-mail at gailnelson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: Jerry Olds, Director

R655. Natural Resources, Water Rights.

R655-11. Requirements for the Design, Construction and Abandonment of Dams.

R655-11-4. Hydrologic Design.

[In order to provide continuity from dam to dam, the spillway evaluation Flood (SEF) shall be reported as a percentage of the Probable Maximum Flood (PMF). The following paragraphs outline the procedures to be undertaken during the hydrological design of a project.]In order to arrive at an Inflow Design Hydrograph or Inflow Design Flood (IDF) more representative of actual conditions in Utah, the State Engineer has commissioned, or has been involved in, numerous studies to supplement the National Oceanic and Atmospheric Administration's (NOAA) Report entitled "Hydrometeorological Report No. 49 (HMR49) - " Probable Maximum Precipitation Estimates, Colorado River & Great Basin Drainages". The results of most of these studies are used to better identify soil conditions, discharge coefficients, and unit hydrograph parameters. The results of two of the studies are used directly to refine the calculation of the design rainfall values. Both studies were completed by Donald Jensen of the Utah Climate Center and are entitled, "2002 Update for Probable Maximum Precipitation, Utah 72 Hour Estimates to 5,000 sq. mi. - March 2003" (USUL) and " Probable Maximum Precipitation Estimates for Short Duration, Small Area Storms in Utah - October 1995 "(USUS). All three reports, HMR49, USUL, and USUS are hereby incorporated by reference. All High Hazard and Moderate Hazard dams in Utah must use the precipitation values obtained from the use of all three publications. To avoid confusion, precipitation values obtained from HMR49 exclusively will be referred to as the Probable Maximum Precipitation (PMP), while those obtained from using HMR49 in conjunction with USUL or USUS, will be referred to as the Spillway Evaluation Precipitation (SEP). The resulting hydrographs generated will be referred to as the Probable Maximum Flood (PMF) and the Spillway Evaluation Flood (SEF) respectively.

R655-11-4A. [~~Probable Maximum Flood~~]Inflow Design Hydrograph Determination.

[The PMF should be generated using the most reasonable Probable Maximum Precipitation (PMP). Infiltration rates should be representative of average watershed conditions. PMP values used should represent a duration and distribution which produces the most probable inflow hydrograph. Allowances for rain or snow should be made where appropriate. For some high hazard dams which pose a major threat to human life and property, the PMF will be the IDF. The State Engineer will be the ultimate authority in deciding if a project will be designed to pass the PMF or to accept a lesser IDF.]A) In Utah, the IDF for all High and Moderate Hazard Dams will be the SEF. It will be necessary to calculate both the 72 hour SEF using HMR49/USUL as well as the 6 hour SEF using HMR49/USUS. Both of these hydrographs must be routed through the reservoir to determine which one represents the most extreme event.

B) Once the critical SEF has been determined, it must be compared to a flood generated by the 100 year, 6 hour (for local storms), or 100 yr, 24 hour (for general storms) precipitation applied on a saturated watershed. If the routed 100 year event, including appropriate allowances for freeboard, is more critical than the SEF it must be used as the minimum IDF. This 100 year flood should also be used as the IDF for all Low Hazard Dams.

R655-11-4B. [~~Incremental Damage Assessment for High and Moderate Hazard Dams~~]Freeboard Requirements.

~~[The State Engineer may, at his discretion, accept an IDF less than the PMF based on the results of an Incremental Damage Assessment (IDA) which shows that failure of the dam would cause insignificant incremental damage to property and no additional threat to human life. The State Engineer may consider the use of early warning systems in evaluating threat to human life. In requesting the acceptance of an IDF determined from an IDA, documentation must be furnished that the owner of the dam is aware that the design reflects something less than the PMF and is willing to accept the additional liability. In no case will the State Engineer approve an IDF generated by something less than the 100 year precipitation event. The resulting selected IDF should be reported as a percent of the PMF.]~~All dams must have a normal freeboard above the crest of the principal spillway capable of containing the maximum wave action considering site wind-duration and fetch control characteristics. Wave action includes wave height and maximum runup, as well as reservoir setup against the embankment slope. Unless otherwise justified by specific data acceptable to the State Engineer, an extreme wind velocity (fastest mile) over land of 100 miles per hour should be considered. In addition, while routing the 100 year precipitation event through the spillway, sufficient residual freeboard must be available to control wave action from a fetch controlled 50 miles per hour wind. In no case will the normal freeboard be less than three feet for high and moderate hazard dams. The State Engineer may reduce the three feet minimum freeboard requirement for low hazard dams based upon a review of the relative increase in risk associated with this reduction.

R655-11-4C. [~~Infiltration Rate Adjustments for High and Moderate Hazard Dams~~]Spillways.

~~[The State Engineer may, at his discretion, accept an IDF using PMP values in conjunction with soil moisture conditions representative of historical averages. If the design engineer is using infiltration rates which represent something less than average conditions, meteorological data should be submitted to document the soil moisture conditions and establish an estimate of the probability of more severe conditions occurring during the selected event. The IDF determined using less stringent conditions should be reported as a percent of the PMF.]~~In designing the spillway for a dam to pass the IDF, the State Engineer will consider the use of a principal spillway in conjunction with emergency spillways. The principal spillway must be designed so that no structural damage will occur during passage of the IDF. Emergency spillways, including Fuse Plug Spillways, may be designed so that some damage may be expected during use provided the anticipated damage does not represent a threat to the dam. Sunny day failure modeling of Fuse Plug Spillways may be required to determine if they are creating an additional unacceptable risk. Overtopping of the dam will not be considered as an emergency spillway on earthfill dams, unless it can be demonstrated that the dam is protected from erosion, and the duration of overtopping will not saturate the dam and reduce its stability.

R655-11-4D. [~~Minimum Requirements for Low Hazard Dams~~]Infiltration Rates.

~~[All low hazard dams must pass a flood generated by the 100 year precipitation event with the most critical duration, distribution, and infiltration rates (AMC III). Soil moisture conditions used should represent historical maximums with supporting documentation. If a study of the historical maximum soil conditions is not undertaken,~~

~~saturated watershed conditions should be used. The 100 year flood should also be reported as a percent of the PMF.]~~The State Engineer will accept an IDF using SEP values in conjunction with soil moisture conditions representative of historical maximums. If the design engineer is using infiltration rates which represent something less than saturated conditions, information should be submitted to justify the lower soil moisture selection.

R655-11-4E. Flood Routing.

A. In routing the IDF through the reservoir, the initial water surface should reflect ~~[average]~~conservative estimates which would exist at the time of the flood event. Unless documentation can be provided to the contrary, it should be assumed that all low level outlets are closed during routing of the IDF. For dams receiving inflow from pipelines and supply canals, it should be assumed these additional sources are operating at capacity during the flood event. In the event the spillway is gated or has "stop logs", which are only allowed on existing dams, documentation must be provided to show the gates are automated or operational procedures are in place to insure that the gates can be opened or the stop logs removed in a timely manner.

B. ~~[In generating the IDF, the basin characteristics used and the parameters used to generate the unit hydrograph should be based on the best information available. Unit hydrographs generated from historical records or calibrated watersheds should be used where data is available, rather than using synthetic procedures.]~~The SEF can be routed so the maximum water surface is at an elevation equal to the lowest point on the crest of the dam with no residual freeboard.

C. ~~In generating the IDF, the basin characteristics used and the parameters used to generate the unit hydrograph should be based on the best information available. Unit hydrographs generated from historical records or calibrated watersheds should be used, where data is available, rather than using synthetic procedures.~~

R655-11-4F. [~~Freeboard Requirements~~]Incremental Damage Assessment for High and Moderate Hazard Dams.

~~[In designing the spillway for a dam to pass the IDF, the State Engineer will consider the use of a principal spillway in conjunction with emergency spillways. The principal spillway must be capable of passing a flood generated by a 100 year precipitation event with enough residual freeboard to contain waves generated by a 50 mph wind. The principal spillway must be designed so that no structural damage will occur during passage of the IDF. Emergency spillways may be designed so that some damage may be expected during use, provided the anticipated damage does not represent a threat to the dam. Overtopping of the dam will not be considered as an emergency spillway on earthfill dams, unless it can be demonstrated that the dam is protected from erosion and the duration of overtopping will not saturate the dam and reduce its stability. In routing the IDF through the reservoir, the maximum water surface allowed will be at the dam crest. In addition, all dams will have a normal freeboard above the crest of the principal spillway capable of containing a wave created by a 100 mph wind. In no case will this freeboard be less than three feet.]~~The State Engineer may, at his discretion, accept an IDF less than the SEF based on the results of an Incremental Damage Assessment (IDA) which shows that failure of the dam would cause insignificant incremental damage to property and no additional threat to human life. The State Engineer may consider the use of early warning systems in evaluating the threat to human life. In requesting the acceptance of an IDF determined from an IDA, documentation must be furnished that the owner of the dam is aware that the design reflects something less than the SEF and they are willing to accept

the additional liability. In no case will the State Engineer approve an IDF generated by something less than the applicable 100 year flood event. The resulting selected IDF, based on the IDA, should be reported as a percent of the SEF.

R655-11-4G. Historical Records.

In some cases it may be appropriate to use historical streamflow records to generate a 100 year flood. If these records are used as a basis for the IDF, they should be accompanied by the Synthetic IDF established by using the 100 year precipitation. Following a review of the data, the State Engineer will make a determination of which flood will be used as the IDF.

KEY: dams, earthquakes, floods, reservoirs

~~November 29, 2001~~ 2003

Notice of Continuation July 12, 2001

73-5a

Natural Resources, Water Rights **R655-11-6E** Internal Drainage

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26686

FILED: 10/03/2003, 17:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: New language is being added to correct a problem noted during construction. The change will allow the drain to function as intended.

SUMMARY OF THE RULE OR CHANGE: This amendment adds provision for establishing minimum cover over internal drains.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 73-5a-101(2)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No impact on the State budget due to the added provision to the requirements for the design, construction and abandonment of dams is the responsibility of the owner.

❖ LOCAL GOVERNMENTS: No impact on local government due to the added provision to the requirements for the design, construction and abandonment of dams is the responsibility of the owner.

❖ OTHER PERSONS: The added provision to the requirements for the design, construction and abandonment of dams is the responsibility of the owner and will have an insignificant impact on the overall construction costs of a project regardless of the type of owner.

COMPLIANCE COSTS FOR AFFECTED PERSONS: An insignificant compliance cost, compared to the overall total project cost, will be felt, however, the end result is superior which may avoid remedial construction to correct any problems.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gail Nelson at the above address, by phone at 801-538-7370, by FAX at 801-538-7442, or by Internet E-mail at gailnelson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: Jerry Olds, Director

R655. Natural Resources, Water Rights.

R655-11. Requirements for the Design, Construction and Abandonment of Dams.

R655-11-6E. Internal Drainage.

A. All underdrains and collection pipes shall be constructed using non-corrodible materials capable of withstanding the anticipated loads.

B. Underdrains and collection pipes should be designed to conduct flows several times larger than anticipated. All pipes within the dam which are not easily accessible shall have a minimum diameter of six inches.

C. All internal drain pipes should be enveloped with free draining material, meeting filter requirements with adjacent zones.

D. Where multiple pipes are used to conduct drainage from internal portions of the dam, they should be carried to the downstream toe or gallery separately without intervening connections or manifold systems. If the drain pipes are connected at their termination points, manholes should be provided to facilitate observation and measurement of the separate drain lines.

