UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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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/

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Digest* is available by E-mail or over the Internet. Visit http://www.rules.utah.gov/publicat/digest.htm for additional information.

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EDITOR'S NOTES

Publication Errors in the Governor's Executive Order in the November 15, 2003, issue of the Utah State Bulletin

In the November 15, 2003, issue of the Utah State Bulletin, the Division of Administrative Rules published a copy of the Governor's Executive Order Creating the Utah Wireless Integrated Network Board. The published copy was incorrectly numbered 2003/009. The correct number is 2003/0010.

Also, there is a typographical error in paragraph 13. The word "annual" was misspelled as "annul". These corrections will appear in the copy of the executive order posted on the Internet at http://www.rules.utah.gov/info/govexord.htm.

If you have any questions regarding this correction, contact Ken Hansen at the Division of Administrative Rules, 4120 State Office Building, Salt Lake City, UT 84114, by phone at 801-538-3764, or by fax at 801-538-1773.

End of the Editor's Notes Section

SPECIAL NOTICES

Governor's Proclamation: Calling the Fifty-Fifth Legislature into a Second Special Session

STATE OF UTAH

PROCLAMATION

WHEREAS, since the adjournment of the 2003 General Session of the Fifty-Fifth Legislature of the State of Utah, matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, Olene S. Walker, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Fifty-Fifth Legislature of the State of Utah into a Special Session at the State Capitol at Salt Lake City, Utah, on the 19th day of November, 2003, at 2:00 p.m., for the following purposes:

1. to consider changes to the election law allowing county clerks greater flexibility in establishing the size of voter precincts and to consider lowering the age of poll workers to 17 to allow a greater number of high school seniors to participate;

2. to consider amendments to H.B. 371, Court Security Fee, from the 2003 General Session;

3. to consider amendments to H.B. 299, Trust Law Amendments, from the 2003 General Session;

4. to consider amendments to H.B. 240, Venture Capital Enhancement Act, from the 2003 General Session;

5. to consider amendments to S.B. 66, Alcoholic Beverage Enforcement and Treatment, from the 2003 General Session;

6. to consider amendments to S. B. 154, Public Education Amendments, from the 2003 General Session, regarding the dates for nomination and recruitment of candidates for the Utah State Board of Education;

7. to consider amendments to S.B. 72, Amendments to Special Districts and Local Districts for Expanded Fire Protection Services, from the 2003 General Session, to allow the initiation of a fire service district by a county;

8. for the Senate to advise and consent to appointments made by the Governor; and

9. to consider such other measures as may be brought to the attention of the Legislature by supplemental communication from the Governor before or during the Special Session hereby called.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 14th day of November, 2003.

(State Seal)

Olene S. Walker
Governor

ATTEST:

Gayle F. McKeachnie
Lieutenant Governor

Governor's Proclamation: Supplemental to the Second Special Session

STATE OF UTAH

SUPPLEMENTAL PROCLAMATION

PURSUANT to item 9 of the proclamation issued November 14, 2003, calling the Legislature into a special session, I add the following item to the agenda:

1. to consider changes to the Revenue and Taxation Code relating to confidentiality of commercial property tax information.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 17th day of November, 2003.

(State Seal)

Olene S. Walker
Governor

ATTEST:

Gayle F. McKeachnie
Lieutenant Governor

Governor's Executive Order 2003-0012: Authorizing the Lieutenant Governor to act as the Governor's Agent on the State Bonding Commission

STATE OF UTAH

EXECUTIVE ORDER

Authorizing the Lieutenant Governor to act as the Governor's Agent on the State Bonding Commission

I, OLENE S. WALKER, Governor of the State of Utah, authorize Lieutenant Governor Gayle F. McKeachnie to sign State Bonding Commission documents for me, vote on my behalf as a member of the commission, and act in all other respects as my agent and proxy on the commission until January 1, 2005. The State Bonding Commission is created by Section 63B-1-201, Utah Code Annotated 1953, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 12th day of November, 2003.