E. All underdrains and collection pipes should have provisions for measuring discharges in manholes or at their discharge points. If the anticipated discharge is in excess of 10 gallons per minute (gpm), a weir or other suitable measuring device should be provided. If the anticipated flows are less than 10 gpm, provisions should be made so the water can be discharged freely into a vessel 1.5 feet high and one foot in diameter.

F. All exposed underdrain and collection pipes shall have an appropriate rodent screen attached.

G. All underdrains and collection pipes should be cleaned out prior to the first filling of the reservoir.

H. All seepage collection systems must include a collection pipe to discharge flows.

I. All internal drains must have a minimum cover of 3 feet of impermeable material to eliminate the collection of surface waters.

KEY: dams, earthquakes, floods, reservoirs
~~[November 29, 2001]~~2003
 Notice of Continuation July 12, 2001
 73-5a

▼ ————— ▼

Natural Resources, Water Rights

R655-11-7C

Outlet Details

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE No.: 26684
 FILED: 10/03/2003, 17:35

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment eliminates the reference to cutoff collars which are no longer acceptable.

SUMMARY OF THE RULE OR CHANGE: This amendment eliminates all reference to the use of cutoff collars on outlets.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 73-5a-101(2)

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** No impact on State budget due to removing references to cutoff collars to avoid confusion as the State no longer allows the use of cutoff collars.
- ❖ **LOCAL GOVERNMENTS:** No impact on local government due to removing references to cutoff collars to avoid confusion as cutoff collars are no longer used.
- ❖ **OTHER PERSONS:** Construction of a sand drain is 1/2 of the expense compared to using cutoff collars and thus a cost savings will be realized.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are affected since the alternatives to cutoff collars are less expensive.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact.

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

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

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THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: Jerry Olds, Director

R655. Natural Resources, Water Rights.

R655-11. Requirements for the Design, Construction and Abandonment of Dams.

R655-11-7C. Outlet Details.

- A. All outlets shall have a trash rack to prevent clogging.
- B. All outlets connected directly to a downstream pipeline shall have an emergency bypass valve.
- C. All outlets shall have a suitable energy dissipator at the discharge end to prevent erosion of the downstream channel.
- D. All outlets will be placed on a concrete cradle or encased in concrete unless specifically exempted by the State Engineer in writing.
- E. All outlets, with the exception of ungated outlets, shall have an operating gate or a guard gate on the upstream end.
- F. All outlets shall have seepage control measures to reduce the potential for piping along the conduit. Common methods may include locating the outlet conduit in bedrock ~~and~~ ~~providing cutoff collars, or~~ installing a conduit filter drain to intercept seepage. ~~[- The use of cutoff collars is discouraged in most applications due to the potential load transfer to the conduit and the inferior compaction next to the collars.]~~
- G. Outlets encased in concrete should have battered sides to facilitate compaction against the encasement.
- H. Every attempt should be made to locate the outlet on bedrock or consolidated materials. In the event this is not possible, consideration should be given to articulating the outlet to allow for settlement.
- I. Outlet gates and valves can be either mechanically or hydraulically operated. In either case the hydraulic lines or mechanical stems must be adequately protected from debris, wave action, settlement, and ice damage. Buried stems should be encased in an oil-filled pipe supported on pedestals. No catwalks or similar access structures will be allowed on reservoirs where freezing occurs or significant floating debris is present. All outlets which are operated with electrical equipment must have back-up generating capability or a manual bypass system capable of being operated in a reasonable amount of time.
- J. All outlets shall be properly vented to avoid cavitation, surging, and reservoir vortexes. On low head dams adequate ventilation may naturally occur through the conduit if a free water surface is maintained. In most cases a vent pipe and air manifold around the perimeter of the conduit immediately downstream of the gate will be required. The air supply lines should be conservatively sized for the anticipated flows and protected in the same manner as the outlet control lines or stems.
- K. All operators and supporting equipment for outlet controls should be properly protected and secured. Particular attention needs to be given to protection from vandals and unauthorized operation. All outlet controls should be clearly marked as to which way the gates and valves operate so that overloading of a closed gate or valve should not occur.
- L. Outlet controls should be accessible when the spillways are in use.

KEY: dams, earthquakes, floods, reservoirs
~~November 29, 2001~~ 2003
 Notice of Continuation July 12, 2001
 73-5a

▼ ————— ▼

Natural Resources, Water Rights **R655-12-5A** Hydrologic Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26685
 FILED: 10/03/2003, 17:36

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed change is necessary to update the section. The change simply refers the reader to Section R655-11-4. Previously, the section applied only to local storms and now it also applies to general storms.

SUMMARY OF THE RULE OR CHANGE: This amendment eliminates reference to small area storms.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 73-5a-502(2)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No impact to the State budget because these changes do not affect or change the rule other than to make reference and to clarify all storms rather than specifically local storms.
- ❖ LOCAL GOVERNMENTS: No impact to local government because these changes do not affect or change the rule other than to make reference and to clarify all storms rather than specifically local storms.
- ❖ OTHER PERSONS: No impact to other persons because these changes do not affect or change the rule other than to make reference and to clarify all storms rather than specifically local storms.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact to compliance costs because these changes do not affect or change the rule other than to make reference and to clarify all storms rather than specifically local storms.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact.

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

NATURAL RESOURCES
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 Room 220
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gail Nelson at the above address, by phone at 801-538-7370, by FAX at 801-538-7442, or by Internet E-mail at gailnelson@utah.gov

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THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: Jerry Olds, Director

—————

R655. Natural Resources, Water Rights. R655-12. Requirements for Operational Dams. R655-12-5A. Hydrologic Requirements.

All sections of R655-11-4 that apply to high hazard dams shall be considered to be the minimum standards for hydrologic requirements for existing dams. ~~[with the following exceptions:]~~

~~[— 1. Areal reductions used for the local storm probable maximum precipitation (PMP) may be obtained from, "Final Report Probable Maximum Precipitation Estimates for Short Duration, Small Area Storms in Utah", by Donald T. Jensen, submitted October 1995, herein incorporated by reference. The general storm peak 6 hour PMP should represent the minimum precipitation for the local storm.~~

~~— 2. The State Engineer may, following review of the documentation, accept the results of a site specific PMP study.~~

KEY: dam safety, dams, reservoirs

~~November 29, 2001~~ 2003
 Notice of Continuation July 12, 2001
 73-5a

▼ ————— ▼

Tax Commission, Property Tax **R884-24P-24** Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26703
 FILED: 10/15/2003, 16:41

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-913 provides that, for purposes of establishing an entity's tax levies, the taxing entity's estimated equalization adjustments should be subtracted from taxable value.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment indicates that the adjustment to taxable value for estimated equalization adjustments in the current year shall include

adjustments to central assessed property, and makes technical corrections to incorporate changes made in H.B. 116 (2003) as well as locally assessed property. (DAR NOTE: H.B. 116 may be found at UT L 2003 Ch 122 and goes into effective January 1, 2004.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-918 through 59-2-924

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None. Property tax revenues are local, not state, revenues.

❖ LOCAL GOVERNMENTS: The proposed amendment allows an adjustment to a taxing entity's taxable value to reflect downward adjustments to centrally assessed properties in the current year (in addition to the current practice of only allowing an adjustment for downward adjustments to locally assessed property). A decrease in a taxing entity's taxable value will increase the taxing entity's certified tax rate, thus allowing the taxing entity to bring in more revenue than in the previous year without going through truth in taxation. If all taxing entities chose to increase their certified tax rate to offset the decreases due to centrally assessed estimated equalization adjustments for the most current period, the aggregate increase to local budgets statewide would have been \$1.1 million.

❖ OTHER PERSONS: If all taxing entities chose to increase their certified tax rate to offset decreases due to centrally assessed estimated equalization adjustments for the most current period, the aggregate increase in property tax to taxpayers statewide would have been \$1.1 million.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Undetermined potential increase to individual taxpayers based on whether a particular taxing entity has a centrally assessed property that has had a downward adjustment to its value in the current year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There could be some fiscal impact on businesses reflected in slightly increased property taxes. That potential increase would depend on whether a particular taxing entity has centrally assessed property that has been adjusted in the current year.

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

TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-24. Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924.

A. The county auditor must notify all real property owners of property valuation and tax changes on the Notice of Property Valuation and Tax Changes form.

1. If a county desires to use a modified version of the Notice of Property Valuation and Tax Changes, a copy of the proposed modification must be submitted for approval to the Property Tax Division of the Tax Commission no later than March 1.

a) Within 15 days of receipt, the Property Tax Division will issue a written decision, including justifications, on the use of the modified Notice of Property Valuation and Tax changes.

b) If a county is not satisfied with the decision, it may petition for a hearing before the Tax Commission as provided in R861-1A-22.

2. The Notice of Property Valuation and Tax Changes, however modified, must contain the same information as the unmodified version. A property description may be included at the option of the county.

B. The Notice of Property Valuation and Tax Changes must be completed by the county auditor in its entirety, except in the following circumstances:

1. New property is created by a new legal description; or

2. The status of the improvements on the property has changed.

3. In instances where partial completion is allowed, the term nonapplicable will be entered in the appropriate sections of the Notice of Property Valuation and Tax Changes.

4. If the county auditor determines that conditions other than those outlined in this section merit deletion, the auditor may enter the term "nonapplicable" in appropriate sections of the Notice of Property Valuation and Tax Changes only after receiving approval from the Property Tax Division in the manner described in A.

C. Real estate assessed under the Farmland Assessment Act of 1969 must be reported at full market value, with the value based upon Farmland Assessment Act rates shown parenthetically.

D. All completion dates specified for the disclosure of property tax information must be strictly observed.

1. Requests for deviation from the statutory completion dates must be submitted in writing on or before June 1, and receive the approval of the Property Tax Division in the manner described in A.

E. If the proposed rate exceeds the certified rate, jurisdictions in which the fiscal year is the calendar year are required to hold public hearings even if budget hearings have already been held for that fiscal year.

F. If the cost of public notice required under Sections 59-2-918 and 59-2-919 is greater than one percent of the property tax revenues to be received, an entity may combine its advertisement with other entities, or use direct mail notification.

G. Calculation of the amount and percentage increase in property tax revenues required by Sections 59-2-918 and 59-2-919, shall be computed by comparing property taxes levied for the current year with property taxes collected the prior year, without adjusting for revenues attributable to new growth.

H. If a taxing district has not completed the tax rate setting process as prescribed in Sections 59-2-919 and 59-2-920 by August 17, the county auditor must seek approval from the Tax Commission to use the certified rate in calculating taxes levied.

I. The value of property subject to the uniform fee under Section 59-2-405 is excluded from taxable value for purposes of calculating new growth, the certified tax rate, and the proposed tax rate.

J. The value and taxes of property subject to the uniform fee under Section 59-2-405, as well as tax increment distributions and related taxable values of redevelopment agencies, are excluded when calculating the percentage of property taxes collected as provided in Section 59-2-913.

K. The following formulas and definitions shall be used in determining new growth:

1. Actual new growth shall be computed as follows:

a) the taxable value for the current year adjusted for redevelopment minus year-end taxable value for the previous year adjusted for redevelopment; then

b) plus or minus changes in value as a result of factoring; then

c) plus or minus changes in value as a result of reappraisal; then

d) plus or minus any change in value resulting from a legislative mandate or court order.

2. Net annexation value is the taxable value for the current year adjusted for redevelopment of all properties annexed into an entity during the previous calendar year minus the taxable value for the previous year adjusted for redevelopment for all properties annexed out of the entity during the previous calendar year.

3. New growth is equal to zero for an entity with:

a) an actual new growth value less than zero; and

b) a net annexation value greater than or equal to zero.

4. New growth is equal to actual new growth for:

a) an entity with an actual new growth value greater than or equal to zero; or

b) an entity with:

i) an actual new growth value less than zero; and

ii) the actual new growth value is greater than or equal to the net annexation value.

5. New growth is equal to the net annexation value for an entity with:

a) a net annexation value less than zero; and

b) the actual new growth value is less than the net annexation value.

6. Adjusted new growth equals new growth multiplied by the mean collection rate for the previous five years.

L. The following definitions and formulas shall be used in determining the certified tax rate:

1. Current year adjusted taxable value equals the taxable value for the current year adjusted for redevelopment; ~~then less the taxing entity's:~~

a) ~~adjusted for estimated value losses due to locally assessed and centrally assessed appeals, using an average percentage loss for the past three years; then~~ estimated equalization adjustments in the current year; and

b) ~~adjusted~~ adjustments for estimated collection losses.

2. "Estimated equalization adjustments in the current year" means adjustments made to locally and centrally assessed property to reflect the most current three-year average percentage net change in value for locally and centrally assessed property from the value reported on Report 697, Report of the Sum of Taxable Values by the County Assessor, to the value reported on Report 233-B, List of Final Values by Entity/By Property Type.

~~[2-]3. The certified tax rate shall be computed [as follows: a) Last] by dividing last year's taxes [collected] budgeted[, excluding redemptions, penalties, interest, roll-back taxes, and other miscellaneous collections.~~

~~b) Divided] by the [sum of] difference between: a) the current year adjusted taxable value [less]; and b) adjusted new growth.~~

~~[3-]4. Entities required to set levies for more than one fund must compute an aggregate certified rate. The aggregate certified rate is the sum of the certified rates for individual funds for which separate levies are required by law. The aggregate certified rate computation applies where:~~

a) the valuation bases for the funds are contained within identical geographic boundaries; and

b) the funds are under the levy and budget setting authority of the same governmental entity.

~~[4-]5. Exceptions to L.[3-]4. are the county assessing and collecting levy, as described in Section 59-2-906.1(3), and the additional levies for property valuation and reappraisal, as described in Section 59-2-906.3.~~

a) These levies may not be included as part of a county's aggregate certified rate. Instead, they must be segregated into a separate aggregate certified rate.

b) The separate aggregate certified rate representing these levies is subject to the proposed tax increase requirements of Sections 59-2-918 and 59-2-919.

M. For purposes of determining the certified tax rate of a municipality incorporated on or after July 1, 1996, the levy imposed for municipal-type services or general county purposes shall be the certified tax rate for municipal-type services or general county purposes, as applicable.

N. No new entity, including a new city, may have a certified tax rate or levy a tax for any particular year unless that entity existed on the first day of that calendar year.

KEY: taxation, personal property, property tax, appraisals 2003

Notice of Continuation April 5, 2002

59-2-918 through 59-2-924

▼ ————— ▼

Workforce Services, Employment Development **R986-100** Employment Support Programs

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 26705

FILED: 10/15/2003, 17:24

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment makes the rules reflect what the Department does, make the reporting requirements for changes the same for child care as food stamps and fix an error on overpayments.

SUMMARY OF THE RULE OR CHANGE: This amendment changes reporting requirements for child care when there is a material change in income (the only requirement was a client had to report \$25, now it will be \$50 for child care and food stamps), takes out the provision that the Department reduces an oral request for hearing to writing because the Department does not do this, and takes out a provision on overpayments. When the Department took over the responsibilities of collecting overpayments from ORS this provision was inadvertently not changed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 35A-3-101 et seq., 35A-3-301 et seq., and 35A-3-401 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There will be no costs or savings to the state budget because the programs affected are federally funded.

❖ **LOCAL GOVERNMENTS:** There will be no costs or savings to local government as this is a state wide program and the only programs changed are federally funded.

❖ **OTHER PERSONS:** There are no anticipated costs or savings to other persons as these changes only change federally funded programs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be a slight change for people who have a change in income of between \$25 and \$50 as they will no longer be required to report that change. It is unknown if any people will be affected by this change as it is so small.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact by these changes on business as these changes are only being made to federally funded programs which in no way affects businesses monetarily.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Raylene G. Ireland, Executive Director

R986. Workforce Services, Employment Development.

R986-100. Employment Support Programs.

R986-100-113. A Client Must Inform the Department of All Material Changes.

(1) A client must report all material changes which might affect household eligibility to the local office within 10 days of the day the change becomes known. A material change is any change which might affect eligibility and includes:

(a) change in income source, both unearned and earned;

(b) change of more than \$25 in gross monthly unearned income for GA, WTE, FEP or FEPTP. For food stamps and child care a change of more than \$50 in gross monthly unearned income;

(c) change in employment status including a change from full time to part time or from part time to full time and/or a change in wage rate, salary or income from employment;

(d) change in household size or marital status;

(e) change in residence and resulting change in shelter costs;

(f) gain of a licensed vehicle;

(g) change in available assets including an unlicensed vehicle. Under this paragraph (g), for food stamps a client need only report a change in cash on hand, stocks, bonds, and money in a bank account or savings institution which reach or exceed a total of \$2,000;

(h) change in the legal obligation to pay child support; and

(i) for all programs except food stamps, changes of more than \$25 in total allowable deductions.

(2) Most changes which result in an increase of assistance will become effective the month following the month in which the report of the change was made. If verification is necessary, verification and changes will be made in the month following the month in which verification was received. If the change is to add a person to the household, the person will be added effective on the date reported, provided necessary verification is received within 30 days of the change. If verification is received after 30 days, the increase will be made effective the date verification was received.

R986-100-123. The Right To a Hearing and How to Request a Hearing.

(1) A client has the right to a review of an adverse Department action by requesting a hearing.

(2) In cases where the Department sends notice of its intent to take action to collect an alleged overpayment but there is no alleged overpayment of food stamps, the client must request a hearing in writing or orally within 30 days of the date of notice of agency action. In all other cases, the client must request a hearing in writing or orally within 90 days of the date of the notice of agency action with which the client disagrees. ~~Any oral request for a hearing will be reduced to writing by the Department and the client will be requested to sign the request.~~

(3) Only a clear expression by the client to the effect that the client wants an opportunity to present his or her case is required.

(4) The request for a hearing can be made at the local office or the Division of Adjudication.

(5) If the client disagrees with the level of food stamp benefits paid or payable, the client can request a hearing within the certification period, even if that is longer than 90 days.

(6) If a request for restoration of lost food stamp benefits is made within one year of the loss of benefits a client may request a hearing within 90 days of the date of the denial of restoration.

(7) In the case of an overpayment and/or IPV the obligor may contact the presiding officer and attempt to resolve the dispute. If the dispute cannot be resolved, the obligor may still request a

hearing provided it is filed within the time limit provided in the notice of agency action.

R986-100-128. Hearing Procedure.

- (1) Hearings are not open to the public.
- (2) A client may be represented at the hearing. The client may also invite friends or relatives to attend as space permits.
- (3) Representatives from the Department or other state agencies may be present.
- (4) All hearings will be conducted informally and in such manner as to protect the rights of the parties. The hearing may be recorded.
- (5) All issues relevant to the appeal~~], except overpayment if any,~~ will be considered and decided upon.
- (6) The decision of the ALJ will be based solely on the testimony and evidence presented at the hearing.
- (7) All parties may testify, present evidence or comment on the issues.
- (8) All testimony of the parties and witnesses will be given under oath or affirmation.
- (9) Any party to an appeal will be given an adequate opportunity to be heard and present any pertinent evidence of probative value and to know and rebut by cross-examination or otherwise any other evidence submitted.
- (10) The ALJ will direct the order of testimony and rule on the admissibility of evidence.
- (11) Oral or written evidence of any nature, whether or not conforming to the legal rules of evidence including hearsay, may be accepted and will be given its proper weight.
- (12) Official records of the Department, including reports submitted in connection with any program administered by the Department or other State agency may be included in the record.
- (13) The ALJ may request the presentation of and may take such additional evidence as the ALJ deems necessary.
- (14) The parties, with consent of the ALJ, may stipulate to the facts involved. The ALJ may decide the issues on the basis of such facts or may set the matter for hearing and take such further evidence as deemed necessary to determine the issues.
- (15) The ALJ may require portions of the evidence be transcribed as necessary for rendering a decision.
- (16) Unless the client requests a continuance, the decision of the ALJ will be issued within 60 days of the date on which the client requests a hearing.
- (17) A decision of the ALJ which results in a reversal of the Department decision shall be complied with within 10 days of the issuance of the decision.

KEY: employment support procedures

~~July 1, 2003~~

35A-3-101 et seq.

35A-3-301 et seq.

35A-3-401 et seq.

▼ ————— ▼

**Workforce Services, Employment
Development**

R986-200

Family Employment Program (FEP)

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26704

FILED: 10/15/2003, 17:16

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change is being made to allow disability determinations from all mental health therapists, to allow clients to testify about good cause in paternity cases, to clarify a problem with the \$30 gift rule, to move severance pay to the lump sum payments section where it belongs, to clarify policy on burial allowances, to clarify when a sponsor's income does not count.

SUMMARY OF THE RULE OR CHANGE: The Department needs to allow disability determinations from other kinds of therapists because especially in rural areas it is impossible to get evaluations from MDs. Clients who have good cause for failing to name the father in paternity cases should be allowed to offer sworn testimony about the circumstances, this change will allow for that. We had an inconsistency about counting gifts under \$30. The old rule had severance pay as earned income and it should be in the lump sum section. We provide up to \$300 for a burial allowance, this change makes it clear this is not in addition to what the county pays. We don't count a sponsor's income in alien cases if the sponsor dies or the alien becomes a citizen. This changes the rule to reflect that.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-3-301 et seq.

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There will be no costs or savings to the state budget because the programs affected are federally funded.
- ❖ **LOCAL GOVERNMENTS:** There will be no costs or savings to local government as this is a state wide program and the only programs changed are federally funded.
- ❖ **OTHER PERSONS:** There are no anticipated costs or savings to other persons as these changes only change federally funded programs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for any persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact by these changes on business as these changes are only being made to federally funded programs which in no way affects businesses monetarily.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Raylene G. Ireland, Executive Director

R986. Workforce Services, Employment Development.**R986-200. Family Employment Program.****R986-200-202. Family Employment Program (FEP).**

(1) The goal of FEP is to increase family income through employment, and where appropriate, child support and/or disability payments.

(2) FEP is for families with only one able bodied parent in the household. If the family has two able bodied parents in the household, the family is not eligible for FEP but may be eligible for FEPTP. Able bodied means capable of earning at least \$500 per month.

(3) If a household has two parents, and at least one parent is incapacitated, the parent claiming incapacity must verify that incapacity in one of the following ways:

- (a) receipt of disability benefits from SSA;
- (b) 100 percent disabled by VA; or
- (c) by submitting a written statement from:
 - (i) a licensed medical doctor;
 - (ii) a doctor of osteopathy;
 - (iii) a licensed ~~/certified psychologist~~ Mental Health Therapist as defined in UCA 58-60-102;
 - (iv) a licensed Advanced Practice Registered Nurse; or
 - (v) a licensed Physician's Assistant,

(4) Incapacity means not capable of earning \$500 per month. The incapacity must be expected to last 30 days or longer.