(State Seal)

OLENE S. WALKER
Governor

ATTEST:

GAYLE F. MCKEACHNIE
Lieutenant Governor

2003/0012

Governor's Executive Order 2003-0011: Authorizing the Lieutenant Governor to act as the Governor's Agent on the State Building Ownership Authority

STATE OF UTAH

EXECUTIVE ORDER

Authorizing the Lieutenant Governor to act as the Governor's Agent on the State Building Ownership Authority

I, OLENE S. WALKER, Governor of the State of Utah, authorize Lieutenant Governor Gayle F. McKeachnie to sign State Building Ownership Authority documents for me, vote on my behalf as a member of the authority, and act in all other respects as my agent and proxy on the authority until January 1, 2005. The State Building Ownership Authority is created by Section 63B-1-304, Utah Code Annotated 1953, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 12th day of November, 2003.

(State Seal)

OLENE S. WALKER
Governor

ATTEST:

GAYLE F. MCKEACHNIE
Lieutenant Governor

2003/0011

Insurance
Administration

Public Hearing on Proposed Fees for Services Provided by the Department of Insurance During Fiscal Year 2005

The Department of Insurance will hold a hearing on Tuesday, December 16, 2003, at 9:00 a.m. in Room 3112 of the State Office Building (behind the State Capitol), Salt Lake City, Utah.

The purpose of the hearing is to obtain public comment on proposed fees to be assessed for services provided and costs incurred by the Department during Fiscal Year 2005. Subsection 63-38-3.2(2)(b) of the Budgetary Procedures Act provides that an agency shall conduct a public hearing.

Background: Various divisions of the Department assess fees for licensure, registration, or certification of individuals, agencies, and companies to engage in the business of insurance. Changes from the previous fee structure include the deletion of a maximum fee for a list, a new $25 fee for processing paper applications, and a $35 address correction fee. The proposed fee schedule has been prepared for the 2004 General Session of the Utah Legislature. The fee schedule will be distributed at the December 16, 2003, hearing and can be found on the web at: http://www.insurance.utah.gov/ruleindex.html.

Questions referencing the proposed changes can be addressed to John E. 'Mickey' Braun, Jr., assistant commissioner, at 801-538-3865 or jbraun@utah.gov.

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 November 1, 2003, 12:00 a.m., and November 14, 2003, 11:59 p.m. are included in this, the December 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 31, 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 March 30, 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.

Commerce, Occupational and Professional Licensing

R156-26a-303b

Renewal and Reinstatement Requirements - Continuing Professional Education (CPE)

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26786
FILED: 11/13/2003, 15:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Utah Board of Accountancy are revising continuing professional education (CPE) requirements for certified public accountants (CPAs) to follow the Statement on Standards for CPE Programs which is promulgated by the American Institute of Certified Public Accountants (AICPA).

SUMMARY OF THE RULE OR CHANGE: In Section R156-26a-303b, changes are made to delete existing CPE standards and replace them with national standards for CPE for CPAs. The changes are mostly arrangement and clarity of text. The underlying requirement of 80 hours of CPE in a two-year period is unchanged.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-26a-101, and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The Division will incur minimal costs, of approximately $75, to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
❖ LOCAL GOVERNMENTS: Proposed amendments do not apply to local governments. Therefore, there are no costs to local government.
❖ OTHER PERSONS: No financial impact, either costs or savings, is expected for licensed CPAs. The number of CPE hours required in a two-year period is unchanged. The proposed amendments regarding CPE simply clarify the requirements and make them consistent with national standards.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No financial impact, either costs or savings, is expected for licensed CPAs. The number of CPE hours required in a two year period is unchanged. The proposed amendments regarding CPE simply clarify the requirements and make them consistent with national standards.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change clarifies the CPE requirements for CPAs and makes them more consistent with national standards. The number of CPE hours is unchanged. Therefore, there appears to be no fiscal impact to businesses as a result of this rule change. Klare 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 12/31/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/17/2003 at 1:00 PM, 160 East 300 South, Conference Room 428 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-26a. Certified Public Accountant Licensing Act Rules.
R156-26a-303b. Renewal and Reinstatement Requirements - Continuing Professional Education (CPE).