(5) An applicant or client must cooperate in the obtaining of a second opinion regarding incapacity if requested by the Department. Only the costs associated with a second opinion requested by the Department will be paid for by the Department. The Department will not pay the costs associated with obtaining a second opinion if the client requests the second opinion.

(6) An incapacitated parent is included in the FEP household assistance unit and the parent's income and assets are counted toward establishing eligibility unless the parent is a SSI recipient. If the parent is a SSI recipient, none of the income or assets of the SSI recipient is counted.

(7) An incapacitated parent must still negotiate, sign and agree to participate in an employment plan. If the incapacity is such that employment is not feasible now or in the future, participation may be limited to cooperating with ORS and filing for any assistance or benefits to which the parent may be entitled. If it is believed the incapacity might not be permanent, the parent will also be required to seek assistance in overcoming the incapacity.

(8) If a household unit is eligible under both FEP and FEPTP, payment will be made under FEP.

R986-200-208. Good Cause for Not Cooperating With ORS.

(1) The Department is responsible for determining if the client has good cause or other exception for not cooperating with ORS.

(2) To establish good cause for not cooperating, the client must file a written request for a good cause determination and provide proof of good cause within 20 days of the request.

(3) A client has the right to request a good cause determination at any time, even if ORS or court proceedings have begun.

(4) Good cause for not cooperating with ORS can be shown if one of following circumstances exists:

(a) The child, for whom support is sought, was conceived as a result of incest or rape. To prove good cause under this paragraph, the client must provide:

- (i) birth certificates;
- (ii) medical records;
- (iii) Department records;
- (iv) records from another state or federal agency;
- (v) court records; or
- (vi) law enforcement records; ~~or~~

~~(vii) if no other evidence is available, through sworn statements from people who have personal knowledge of the circumstances. The statements must substantiate and support the client's account and credibility.]~~

(b) Legal proceedings for the adoption of the child are pending before a court. Proof is established if the client provides copies of documents filed in a court of competent jurisdiction.

(c) A public or licensed private social agency is helping the client resolve the issue of whether to keep or relinquish the child for adoption and the discussions between the agency and client have not gone on for more than three months. The client is required to provide written notice from the agency concerned.

(d) The client's cooperation in establishing paternity or securing support is reasonably expected to result in physical or emotional harm to the child or to the parent or specified relative. If harm to the parent or specified relative is claimed, it must be significant enough to reduce that individual's capacity to adequately care for the child.

(i) Physical or emotional harm is considered to exist when it results in, or is likely to result in, an impairment that has a substantial effect on the individual's ability to perform daily life activities.

(ii) The source of physical or emotional harm may be from individuals other than the noncustodial parent.

(iii) The client must provide proof that the individual is likely to inflict such harm or has done so in the past. Proof must be from an independent source such as:

(A) medical records or written statements from a mental health professional evidencing a history of abuse or current health concern. The record or statement must contain a diagnosis and prognosis where appropriate;

(B) court records;

(C) records from the Department or other state or federal agency; or

(D) law enforcement records; ~~or~~

~~(E) if no other evidence is available, through sworn statements from people who have personal knowledge of the circumstances. The statements must substantiate and support the client's account and credibility.]~~

(5) If assistance is denied because the client is unable to provide proof as required under Subsection (4) (a) or (d) the client can request a hearing and present other evidence of good cause at

the hearing. If the ALJ finds that evidence credible and convincing, the ALJ can make a finding of good cause under Subsections (4) (a) or (d) based on the evidence presented by the client at the hearing. A finding of good cause by the ALJ can be based solely on the sworn testimony of the client.

([5]6) When the claim of good cause for not cooperating[-] is based in whole or in part on anticipated physical or emotional harm, the Department must consider:

- (a) the client's present emotional health and history;
- (b) the intensity and probable duration of the resulting impairment;
- (c) the degree of cooperation required; and
- (d) the extent of involvement of the child in the action to be taken by ORS.

([6]7) The Department recognizes no other exceptions, apart from those recognized by ORS, to the requirement that a client cooperate in good faith with ORS in the establishment of paternity and establishment and enforcement of child support.

([7]8) If the client has exercised his or her right to an agency review or adjudicative proceeding under Utah Administrative Procedures Act on the question of non-cooperation as determined by ORS, the Department will not review, modify, or reverse the decision of ORS on the question of non-cooperation. If the client did not have an opportunity for a review with ORS, the Department will refer the request for review to ORS for determination.

([8]9) Once a request for a good cause determination has been made, all collection efforts by ORS will be suspended until the Department has made a decision on good cause.

([9]10) A client has the right to appeal a Department decision on good cause to an ALJ by following the procedures for appeal found in R986-100.

([10]11) If a parent requests a hearing on the basis of good cause for not cooperating, the resulting decision cannot change or modify the determination made by ORS on the question of good faith.

([11]12) Even if the client establishes good cause not to cooperate with ORS, if the Department supervisor determines that support enforcement can safely proceed without the client's cooperation, ORS may elect to do so. Before proceeding without the client's cooperation, ORS will give the client advance notice that it intends to commence enforcement proceedings and give the client an opportunity to object. The client must file his or her objections with ORS within 10 days.

([12]13) A determination that a client has good cause for non-cooperation may be reviewed and reversed by the Department upon a finding of new, or newly discovered evidence, or a change in circumstances.

R986-200-235. Unearned Income.

(1) Unearned income is income received by an individual for which the individual performs no service.

(2) Countable unearned income includes:

- (a) pensions and annuities such as Railroad Retirement, Social Security, VA, Civil Service;
- (b) disability benefits such as sick pay and workers' compensation payments unless considered as earned income;
- (c) unemployment Insurance;
- (d) strike or union benefits;
- (e) VA allotment;
- (f) income from the GI Bill;

(g) assigned support retained in violation of statute is counted when a request to do so has been generated by ORS;

(h) payments received from trusts made for basic living expenses;

(i) payments of interest from stocks, bonds, savings, loans, insurance, a sales contract, or mortgage. This applies even if the payments are from the sale of an exempt home. Payments made for the down payment or principal are counted as assets;

(j) inheritances;

(k) life insurance benefits;

(l) payments from an insurance company or other source for personal injury, interest, or destroyed, lost or stolen property unless the money is used to replace that property;

(m) cash contributions[~~or gifts over \$30 per quarter~~] from any source including family, a church or other charitable organization;

(n) rental income if the rental property is managed by another individual or company for the owner. Income from rental property managed by someone in the household assistance unit is considered earned income;

(o) financial assistance payments received from another state or the Department from another type of financial assistance program including a diversion payment; and

(p) payments from Job Corps and Americorps living allowances.

(3) Unearned income which is not counted (exempt):

(a) cash gifts for special occasions which do not exceed \$30 per quarter for each person in the household assistance unit. The gift can be divided equally among all members of the household assistance unit;

(b) bona fide loans, including reverse equity loans on an exempt property. A bona fide loan means a loan which has been contracted in good faith without fraud or deceit and genuinely endorsed in writing for repayment;

(c) the value of food stamps, food donated from any source, and the value of vouchers issued under the Women Infants and Children program;

(d) any per capita payments made to individual tribal members by either the secretary of interior or the tribe are excluded. Income to tribal members derived from privately owned land is not exempt;

(e) any payments made to household members that are declared exempt under federal law;

(f) the value of governmental rent and housing subsidies, federal relocation assistance, or EA issued by the Department;

(g) money from a trust fund to provide for or reimburse the household for a specific item NOT related to basic living expenses. This includes medical expenses and educational expenses. Money from a trust fund to provide for or reimburse a household member for basic living expenses is counted;

(h) travel and training allowances and reimbursements if they are directly related to training, education, work, or volunteer activities;

(i) all unearned income in-kind. In-kind means something, such as goods or commodities, other than money;

(j) thirty dollars of the income received from rental income unless greater expenses can be proven. Expenses in excess of \$30 can be allowed for:

(i) taxes;

(ii) attorney fees expended to make the rental income available;

(iii) upkeep and repair costs necessary to maintain the current value of the property; and

(iv) interest paid on a loan or mortgage made for upkeep or repair. Payment on the principal of the loan or mortgage cannot be excluded;

(k) if meals are provided to a roomer/boarder, the value of a one-person food stamp allotment for each roomer/boarder;

(l) payments for energy assistance including H.E.A.T payments, assistance given by a supplier of home energy, and in-kind assistance given by a private non-profit agency;

(m) federal and state income tax refunds and earned income tax credit payments;

(n) payments made by the Department to reimburse the client for education or work expenses, or a CC subsidy;

(o) income of an SSI recipient. Neither the payment from SSI nor any other income, including earned income, of an SSI recipient is included;

(p) payments from a person living in the household who is not included in the household assistance unit, as defined in R986-200-205, when the payment is intended and used for that person's share of the living expenses;

(q) educational assistance and college work study except Veterans Education Assistance intended for family members of the student; and

(r) for a refugee, as defined in R986-300-303(1), any grant or assistance, whether cash or in-kind, received directly or indirectly under the Reception and Placement Programs of Department of State or Department of Justice.

R986-200-236. Earned Income.

(1) All earned income is counted when it is received even if it is an advance on wages, salaries or commissions.

(2) Countable earned income includes:

(a) wages, except Americorps*Vista living allowances are not counted;

(b) salaries;

(c) commissions;

(d) tips;

(e) sick pay which is paid by the employer;

(f) temporary disability insurance or temporary workers' compensation payments which are employer funded and made to an individual who remains employed during recuperation from a temporary illness or injury pending the employee's return to the job; [~~(g) severance pay, including the cash out of vacation, holiday, and sick pay;~~

] (~~(h)~~g) rental income only if managerial duties are performed by the owner to receive the income. The number of hours spent performing those duties is not a factor. If the property is managed by someone other than the individual, the income is counted as unearned income;

(~~(i)~~h) net income from self-employment less allowable expenses, including income over a period of time for which settlement is made at one given time. The periodic payment is annualized prospectively. Examples include the sale of farm crops, livestock, and poultry;

(~~(j)~~i) training incentive payments and work allowances; and

(~~(k)~~j) earned income of dependent children.

(3) Income that is not counted as earned income:

(a) income for an SSI recipient;

(b) reimbursements from an employer for any bona fide work expense;

(c) allowances from an employer for travel and training if the allowance is directly related to the travel or training and identifiable and separate from other countable income; or

(d) Earned Income Tax Credit (EITC) payments.

R986-200-237. Lump Sum Payments.

(1) Lump sum payments are one-time windfalls or retroactive payments of earned or unearned income. Lump sums include but are not limited to, inheritances, insurance settlements, awards, winnings, [~~and~~]-gifts, and severance pay, including when a client cashes out vacation, holiday, and sick pay. They also include lump sum payments from Social Security, VA, UI, Worker's Compensation, and other one-time payments. Payments from SSA that are paid out in installments are not considered lump sum payments but as income, even if paid less often than monthly.

(2) The following lump sum payments are not counted as income or assets:

(a) any kind of lump sum payment of excluded earned or unearned income. If the income would have been excluded, the lump sum payment is also excluded. This includes SSI payments and any EITC; and

(b) insurance settlements for destroyed exempt property when used to replace that property.

(3) The net lump sum payment is counted as income for the month it is received. Any amount remaining after the end of that month is considered an asset.

(4) The net lump sum is the portion of the lump sum that is remaining after deducting:

(a) legal fees expended in the effort to make the lump sum available;

(b) payments for past medical bills if the lump sum was intended to cover those expenses; and

(c) funeral or burial expenses, if the lump sum was intended to cover funeral or burial expenses.