[~~(1) Standards for programs which qualify. Qualified continuing professional education must be current and relevant to the practice of accountancy and maintain or increase the licensee's competence and shall meet the following standards:~~

~~(a) an outline of the program shall be prepared in advance and retained by the program sponsor for four years from the date of the program;~~

~~(b) the program developers and instructors shall be qualified in content and teaching methods used to develop and teach the subjects covered;~~

~~(c) the program shall clearly identify learning objectives and specify the level of knowledge participants should have in order to participate in the program;~~

~~(d) the program shall be reviewed or evaluated by a qualified person other than the developer or instructor to ensure compliance with these standards and evidence of such review shall be available upon request;~~

~~(e) the program sponsors shall have an effective means for evaluating the performance of the program including whether the standards described herein have been met;~~

~~(f) participants shall be informed in advance of objectives, prerequisites, prior education or experience levels needed, program content, nature and extent of advance preparation, teaching method to be used, recommended or approved continuing professional education hours allowed for credit, and any relevant administrative policies necessary to obtain the maximum benefit of the program~~

~~and encourage participation only by individuals with appropriate education or experience;~~

~~(g) the program sponsor shall maintain a record of registration and attendance for four years from the date of the program;~~

~~(h) the number of participants and physical facilities shall be consistent with the teaching method specified;~~

~~(i) Subjects which qualify. The program and material provided to participants shall be sufficient to meet the program objectives and be current, relevant and technically accurate for the approved subjects which qualify under this section. These include:~~

~~(i) Accounting and Auditing;~~

~~(ii) Taxation;~~

~~(iii) Management Advisory Services;~~

~~(iv) Information Technology;~~

~~(v) Communication Arts;~~

~~(vi) Mathematics, Statistics, Probability and Quantitative Analysis;~~

~~(vii) Economics;~~

~~(viii) Business Law and Litigation Support;~~

~~(ix) Functional Fields of Business:~~

~~(A) Finance;~~

~~(B) Production;~~

~~(C) Marketing;~~

~~(D) Personnel Relations, Development and Management;~~

~~(E) Business Management and Organizations;~~

~~(F) Social Environment of Business;~~

~~(G) Specialized Areas of Industry such as Film Industry, Real Estate, Farming;~~

~~(j) Program Sponsorship. A program may be sponsored by one of the following, provided that all standards are met:~~

~~(i) professional development programs of recognized national and state accounting organizations;~~

~~(ii) technical sessions at meetings of recognized national and state accounting organizations and their chapters;~~

~~(iii) formal organized in-firm educational programs;~~

~~(iv) programs of other state or nationally recognized non-profit or educational organizations including colleges and universities; and~~

~~(v) any other program that complies with the standards of this section;~~

~~(k) Continuing Education Credit Hours. Qualifying continuing education programs must be at least 50 minutes in length. Continuing education credits will be determined based on the total number of minutes of formal presentations, supervised practice or supervised study time divided by 50 minutes. The resulting credit hours will be rounded down to the nearest whole number. No fractional credit hours will be granted. For example, a program that lasts from 8:00 a.m. until 12:00 noon with two 15 to 20 minute breaks would qualify for four CPE credits;~~

~~(i) Accredited University or College Credits.~~

~~(A) Each semester hour credit shall equal 15 hours toward the requirement. A quarter hour shall equal ten hours;~~

~~(B) Non-credit short courses or other individual study programs which require registration and provide evidence of satisfactory completion will qualify;~~

~~(ii) Self Study or Correspondence Courses. Formal correspondence or other individual study programs which require registration, provide evidence of satisfactory completion including test results, and are susceptible to verification of satisfaction of the Standards for Programs Which Qualify noted above will qualify. The CPA Board or CPE committee or the Approved CPE Registry will determine if number of credit hours recommended is equivalent to the hours as determined under Subsection (1)(l).~~

~~(l) Instructor CPE Credit. Instructors of programs meeting the standards under this section will be granted two hours of CPE credit for each hour of instruction time for the first class taught on a particular topic which meets the criteria of this rule, not to exceed 24 hours for any one topic. No credit is given for class subjects which have been previously taught by the instructor. The maximum credit for teaching and preparation cannot exceed 50% (or 40 hours) of the CPE requirement;~~

~~(m) Authors of published books and articles may apply to have CPE credit granted in an amount to be determined by the board upon review of the book or article. The maximum credit for books or articles cannot exceed 25% of the CPE requirement; and~~

~~(n) Programs or Activities Which Do Not Qualify. The following activities do not satisfy the standards for programs of this section and are not eligible for satisfaction of CPE requirements:~~

~~(i) personal study: personal study includes reading professional journals and publications, studying and researching matters such as tax code revisions, practicing software programs on a computer and watching video movies of a conference; and~~

~~(ii) committee meetings, dinner and luncheon meetings, firm meetings or other activities that do not meet the standards outlined in this section.~~](1) All CPAs are required to maintain current knowledge, skills, and abilities in all areas in which they provide services in order to provide services in a competent manner. To maintain or to obtain the knowledge, skills and abilities to competently provide services, a CPA may be required to obtain CPE above and beyond the 80 minimum CPE credits specified in Section 58-26a-304.

(a) The following standards have been broadly stated in recognition of the diversity of practice and experience among CPAs. They establish a framework for the development, presentation, measurement, and reporting of CPE programs and thereby help to ensure that CPAs maintain the required knowledge, skills and abilities necessary to competently provide services and to enable to the CPA to provide evidence of meeting the minimum CPE requirements specified under these rules.

(2) General Standards for CPAs.

(a) Standard No. 1. All CPAs must participate in CPE learning activities that maintain and/or improve their professional competence. This CPE must include a minimum of 80 hours of CPE in each two-year period as specified in Subsection 58-26a-304(1).

(i) The term "must", as used in these standards, means departure from those specific standards is not permitted. The term "should", as used in these standards, means that CPAs and CPE program sponsors are expected to follow such standards as written and are required to justify any departures from such standards when unusual circumstances warrant such departures.

(ii) Selection of CPE learning activities should be a thoughtful, reflective process addressing the individual CPA's current and future professional plans, current knowledge and skills level, and desired or needed additional competence to meet future opportunities and/or professional responsibilities.

(iii) A CPA's field of employment does not limit the need for CPE. CPAs performing professional services need to have a broad range of knowledge, skills, and abilities. Thus, the concept of professional competence should be interpreted broadly. Accordingly, acceptable continuing education encompasses

programs contributing to the development and maintenance of both technical and non-technical professional skills.

(iv) Acceptable CPE subjects include accounting, assurance/auditing, consulting services, specialized knowledge and applications, management, taxation, and ethics. Other subjects, including personal development, may also be acceptable if they maintain and/or improve the CPA's professional competence. Such subjects may include, but are not limited to: accounting and auditing, taxation, management advisory services, information technology, communication arts, mathematics, statistics, probability and quantitative analysis, economics, business law and litigation support, functional fields of business such as finance, production, marketing, personnel relations, development and management, business management and organizations, social environment of business, and specialized areas of industry such as film industry, real estate, or farming.

(v) To help guide their professional development, CPAs may find it useful to develop a learning plan. The learning plan can be used to evaluate learning and professional competence development.

(A) A learning plan means a structured process that helps guide CPAs in their professional development. A learning plan is used to evaluate and document learning and professional competence development. A learning plan should be reviewed regularly and modified as a CPA's professional competence needs change. A learning plan should include:

(I) a self-assessment of the gap between current and needed knowledge, skills, and abilities;

(II) a set of learning objectives arising from this assessment; and

(III) learning activities to be undertaken to fulfill the learning plan.

(b) Standard No 2. CPAs should comply with all applicable CPE requirements and should claim CPE credit only for CPE programs when the CPE program sponsors have complied with the Standards for CPE Program Presentation (Nos. 8 - 11) and Standard for CPE Program Reporting No. 17.

(i) In addition to minimum CPE requirements specified in these rules, CPAs are responsible for compliance with all applicable CPE requirements, rules, and regulations of other state licensing bodies, other governmental entities and other professional organizations or bodies who have standard setting authority. CPAs should contact each appropriate entity to which they report to determine its specific requirements or any exceptions it may have to the standards presented herein.

(ii) Periodically, CPAs may participate in learning activities which do not comply with all applicable CPE requirements, for example specialized industry programs offered through industry sponsors. If CPAs propose to claim credit for such learning activities, they should retain all relevant information regarding the program to provide documentation to the Division, other state licensing bodies, and/or all other professional organizations or bodies showing that the learning activity is equivalent to one which meets all these or other applicable Standards.

(c) Standard No. 3. CPAs are responsible for accurate reporting of CPE credits earned and should retain appropriate documentation of their participation in learning activities, including: name and contact information of CPE program sponsor, title and description of content, date of program, location and number of CPE credits, all of which should be included in documentation provided by the CPE program sponsor.

(i) Although CPAs are required to document a minimum level of CPE hours, through periodic reporting of CPE, the objective of CPE must always be maintenance/enhancement of professional competence, not just attainment of minimum credits.