(5) A lump sum paid to an SSI recipient is not counted as income or an asset except for those recipients receiving financial assistance from GA or WTE.

R986-200-240. Additional Payments Available Under Certain Circumstances.

(1) Each parent eligible for financial assistance in the FEP or FEPTP programs who takes part in at least one enhanced participation activity may be eligible to receive \$40 each month in addition to the standard financial assistance payment. Enhanced participation activities are limited to:

(a) public and private internships of at least 24 hours a week;

(b) full-time attendance in an education or employment training program;

(c) employment of 20 hours or more a week in addition to attending school or training; or

(d) employment with gross earnings of at least \$500 per month.

(2) An additional payment of \$15 per month for a pregnant woman in the third month prior to the expected month of delivery. Eligibility for the allowance begins in the month the woman provides medical proof that she is in the third month prior to the expected month of delivery. The pregnancy allowance ends at the end of the month the pregnancy ends.

(3) A limited number of funds are available to individuals for work and training expenses. The funds can only be used to alleviate circumstances which impede the individual's ability to begin or

continue employment, job search, training, or education. The payment of these funds is completely discretionary by the Department. The individual does not need to meet any eligibility requirements to request or receive these funds.

(4) Limited funds are available, up to a maximum of \$300, to pay for burial costs if the individual is not entitled to a burial paid for by the county. ~~[not paid for by the county.]~~

R986-200-243. Counting the Income of Sponsors of Eligible Aliens.

(1) Certain aliens who have been legally admitted into the United States for permanent residence must have a portion of the earned and unearned countable income of their sponsors counted as unearned income in determining eligibility and financial assistance payment amounts for the alien.

(2) The following aliens are not subject to having the income of their sponsor counted:

- (a) paroled or admitted into the United States as a refugee or asylee;
- (b) granted political asylum;
- (c) admitted as a Cuban or Haitian entrant;
- (d) other conditional or paroled entrants;
- (e) not sponsored or who have sponsors that are organizations or institutions;
- (f) sponsored by persons who receive public assistance or SSI;
- (g) permanent resident aliens who were admitted as refugees and have been in the United States for eight months or less.

(3) The income of the sponsor of an alien who applies for financial assistance after April 1, 1983 and who has been legally admitted into the United States for permanent residence must be counted for five years after the entry date into the United States. The entry date is the date the alien was admitted for permanent residence. The time spent, if any, in the United States other than as a permanent resident is not considered as part of the five year period.

(4) The amount of income deemed available for the alien is calculated by:

- (a) deducting 20 percent from the total earned income of the sponsor and the sponsor's spouse up to a maximum of \$175 per month; then,
- (b) adding to that figure all of the monthly unearned countable income of the sponsor and the sponsor's spouse; then the following deductions are allowed:
 - (i) an amount equal to 100 percent of the SNB amount for the number of people living in the sponsor's household who are or could be claimed as dependents under federal income tax policy; then,
 - (ii) actual payments made to people not living in the sponsor's household whom the sponsor claims or could claim as dependents under federal income tax policy; then,
 - (iii) actual payments of alimony and/or child support the sponsor makes to individuals not living in the sponsor's household.
- (c) The remaining amount is counted as unearned income against the alien whether or not the income is actually made available to the alien.

(5) Actual payments by the sponsor to aliens will be counted as income only to the extent that the payment amount exceeds the amount of the sponsor's income already determined as countable.

(6) A sponsor can be held liable for an overpayment made to a sponsored alien if the sponsor was responsible for, or signed the documents which contained, the misinformation that resulted in the overpayment. The sponsor is not held liable for an overpayment if the alien fails to give accurate information to the Department or the

sponsor is deceased, in prison, or can prove the request for information was incomplete or vague.

(7) In the case where the alien entered the United States after December 19, 1997, the sponsor's income does not count if:

- (a) the alien becomes a United States citizen through naturalization;
- (b) the alien has worked 40 qualifying quarters as determined by Social Security Administration; or
- (c) the alien or the sponsor dies.

KEY: family employment program
~~[July 1,]2003~~
 35A-3-301 et seq.

Workforce Services, Employment Development **R986-400** General Assistance and Working Toward Employment

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 26706
FILED: 10/15/2003, 17:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment clarifies language and makes disability evaluations easier to obtain.

SUMMARY OF THE RULE OR CHANGE: The current rule states a General Assistance (GA) recipient cannot have dependent children. What is intended is that a GA client not have any dependent children living with him or her. This rule change will fix that. It is becoming increasingly difficult for clients to obtain disability evaluations from MDs so this change will allow all mental health therapists to do an evaluation. This amendment also clarifies policy on aliens and sponsor and when we count a sponsor's income.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 35A-3-401, and 35A-3-402

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There will be no costs or savings to the state budget because it is not anticipated this will increase the Department's case load. The changes are merely to reflect the change in the type of medical care available for our clients.
- ❖ **LOCAL GOVERNMENTS:** There will be no costs or savings to local governments because this is a state wide program.
- ❖ **OTHER PERSONS:** There will be no costs or savings to any other persons. These changes may make it easier for our clients to obtain medical care.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to any persons. There are no costs

associated with these changes as we are just adding different categories of providers from whom we will accept medical reports which has no costs associated with it and we are clarifying our position on eligibility. The only persons affected will be our clients who receive these services without cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact by these changes on business as these changes are only being made to programs financed by the state which in no way affects businesses monetarily.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Raylene G. Ireland, Executive Director

R986. Workforce Services, Employment Development.

R986-400. General Assistance and Working Toward Employment.

R986-400-402. General Provisions.

(1) GA provides temporary financial assistance to single persons ~~[without dependent children]~~ and married couples ~~[without]~~ who have no dependent children residing with them and who are unemployable due to a physical or mental health condition.

(2) Unemployable is defined to mean the individual is not capable of earning \$500 per month. The incapacity must be expected to last 30 days or more.

(3) Drug addiction and/or alcoholism alone is insufficient to prove the unemployable requirement for GA as defined in Public Law 104-121.

(4) For a married couple living together only one must meet the unemployable criteria. The spouse who is employable will be required to meet the work requirements of WTE unless the spouse can provide medical proof that he or she is needed at home to care for the unemployable spouse. Medical proof, consisting of a medical statement from a medical doctor, a doctor of osteopathy, a licensed Advanced Practice Registered Nurse, a licensed Physician's Assistant, or a licensed psychologist, is required. The medical statement must include all of the following:

- (a) the diagnosis of the spouse's condition;
- (b) the recommended treatment needed or being received for the condition;

(c) the length of time the client will be required in the home to care for the spouse; and

(d) whether the client is required to be in the home full time or part time.

(5) GA is only available to a client who is at least 18 years old or legally or factually emancipated. Factual emancipation means the client has lived independently from his or her parents or guardians and has been economically self-supporting for at least six consecutive months, and the client's parents have refused financial support.

(6) A client claiming factual emancipation must cooperate with the Department in locating his or her parents. The parents, once located, will be contacted by the Department. If the parents continue to refuse to support the client, a referral will be made to ORS to enforce the parents' child support obligations.

(7) A person eligible for Bureau of Indian Affairs assistance is not eligible for GA financial assistance.

(8) In addition to the residency requirements in R986-100-106, residents in a group home that is administered under a contract with a governmental unit or administered by a governmental unit are not eligible for financial assistance.

R986-400-403. Proof of Unemployability.

(1) An applicant must provide current medical evidence that he or she is not capable of working and earning \$500 per month due to a physical or mental health condition and that the condition is expected to last at least 30 days from onset. Evidence consists of a statement from a medical doctor, a doctor of osteopathy, a licensed Advanced Practice Registered Nurse, a licensed Physician's Assistant, a licensed ~~[psychologist]~~ Mental Health Therapist as defined in UCA 58-60-102, or an agency involved in disability determination, such as VA or the State Office of Rehabilitation.

(2) An applicant must cooperate in the obtaining of a second opinion if requested by the Department. Only the costs associated with a second opinion requested by the Department will be paid for by the Department. The Department will not pay the costs associated with obtaining a second opinion if the client requests the second opinion.

(3) If the illness or incapacity is expected to last longer than 12 months, the client must apply for SSDI/SSI benefits.

(4) Full-time or part-time participation in post-high school education or training is considered evidence of employability rendering the client ineligible for GA financial assistance. If the Department believes work readiness or occupational skills enhancement opportunities will lead to employability, those services can be offered for a maximum of three months.

R986-400-408. Income and Assets Limits and Amount of Assistance.

(1) The provisions of R986-200 are used for determining asset and income eligibility except:

(a) the income and assets of an SSI recipient living in the household are counted if that individual is legally responsible for the client[-];

(b) the total gross income of an alien's sponsor and the sponsor's spouse is counted as unearned income for the alien. If a person sponsors more than one alien, the total gross income of the sponsor and the sponsor's spouse is counted for each alien. Indigent aliens, as defined by 7 CFR 273.4(c)(3)(iv), are not exempt.

(2) An individual receiving SSI is not eligible for GA. This ineligibility includes persons whose SSI is in suspense status, as defined by 20 CFR Part 416.1321 through 416.1330.

(3) The financial assistance payment level is set by the Department and available for review at all Department local offices.

R986-400-452. General Provisions.

(1) Working Toward Employment (WTE) provides financial assistance on a short term basis to single persons [~~without dependent children~~] and married couples [~~without~~] who have no dependent children residing with them and who are unemployable because they lack employment skills.

(2) At least one household member must be at least 18 years old or legally or factually emancipated. Factual emancipation is defined in R986-400-402.

(3) As a condition of eligibility, a client claiming factual emancipation must cooperate with the Department in locating his or her parents. The parents, once located, will be contacted by the Department. If the parents continue to refuse to support the client, a referral will be made to ORS to enforce the parents' child support obligations.

(4) All clients must cooperate in obtaining any and all other benefits or sources of income to which the client may be entitled except that a client who has applied for SSI benefits is ineligible for WTE. If a client applies for SSI, WTE financial assistance is terminated.

(5) A person eligible for Bureau of Indian Affairs assistance is not eligible for WTE financial assistance.

(6) If an applicant appears to be eligible for the Refugee Resettlement Program (RRP) the applicant must comply with the requirements of RRP and will be paid out of funds for that program. If found eligible for RRP, the applicant is ineligible for WTE.

KEY: general assistance, working toward employment
~~July 1,~~ 2003
 35A-3-401
 35A-3-402



Workforce Services, Employment
 Development
R986-700
 Child Care Assistance

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 26707
 FILED: 10/15/2003, 17:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment makes the rules comply with policy, clarifies language in provisions which were not clear, allows a wider range of health care professions to perform evaluations, and changes to bring us into compliance with federal regulations.

SUMMARY OF THE RULE OR CHANGE: The rule currently says the Department will not support child care for foster parents, what was intended is that we not support child care for those foster children. A change is made to reflect that ORS can order child support in addition to the court. These proposed changes move the definition of "related" to a different section where it belongs. These changes clarify language about child care providers with criminal records so a provider with any type of felony conviction cannot provide child care for a client.