(ii) Compliance with regulatory and other requirements mandates that CPAs keep documentation of their participation in activities designed to maintain and/or improve professional competence. In the absence of legal or other requirements for longer retention, a CPA must retain documentation for a minimum of five years from the end of the year in which the learning activities were completed.

(iii) Participants must document their claims of CPE credit. Examples of acceptable evidence of completion include:

(A) For group and independent study programs, a certificate or other verification supplied by the CPE program sponsor.

(B) For self-study programs, a certificate supplied by the CPE program sponsor after satisfactory completion of an examination.

(C) For instruction credit, a certificate or other verification supplied by the CPE program sponsor.

(D) For a university or college course that is successfully completed for credit, a record or transcript of the grade the participant received.

(E) For university or college non-credit courses, a certificate of attendance issued by a representative of the university or college.

(F) For published articles, books, or CPE programs, (1) a copy of the publication (or in the case of a CPE program, course development documentation) that names the writer as author or contributor, (2) a statement from the writer supporting the number of CPE hours claimed, and (3) the name and contact information of the independent reviewer or publisher.

(d) Standard No. 4. CPAs who complete sponsored learning activities that maintain or improve their professional competence should claim the CPE credits recommended by CPE program sponsors.

(i) CPAs may participate in a variety of sponsored learning activities, such as workshops, seminars and conferences, self-study courses, Internet-based programs, and independent study. While CPE program sponsors determine credits, CPAs should claim credit only for activities through which they maintained or improved their professional competence. CPAs who participate in only part of a program should claim CPE credit only for the portion they attended or completed.

(ii) In order to qualify as CPE, an Internet-based program must qualify as a group program as provided in Subsection R156-26a-303b(3)(b)(i) or as a self-study program as provided in Subsection R156-26a-303b(3)(g).

(e) Standard No. 5. CPAs may engage in independent study under the direction of a CPE program sponsor who has met the applicable standards for CPE program sponsors when the subject matter and level of study maintain or improve their professional competence.

(i) Independent study is an educational process designed to permit a participant to learn a given subject under the guidance of a CPE program sponsor one-on-one. Participants in an independent study program should:

(A) Enter into a written learning contract with a CPE program sponsor who must comply with the applicable standards for CPE program sponsors.

(B) Accept the written recommendation of the CPE program sponsor as to the number of credits to be earned upon successful

completion of the proposed learning activities. CPE credits will be awarded only if:

(I) all the requirements of the independent study as outlined in the learning contract are met;

(II) the CPE program sponsor reviews and signs the participant's report;

(III) the CPE program sponsor reports to the participant the actual credits earned; and

(IV) the CPE program sponsor provides the participant with contact information.

(ii) The credits to be recommended by an independent study CPE program sponsor should be agreed upon in advance and should be equated to the effort expended to improve professional competence. The credits cannot exceed the time devoted to the learning activities and may be less than the actual time involved.

(iii) Retain the necessary documentation to satisfy regulatory requirements as to the content, inputs, and outcomes of the independent study.

(iv) Complete the program of independent study in 15 weeks or less.

(3) Standards for CPE Program Sponsors (Standard 1), Standards for CPE Program Development (Standards 2-7), Standards for CPE Program Presentation (Standards 8-11), Standards for Program Measurement (Standards 12-16), and Standards for CPE Program Reporting (Standards 17-18). "CPE sponsor", as used herein, means the individual or organization responsible for setting learning objectives, developing the program materials to achieve such objectives, offering a program to participants, and maintaining the documentation required by these standards. The term "CPE program sponsor" may include associations of CPAs, whether formal or informal, as well as employers who offer in-house programs.

(a) Standard No. 1. CPE program sponsors are responsible for compliance with all applicable standards and other CPE requirements.

(i) In addition to the minimum requirements under these rules, CPE program sponsors may have to meet specific CPE requirements of other state licensing bodies, other governmental entities, and/or other professional organizations or bodies. CPE program sponsors should contact the appropriate entity to determine requirements.

(b) Standard No. 2. Sponsored learning activities must be based on relevant learning objectives and outcomes that clearly articulate the knowledge, skills, and abilities that can be achieved by participants in the learning activities.