Pursuant to these amendments, the Department will pay related providers who are licensed at the same rate as licensed providers. This amendment adds a provision to make it clear we can audit and investigate providers where the Department has reason to believe the provider is not complying with the law. Some providers are requiring that clients give them their horizon card and/or PIN number. These changes prohibit that. This amendment changes the transitional support provision to allow for three months of transitional child care. The amendment changes the required number of hours worked from 35 to 30 for the "primary" parent and allows for averaging the number of hours worked. The proposed amendment will allow for disability determinations from all mental health therapists. The proposed amendment will reflect federal law which states we can not require a social security number from clients. The proposed amendment clarifies in kind child support payments as counting as income.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-3-310

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There will be no costs or savings to the state budget because the programs affected are federally funded.
- ❖ LOCAL GOVERNMENTS: There will be no costs or savings to local government as this is a state wide program and the only programs changed are federally funded.
- ❖ OTHER PERSONS: There are no anticipated costs or savings to other persons as these changes only change federally funded programs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for any affected persons. This is a federally funded program and the only persons this change will affect are clients needing child care and providers. There is no negative impact on clients and the only arguable negative impact will be on providers who have felony convictions as they will no longer qualify. Since these providers cannot get a child care license we are matching our rule to the licensing rules. It is not believed there are many, if any current providers who will be affected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact by these changes on business as these changes are only being made to federally funded programs which in no way affects businesses monetarily.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/01/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Raylene G. Ireland, Executive Director

R986. Workforce Services, Employment Development.

R986-700. Child Care Assistance.

R986-700-702. General Provisions.

- (1) CC is provided to support employment.
- (2) CC is available, as funding permits, to the following clients who are employed or are participating in activities that lead to employment:
 - (a) parents;
 - (b) specified relatives; or
 - (c) clients who have been awarded custody or appointed guardian of the child.
- (3) Child care is provided only for children living in the home and only during hours when neither parent is available to provide care for the children.
- (4) If a client is eligible to receive CC, the following children, living in the household unit, are eligible:
 - (a) children under the age of 13; and
 - (b) children age 13 to 18 years if the child is:
 - (i) physically or mentally incapable of self-care as determined by a medical doctor, doctor of osteopathy or licensed or certified psychologist; and/or
 - (ii) under court supervision.
- (5) Clients who qualify for child care services will be paid if and as funding is available. When the child care needs of eligible applicants exceed available funding, applicants will be placed on a waiting list. Eligible applicants on the list will be served as funding becomes available. Special needs children, homeless children and FEP or FEPTP eligible children will be prioritized at the top of the list and will be served first. "Special needs child" means a child identified by the Department of Human Services, Division of Services to People with Disabilities or other entity as determined by the Department, as having a physical or mental disability requiring special child care services.
- (6) The amount of CC might not cover the entire cost of care.
- (7) A client is only eligible for CC if the client has no other options available for child care. The client is encouraged to obtain child care at no cost from a parent, sibling, relative, or other suitable

provider. If suitable child care is available to the client at no cost from another source, CC cannot be provided.

(8) CC can only be provided for an eligible provider and will not be provided for illegal or unsafe child care. Illegal child care is care provided by any person or facility required to be licensed or certified but where the provider has not fulfilled the requirements necessary to obtain the license or certification.

(9) Neither the Department nor the state of Utah are liable for injuries that may occur when a child is placed in child care even if the parent receives a subsidy from the Department.

(10) Foster care parents receiving payment from the Department of Human Services are not eligible to receive CC for the foster children.

(11) Eligibility for CC has been established, eligibility must be reviewed at least once every six months. The review is not complete until the re-certification forms are signed and returned to the local office. All requested verifications must be provided at the time of the review. If the Department has reason to believe the client's circumstances have changed, affecting either eligibility or payment amount, the Department will reduce or terminate CC even if the certification period has not expired.

R986-700-703. Client Rights and Responsibilities.

In addition to the client rights and responsibilities found in R986-100, the following client rights and responsibilities apply:

- (1) A client has the right to select the type of child care which best meets the family's needs.
- (2) If a client requests help in selecting a provider, the Department will refer the client to the local Child Care Resource and Referral agency.
- (3) A client is responsible for monitoring the child care provider. The Department will not monitor the provider.
- (4) A client is responsible to pay all costs of care charged by the provider. If the child care assistance payment is less than the amount charged by the provider, the client is responsible for paying the provider the difference.
- (5) In addition to the requirements for reporting other material changes that might affect eligibility, outlined in R986-100-113, a client is responsible for reporting a change in the client's need for child care, a change in the client's child care provider, and a change in the amount a provider charges for child care, to the Department within 10 days of the change.
- (6) If a material change which would result in a decrease in the amount of the CC payment is reported within 10 days the decrease will be made effective beginning the next month and sums received in the month in which the change occurred will not be treated as an overpayment. If it is too late to make the change to the next month's CC payment, the client is responsible for repayment even if the 10 days for reporting the change has not expired. If the client fails to report the change within 10 days, the decrease will occur as soon as the Department learns of the change and the overpayment will be assessed back to the date of the change.
- (7) A client is responsible for payment to the Department of any overpayment made in CC.
- (8) Any client receiving any type of CC who is not receiving full court or ORS ordered child support must cooperate with ORS in obtaining child support from the absent parent. Child support payments received by the client count as unearned income even if the payments are more than the court or ORS ordered child support. If a client's case was closed for failure to cooperate with ORS it cannot be reopened until ORS notifies the Department that the client

is cooperating or it is determined on appeal that the client is cooperating. The requirements of this section will be satisfied if the client is cooperating with the appropriate agency in another state and can provide the Department with verification of the client's continuing cooperation with the other state. If the other state agency has not been successful in collecting child support, the Department may require that the client request that the client's case be closed in the other state and that the client cooperate with ORS.

(9) All clients receiving CC must cooperate in good faith with the Department in establishing paternity unless there is good cause for not cooperating.

(10) If the client has failed to provide all necessary information and the child care provider requests information about payment of CC to the client, the Department is authorized to inform the provider that further information is needed before payment can be determined.

(11) The Department may also release general information to a provider regarding the status of or a delay in the payment of CC.

(12) If child care funds are issued on the Horizon Card (electronic benefit transfer) unused child care funds will be removed from the Horizon Card 60 days after the last child care transaction/transfer occurred ("aged off") and will no longer be available to the client. The Department cannot replace child care payments which have been aged off the horizon card.

R986-700-705. Eligible Providers and Provider Settings.

(1) The Department will only pay CC to clients who select eligible providers. The only eligible providers are:

- (a) licensed and accredited providers;
- (i) licensed homes;
- (ii) licensed family group homes; and
- (iii) licensed child care centers.

(b) license exempt providers who are not required by law to be licensed and are either;

- (i) license exempt centers; or
- (ii) related to the client and/or the child. ~~[Related in this paragraph is as defined in R986 700 706(3)].~~ Related under this paragraph means: siblings who are at least 18 years of age and who live in a different residence than the parent, grandparents, step grandparents, aunts, step aunts, uncles, step uncles or people of prior generations of grandparents, aunts, or uncles, as designated by the prefix grand, great, great-great, or great-great-great.

(c) homes with a Residential Certificate obtained from the Bureau of Licensing.

(2) All clients who were receiving child care prior to January 1, 2001, will be granted a grace period in which to find an eligible provider. The length of the grace period will be determined by the Department but in no event will it extend later than June 30, 2001.

(3) If a new client has a provider who is providing child care at the time the client applies for child care assistance or has provided child care in the past and has an established relationship with the child(ren), but the provider is not currently eligible, the client may receive child care assistance for a period not to exceed three months if the provider is willing to become an eligible provider and actively pursues eligibility.

(4) The Department may, on a case by case basis, grant an exception and pay for CC when an eligible provider is not available:

(a) within a reasonable distance from the client's home. A reasonable distance, for the purpose of this exception only, will be determined by the transportation situation of the parent and child care availability in the community where the parent resides; or

(b) because a child in the home has special needs which cannot be otherwise accommodated; or

(c) which will accommodate the hours when the client needs child care; or

(d) if the provider lives in an area where the Department of Health lacks jurisdiction, which includes tribal lands, to provide licensing or certification; or

(5) If an eligible provider is available, an exception may be granted in the event of unusual or extraordinary circumstances but only with the approval of a Department supervisor.

(6) If an exception is granted under paragraph (4) or (5) above, the exception will be reviewed at each of the client's review dates to determine if an exception is still appropriate.

(7) License exempt providers must register with the Department and agree to maintain minimal health and safety criteria by signing a certification before payment to the client can be approved. The minimum criteria are that:

(a) the provider be at least 18 years of age and physically and mentally capable of providing care to children;

(b) the provider's home is equipped with hot and cold running water, toilet facilities, and is clean and safe from hazardous items which could cause injury to a child. This applies to outdoor areas as well;

(c) there are working smoke detectors and fire extinguishers on all floors of the house where children are provided care;

(d) there are no individuals residing in the home who have ~~[felony criminal convictions, or a [misdemeanor] conviction[s] for a misdemeanor which [are]is an offense[s] against a person, or any felony conviction,~~ or have been subject to a substantiated finding of child abuse or neglect by the Utah Department of Human Services, Division of Child and Family Services or a court;

(e) there is a telephone in operating condition with a list of emergency numbers located next to the phone which includes the phone numbers for poison control and for the parents of each child in care;

(f) food will be provided to the child in care of sufficient amount and nutritional value to provide the average daily nutrient intake required. Food supplies will be maintained to prevent spoilage or contamination. Any allergies will be noted and care given to ensure that the child in care is protected from exposure to those items; and

(g) the child in care will be immunized as required by the Utah Immunization Act and;

(h) good hand washing practices will be maintained to discourage infection and contamination.

(8) The following providers are not eligible for receipt of a CC payment:

(a) a member of household assistance unit who is receiving one or more of the following assistance payments: FEP, FEPTP, diversion assistance or food stamps for any child in that household assistance unit. The person may, however, be paid as a provider for a child in a different household assistance unit;

(b) a sibling of the child living in the home;

(c) household members whose income must be counted in determining eligibility for CC;

(d) a parent, foster care parent, stepparent or former stepparent, even if living in another residence;

(e) illegal aliens;

(f) persons under age 18;

(g) a provider providing care for the child in another state; and

(h) a provider who has committed fraud as a provider, as determined by the Department or by a court.

R986-700-706. Provider Rights and Responsibilities.

(1) Providers assume the responsibility to collect payment for child care services rendered. Neither the Department nor the State of Utah assumes responsibility for payment to providers.

(2) A provider may not charge clients receiving a CC subsidy a higher rate than their customers who do not receive a CC subsidy.

~~[(3) The Department will pay related providers at the exempt rate regardless of whether or not the provider has a certificate or license. Related under this paragraph means: siblings who are at least 18 years of age and who live in a different residence than the parent, grandparents, step grandparents, aunts, uncles, or people of prior generations of grandparents, aunts, or uncles, as designated by the prefix grand, great, great-great, or great-great-great.]~~

(3) Providers must keep accurate records of subsidized child care payments, time and attendance. The Department has the right to investigate child care providers and audit their records.

(4) The provider is entitled to know the date on which payment for CC was made to the parent and the amount of the payment.

(5) If a provider accepts payment from funds provided by the Department for services which were not provided, the provider may be referred for criminal prosecution and will no longer be an approved provider. A provider cannot require that a client give the provider the client's Horizon card and/or the client's PIN or otherwise obtain the card and/or PIN.

(6) Records will be kept by the Department for individuals who are not approved providers and against whom a referral or complaint is received. Provider case records will be maintained according to Office of Licensing standards.

R986-700-708. FEP, and Diversion CC.

(1) FEP CC may be provided to clients receiving financial assistance from FEP or FEPTP. FEP CC will only be provided to cover the hours a client needs child care to support the activities required by the employment plan. FEP CC is not subject to the subsidy deduction.

(2) Additional time for travel may be included on a case by case basis when circumstances create a hardship for the client because the required activities necessitate travel of distances taking at least one hour each way.

(3) Diversion CC is available for clients who have received a diversion payment from FEP. There is no subsidy deduction for the months covered by the FEP diversion payment. ~~[If the client is working a minimum of 15 hours per week in the two months immediately following the period covered by the diversion payment, the client is not subject to a subsidy deduction until the third month after the period covered by the diversion payment.]~~

(4) If the client is working a minimum of 15 hours per week and meets all employment support criteria in the three months immediately following the period covered by the diversion payment or if the client's FEP or FEPTP assistance was terminated as "transitional", the client is not subject to a subsidy deduction until the fourth month after the period covered by the diversion payment. A new application is not required during this transitional period.

R986-700-709. Employment Support (ES) CC.

(1) Parents who are not eligible for FEP CC or Diversion CC may be eligible for Employment Support (ES) CC. To be eligible, a parent must be employed or be employed while participating in

educational or training activities. Work Study is not considered employment. A parent who attends school but is not employed at least 15 hours per week, is not eligible for ES CC. ES CC will only be provided to cover the hours a client needs child care for work or work and approved educational or training activities.

~~(a)2~~ If the household has only one parent, the parent must be employed ~~[a minimum]~~ at least an average of 15 hours per week.

~~(b)3~~ If the family has two parents, CC can be provided if:

~~(i)a~~ one parent is employed ~~[a minimum]~~ at least an average of ~~3~~5 hours per week and the other parent is employed ~~[a minimum]~~ at least an average of 15 hours per week and their work schedules cannot be changed to provide care for the child(ren). CC will only be provided during the time both parents are in approved activities and neither is available to care for the children; or

~~(ii)b~~ one parent is employed and the other parent cannot work, or is not capable of earning \$500 per month and cannot provide [child] care for their own children because of a physical, emotional or mental incapacity. Any employment or educational or training activities invalidate a claim of incapacity. The incapacity must be expected to last 30 days or longer. The individual claiming incapacity must [provide proof, by way of a report signed by a medical doctor, doctor of osteopath or licensed/certified psychologist, which states that:

~~(A) the parent cannot work; and~~

~~(B) the incapacity prevents the parent from caring for a child; and~~

~~(C) the incapacity is expected to last at least 30 days.]~~ verify that incapacity in one of the following ways:

(i) receipt of disability benefits from SSA;

(ii) 100 percent disabled by VA; or

(iii) by submitting a written statement from:

(A) a licensed medical doctor;

(B) a doctor of osteopathy;

(C) a licensed Mental Health Therapist as defined in UCA 58-60-102;

(D) a licensed Advanced Practice Registered Nurse; or

(E) a licensed Physician's Assistant.

~~(2)4~~ Employed or self-employed parent client(s) must make, either through wages or profit from self-employment, a rate of pay equal to or greater than minimum wage multiplied by the number of hours the parent is working. If the prevailing community standard is below minimum wage, the employed parent client must make at least the prevailing community standard. The stipend received by Americorps*Vista volunteers meets the prevailing community standard test for this section even though the stipend is not counted as income. The activities of Americorps*Vista volunteers are considered to be work and not training. Job Corps activities are considered to be training and a client in the Job Corps would also have to meet the work requirements to be eligible for ES CC.

~~(3)5~~ If a parent was receiving FEP or FEPTP, and their financial assistance was terminated due to increased income, and the parent is otherwise eligible for ES CC, the subsidy deduction will not be taken for the two months immediately following the termination of FEP or FEPTP, provided the client works a minimum of 15 hours per week. The third month following termination of FEP or FEPTP CC is subject to the subsidy deduction.

(6) Applicants must verify identity but are not required to provide a Social Security Number (SSN) for household members. Benefits will not be denied or withheld if a customer chooses not to provide a Social Security Number if all factors of eligibility are met.

SSN's that are supplied will be verified. If an SSN is provided but is not valid, further verification will be requested to confirm identity.

R986-700-710. Income and Asset Limits for ES CC.

(1) Rule R986-200 is used to determine:

(a) who must be included in the household assistance unit for determining whose income and assets must be counted to establish eligibility. ~~[-except a]~~ In some circumstances, determining household composition for a ES CC household is different from determining household composition for a FEP or FEPTP household as defined by policy. ES CC follows the parent and the child, not just the child so, for example, if a parent in the household is ineligible, the child cannot be eligible. A specified relative may not opt out of the household assistance unit when determining eligibility for CC. The income and assets of the specified relatives in the household must be counted. The income and assets of some household members in multi-generational households is counted in full instead of being deemed as in FEP or FEPTP.

(b) what is counted as income and assets except:

(i) one automobile is exempt for each household member participating in work and/or training if it is needed for employment, used for transportation to and from that work and/or training or if the client is living in the automobile;[-]

(ii) [-]the asset limit for ES CC is \$8,000 after allowable deductions; [and]

(iii) the earned income of an minor child who is not a parent is not counted; and

(iv) child support, including in kind child support payments are counted as unearned income even if the value is more than the court or ORS ordered child support;

(c) how to estimate income.

(2) The following income deductions are the only deductions allowed on a monthly basis:

(a) the first \$50 of child support received by the family;

(b) court ordered and verified child support and alimony paid out by the household;

(c) \$100 for each person with countable earned income; and

(d) a \$100 medical deduction. The medical deduction is automatic and does not require proof of expenditure.

(3) The household's countable income, less applicable deductions in paragraph (2) above, must be at, or below, a percentage of the state median income as determined by the Department. The Department will make adjustments to the percentage of the state median income as funding permits. The percentage currently in use is available at the Department's administrative office.

(4) Charts establishing income limits and the subsidy deduction amounts are available at all local Department offices.

KEY: child care

[July 1,]2003

35A-3-310



End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (2001)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (· · · · ·) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (2001); and *Utah Administrative Code* Section R15-4-8.

Natural Resources, Wildlife Resources **R657-5-13** Areas With Special Restrictions

NOTICE OF 120-DAY (EMERGENCY) RULE
DAR FILE No.: 26689
FILED: 10/06/2003, 17:51

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Wildlife Board adopted this rule to restrict hunters from shooting across the Green River near Jensen, Utah to protect residences, structures and persons on the west side of the river.

SUMMARY OF THE RULE OR CHANGE: Subsection R657-5-13(10) is being added to provide that a person may not discharge a firearm, except a shotgun or muzzleloader, from, upon, or across the Green River located near Jensen, Utah from the Highway 40 bridge upstream to the Dinosaur National Monument boundary.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18, and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** This rule restricts the discharge of firearms, except shotguns or muzzleloaders, from, upon, or across the Green River to protect residences, structures and persons on the west side of the river. The Division determines that there is not a cost or savings impact associated with this rule.
- ❖ **LOCAL GOVERNMENTS:** None. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are

local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖ **OTHER PERSONS:** This rule restricts the discharge of firearms, except shotguns or muzzleloaders, from, upon, or across the Green River to protect residences, structures and persons on the west side of the river. The Division determines that there is not a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule restricts the discharge of firearms, except shotguns or muzzleloaders, from, upon, or across the Green River to protect residences, structures and persons on the west side of the river. The Division determines that there are no additional compliance costs associated with this change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not create an impact on businesses.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare.

General season elk hunters are taking advantage of a local elk herd that has recently inhabited an area on the west side of the Green River, which is located in a general season any bull area. In the process, the hunters are accessing the east side of the river and shooting at elk on the west side and in the direction of occupied residences and structures creating a threat to human life.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
**NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE**

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@utah.gov

THIS RULE IS EFFECTIVE ON: 10/06/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.

R657-5. Taking Big Game.

R657-5-13. Areas With Special Restrictions.

(1)(a) Hunting of any wildlife is prohibited within the boundaries of all park areas, except those designated by the Division of Parks and Recreation in Rule R651-603-5.

(b) Hunting with rifles and handguns in park areas designated open is prohibited within one mile of all park area facilities, including buildings, camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches.

(c) Hunting with shotguns or archery equipment is prohibited within one-quarter mile of the areas provided in Subsection (b).

(2) Hunting is closed within the boundaries of all national parks and monuments unless otherwise provided by the governing agency.

(3) Hunters obtaining a Utah license, permit or tag to take big game are not authorized to hunt on tribal trust lands. Hunters must obtain tribal authorization to hunt on tribal trust lands.

(4) Military installations, including Camp Williams, are closed to hunting and trespassing unless otherwise authorized.

(5) In Salt Lake County, a person may not:

(a) hunt big game within one-half mile of Silver Lake in Big Cottonwood Canyon;

(b) hunt big game or discharge a shotgun or archery equipment within 600 feet of a road, house, or any other building; or

(c) discharge a rifle, handgun, shotgun firing slug ammunition, or muzzleloader within one mile of a cabin, house, or other building regularly occupied by people, except west of I-15 a muzzleloader may not be discharged within one-half mile of a cabin, house, or other building regularly occupied by people.

(6) Hunting is closed within a designated portion of the town of Alta. Hunters may refer to the town of Alta for boundaries and other information.

(7) Domesticated Elk Facilities and Domesticated Elk Hunting Parks, as defined in Section 4-39-102(2) and Rules R58-18 and R58-20, are closed to big game hunting. This restriction does not apply to the lawful harvest of domesticated elk as defined and allowed pursuant to Rule R58-20.

(8) State waterfowl management areas are closed to taking big game, except as otherwise provided in the proclamation of the Wildlife Board for taking big game.

(9) Hunters are restricted to using archery equipment, muzzleloaders or shotguns on the Matheson Wetlands.

(10) A person may not discharge a firearm, except a shotgun or muzzleloader, from, upon, or across the Green River located near Jensen, Utah from the Highway 40 bridge upstream to the Dinosaur National Monument boundary.

KEY: wildlife, game laws, big game seasons

October 6, 2003

Notice of Continuation November 30, 2000

23-14-18

23-14-19

23-16-5

23-16-6

End of the Notices of 120-Day (Emergency) 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 (1998).

Administrative Services, Purchasing and General Services

R33-6

Modification and Termination of Contracts for Supplies and Services

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26680
FILED: 10/03/2003, 16:04

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 63-56-7 empowers and obligates the Utah Procurement Policy Board to make rules governing the procurement, management and control of supplies, services and construction needed by the state.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It continues to be important to have rules providing for the modification and termination of contracts.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 10/03/2003



Administrative Services, Purchasing and General Services

R33-7

Cost Principles

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26681
FILED: 10/03/2003, 16:14

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 63-56-7 empowers and obligates the Utah Procurement Policy Board to make rules governing the procurement, management and control of supplies, services and construction required by the state.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important to continue to have rules governing the cost principles to be used in certain types of contracts utilized by the state.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 10/03/2003

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 10/03/2003

Administrative Services, Purchasing and General Services

R33-9

Insurance Procurement

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26679
FILED: 10/03/2003, 15:58

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 63-56-7 empowers and obligates the Utah Procurement Policy Board to make rules governing the procurement, management and control of any and all supplies, services and construction to be procured by the state.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important to continue to have rules governing the procurement of insurance to insure the fair and equitable treatment of suppliers and to achieve economy in those procurements.

Commerce, Corporations and Commercial Code

R154-10

Utah Digital Signature Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26691
FILED: 10/08/2003, 15:51

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 46-3-104(3) enables the division to facilitate the implementation of this section.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One person filing for Certification Authority asked that we expand the audit criteria to allow for an audit that would meet multiple filing requirements. That was incorporated in the last amendment to this rule. This is the only comment.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The digital signature statute is still in effect and the rules are still necessary for facilitating the act.

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

COMMERCE
CORPORATIONS AND COMMERCIAL CODE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kathy Berg at the above address, by phone at 801-530-6216, by FAX at 801-630-6438, or by Internet E-mail at kberg@utah.gov

AUTHORIZED BY: Klare Bachman, Executive Director

EFFECTIVE: 10/08/2003

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/06/2003

Education, Administration

R277-106

Utah Professional Practices Advisory Commission Appointment Process

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26687
FILED: 10/06/2003, 15:42

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-6-303(1)(a) directs the Utah State Board of Education to adopt rules establishing procedures for nominating and appointment of Utah Professional Practices Advisory Commission (UPPAC) members.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment has been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: State law continues to require the Utah State Board of Education to adopt rules establishing procedures for nominating and appointment of Utah Professional Practices Advisory Commission (UPPAC) members.

Lieutenant Governor, Administration

R622-1

Adjudicative Proceedings

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26698
FILED: 10/15/2003, 11:15

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is required by Section 63-46b-5. "Procedures for informal adjudicative proceedings", which provides that "If an agency enacts rules designating one or more categories of adjudicative proceedings as informal adjudicative proceedings, the agency shall, by rule, prescribe procedures for informal adjudicative proceedings that include the following:" which is followed in the statute, by a list of legal specifications and components that are intended to be tailored for each separate governmental entity having rules. Since the Lieutenant Governor's office has promulgated one or more such rules, and since it intends that informal adjudicative proceedings shall be employed pursuant to the state's Administrative Procedures Act (UAPA), this rule is pertinent.

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 during or since the last five-year review of this rule from interested persons.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Lieutenant Governor has determined that this rule continues to be appropriate because: (a) it is required by statute (Section 63-46b-5), and (b) it provides a workable procedure for the Lieutenant

Governor's Office to use when a challenge is made about a provision in statute or rule that is enforceable upon the citizens of the state.

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

LIEUTENANT GOVERNOR
ADMINISTRATION
Room 210 STATE CAPITOL
350 N STATE ST
SALT LAKE CITY UT 84114-1103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Rian Williams or Kent Bishop at the above address, by phone at 801-538-1520 or 801-538-1564, by FAX at 801-538-1557 or 801-538-1547, or by Internet E-mail at rwilliams@utah.gov or kbishop@utah.gov

AUTHORIZED BY: Kent Bishop, Rules Analyst

EFFECTIVE: 10/15/2003



**Public Safety, Peace Officer Standards
and Training
R728-501
Career Development Courses**

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

DAR FILE No.: 26694
FILED: 10/10/2003, 11:00

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS

UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Section 53-6-105, which authorizes Peace Officer Standards and Training to create and offer training to the officers that will enhance their careers and personal development through POST's Career Development Program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule guides law enforcement officers to career enhancing and personal development courses available through POST. Therefore, this rule needs to be continued.

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

PUBLIC SAFETY
PEACE OFFICER STANDARDS AND TRAINING
4525 S 2700 W
SALT LAKE CITY UT 84119, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kenneth R. Wallentine or Bonnie Braegger at the above address, by phone at 801-957-8531 or 801-965-4099, by FAX at 801-965-4519 or 801-965-4619, or by Internet E-mail at kenwallentine@utah.gov or bbraegge@utah.gov

AUTHORIZED BY: Kenneth R. Wallentine, Administrative Counsel

EFFECTIVE: 10/10/2003



End of the Five-Year Notices of 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

Commerce

Occupational and Professional Licensing

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Published: September 1, 2003
Effective: October 2, 2003

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Published: September 1, 2003
Effective: October 15, 2003

No. 26553 (AMD): R315-302-2. General Facility Requirements.
Published: September 1, 2003
Effective: October 15, 2003

No. 26554 (AMD): R315-303. Landfilling Standards.
Published: September 1, 2003
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Published: September 1, 2003
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Published: September 1, 2003
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Published: September 1, 2003
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Effective: October 7, 2003

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Published: September 1, 2003
Effective: October 7, 2003

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The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2003, including notices of effective date received through October 15, 2003, the effective dates of which are no later than November 1, 2003. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. These difficulties with the index are related to a new software package used by the Division to create the Bulletin and related publications; we hope to have them resolved as soon as possible. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

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ABBREVIATIONS

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

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R708-39	Physical and Mental Fitness Testing	25645	NEW	01/24/2003	2002-23/97

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R710-5	Automatic Fire Sprinkler System Inspecting and Testing	26491	NEW	09/03/2003	2003-15/55
R710-6	Liquefied Petroleum Gas Rules	26281	AMD	07/02/2003	2003-11/65
R710-7	Concerns Servicing Automatic Fire Suppression Systems	25961	AMD	03/06/2003	2003-3/36
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R714-220	Standards for Motorcycle Protective Headgear	26121	R&R	06/26/2003	2003-8/41
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R722-300	Concealed Firearm Permit Rule	25999	5YR	01/28/2003	2003-4/59
R722-300	Concealed Firearm Permit Rule (5YR EXTENSION)	25683	NSC	01/28/2003	Not Printed
R722-320	Undercover Identification	25998	5YR	01/28/2003	2003-4/60
R722-340	Emergency Vehicles	25996	5YR	01/28/2003	2003-4/60
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R728-409-3	Cause to Evaluate Certification for the Refusal, Suspension, or Revocation of Peace Officer Certification or Authority	26179	AMD	06/26/2003	2003-10/113
R728-411	Guidelines Regarding Administrative Action Taken Against Individuals Functioning as Peace Officers without Peace Officer Certification or Powers	26067	5YR	03/04/2003	2003-7/91
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R728-502	Procedure for POST Instructor Certification (5YR EXTENSION)	26069	NSC	07/03/2003	Not Printed
R728-504	Regional Training (5YR EXTENSION)	26070	NSC	07/03/2003	Not Printed
R728-504	Regional Training (EXPIRED RULE)	26446	NSC	07/03/2003	Not Printed
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R746-347	Extended Area Service (EAS)	25578	NEW	03/10/2003	2002-22/44
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R746-406	Advertising by Electric and Gas Utilities	26541	5YR	08/08/2003	2003-17/92
R746-500	Americans With Disabilities Act Complaint Procedure	26529	5YR	08/04/2003	2003-17/93
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R765-605	Utah Centennial Opportunity Program for Education	26432	5YR	06/30/2003	2003-14/99
R765-606	Utah Leveraging Educational Assistance Partnership Program	26156	NEW	06/30/2003	2003-9/116
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R765-660	Utah State Student Incentive Grant Program	26134	5YR	04/01/2003	2003-8/44
R765-660	Utah State Student Incentive Grant Program (5YR EXTENSION)	25713	NSC	04/01/2003	Not Printed
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R865-9I-26	Petition For Redetermination of a Deficiency Pursuant to Utah Code Ann. Section 59-10-533	25829	AMD	03/11/2003	2003-1/40
R865-9I-27	Redetermination of Tax Deficiency by Tax Commission Pursuant to Utah Code Ann. Section 59-10-525	25828	AMD	03/11/2003	2003-1/41
R865-9I-28	Petition For Redetermination of Tax Commission Action On Claim For Refund Pursuant to Utah Code Ann. Section 59-10-533	25826	AMD	03/11/2003	2003-1/42
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R865-9I-41	Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-10-108.5	26566	AMD	10/07/2003	2003-17/68
R865-9I-46	Medical Savings Account Tax Deduction Pursuant to Utah Code Ann. Sections 31A-32a-106 and 59-10-114	26567	AMD	10/07/2003	2003-17/69
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R865-13G-16	Aviation Fuel Tax Refund or Credit Pursuant to Utah Code Ann. Section 59-13-404	26601	AMD	10/28/2003	2003-18/31
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R920-5	Manual and Specifications on School Crossing Zones. Supplemental to Part VII of the Manual on Uniform Traffic Control Devices	26510	AMD	09/16/2003	2003-/16
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R982-401	JTPA Fiscal Procedures	26411	REP	08/28/2003	2003-14/40
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R994-406-311	Reschedule and Adjournment of Hearings	25946	AMD	03/04/2003	2003-3/46
R994-406-315	Finality of Decision	25947	AMD	03/04/2003	2003-3/48
R994-508	Appeal Procedures	26356	5YR	06/11/2003	2003-13/74
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R994-600	Dislocated Workers	26413	REP	08/28/2003	2003-14/50

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ABBREVIATIONS

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

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	25570	R212-1	AMD	01/06/2003	2002-22/10
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	25822	R151-46b	AMD	02/18/2003	2003-1/8
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	26227	R477-12	AMD	07/01/2003	2003-10/99
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	26354	R307-102	5YR	06/11/2003	2003-13/67
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	25835	R307-110-11	NSC	01/01/2003	Not Printed
	25883	R307-110-12	NSC	01/01/2003	Not Printed
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	26398	R307-203	5YR	06/19/2003	2003-14/93
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	26263	R307-214-2	NSC	07/01/2003	Not Printed
	25825	R307-214-2	CPR	06/17/2003	2003-10/137
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	26533	R307-335	5YR	08/05/2003	2003-17/84
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	25883	R307-110-12	NSC	01/01/2003	Not Printed
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	25360	R657-13	AMD	01/01/2003	2002-20/92

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	26273	R657-27	AMD	07/02/2003	2003-11/36
<u>winter</u>					
Natural Resources, Parks and Recreation	26749	R651-631	5YR	10/23/2003	Not Printed
<u>woodburning</u>					
Environmental Quality, Air Quality	26360	R307-201	5YR	06/11/2003	2003-13/68
	26402	R307-302	5YR	06/19/2003	2003-14/95
<u>workers' compensation</u>					
Labor Commission, Industrial Accidents	26315	R612-2	5YR	05/28/2003	2003-12/75
	26286	R612-2-5	AMD	07/02/2003	2003-11/35
	26405	R612-2-22	EMR	06/20/2003	2003-14/90
	26366	R612-2-24	NSC	07/01/2003	Not Printed
	26363	R612-2-26	NSC	07/01/2003	Not Printed
	26316	R612-3	5YR	05/28/2003	2003-12/76
	26364	R612-3-4	NSC	07/01/2003	Not Printed
	26317	R612-5	5YR	05/28/2003	2003-12/76
	26365	R612-5-4	NSC	07/01/2003	Not Printed
	26314	R612-7	5YR	05/28/2003	2003-12/77
<u>working toward employment</u>					
Workforce Services, Employment Development	26216	R986-400	AMD	07/01/2003	2003-10/127
	25827	R986-400-404	AMD	02/06/2003	2003-1/43
<u>x-ray</u>					
Environmental Quality, Radiation Control	25786	R313-28	AMD	03/14/2003	2003-1/27
<u>youth</u>					
Human Services, Administration, Administrative Services, Licensing	25978	R501-8	NSC	03/01/2003	Not Printed
	25707	R501-8	AMD	01/17/2003	2002-24/19
	26065	R501-8-19	NSC	04/01/2003	Not Printed
	26055	R501-16	5YR	02/26/2003	2003-6/17
	25703	R501-16	NSC	02/26/2003	Not Printed
<u>zoning</u>					
Administrative Services, Facilities Construction and Management	25988	R23-9	R&R	03/24/2003	2003-4/5
	25957	R23-9	5YR	01/15/2003	2003-3/63
<u>zoological animals</u>					
Natural Resources, Wildlife Resources	26167	R657-3	5YR	04/15/2003	2003-9/135
	26166	R657-3	AMD	06/03/2003	2003-9/94