(i) Learning activities, meaning an educational endeavor that improves or maintains professional competence, provided by CPE program sponsors for the benefit of CPAs, should specify the level, content, and learning objectives so that potential participants can determine if the learning activities are appropriate to their professional competence development needs. Learning activity levels include, for example, basic, intermediate, advanced, update, and overview as defined as follows:

(A) Advanced. Learning activity level most useful for individuals with mastery of the particular topic. This level focuses on the development of in-depth knowledge, a variety of skills, or a broader range of applications. Advanced level programs are often appropriate for seasoned professionals within organizations; however, they may also be beneficial for other professionals with specialized knowledge in a subject area.

(B) Basic. Learning activity level most beneficial to CPAs new to a skill or an attribute. These individuals are often at the staff or entry level in organizations, although such programs may also benefit a seasoned professional with limited exposure to the area.

(C) Intermediate. Learning activity level that builds on a basic program, most appropriate for CPAs with detailed knowledge in an area. Such persons are often at a mid-level within the organization, with operational and/or supervisory responsibilities.

(D) Overview. Learning activity level that provides a general review of a subject area from a broad perspective. These programs may be appropriate for professionals at all organizational levels.

(E) Update. Learning activity level that provides a general review of new developments. This level is for participants with a background in the subject area who desire to keep current.

(c) Standard No. 3. CPE program sponsors should develop and execute learning activities in a manner consistent with the prerequisite education, experience, and/or advance preparation of participants.

(i) To the extent it is possible to do so, CPE program sponsors should make every attempt to equate program content and level with the backgrounds of intended participants. All programs must clearly identify prerequisite education, experience, and/or advance preparation, if any, in precise language so that potential participants can readily ascertain whether they qualify for the program.

(d) Standard No. 4. CPE program sponsors must use activities, materials, and delivery systems that are current, technically accurate, and effectively designed, and include discussions of ethical issues that may apply to the subject matter. CPE program sponsors must be qualified in the subject matter.

(i) To best facilitate the learning process, sponsored programs and materials must be prepared, presented and updated in a timely manner. Learning activities must be developed by individuals or teams having expertise in the subject matter. Expertise may be demonstrated through practical experience or education.

(ii) CPE program sponsors must review the course materials periodically to ensure that they are accurate and consistent with currently accepted standards relating to the program's subject matter.

(e) Standard No. 5. CPE program sponsors of group and self-study programs must ensure learning activities are reviewed by qualified persons other than those who developed them to ensure that the program is technically accurate and current and addresses the stated learning objectives. These reviews must occur before the first presentation of these materials and again after each significant revision of the CPE programs.

(i) Individuals or teams qualified in the subject matter must review programs. When it is impractical to review certain programs in advance, such as lectures given only once, greater reliance should be placed on the recognized professional competence of the instructors or presenters. Using independent reviewing organizations familiar with these standards may enhance quality assurance.

(f) Standard No. 6. CPE program sponsors of independent study learning activities must be qualified in the subject matter.

(i) A CPE program sponsor of independent study learning activities must have expertise in the specific subject area related to the independent study. The CPE program sponsor must also:

(A) Review, evaluate, approve and sign the proposed independent study learning contract, including agreeing in advance on the number of credits to be recommended upon successful completion.

(B) Review and sign the written report developed by the participant in independent study.

(C) Retain the necessary documentation to satisfy regulatory requirements as to the content, inputs, and outcomes of the independent study.

(g) Standard No. 7. Self-study programs must employ learning methodologies that clearly define learning objectives, guide the participant through the learning process, and provide evidence of a participant's satisfactory completion of the program.

(i) To guide participants through a learning process, CPE program sponsors of self-study programs must elicit participant responses to test for understanding of the material, offer evaluative feedback to incorrect responses, and provide reinforcement feedback to correct responses. To provide evidence of satisfactory completion of the course, CPE program sponsors of self-study programs must require participants to successfully complete a final examination with a minimum-passing grade of at least 70 percent before issuing CPE credit for the course.

(A) Evaluative feedback, as used in this subsection, means: specific response to incorrect answers to questions in self-study programs. Unique feedback must be provided for each incorrect response, as each one is likely to be wrong for differing reasons.

(B) Reinforcement feedback, as used in this subsection, means: specific responses to correct answers to questions in self-study programs. Such feedback restates why the answer selected was correct.

(ii) Examinations may contain questions of varying format (for example, multiple-choice, essay and simulations.) If objective type questions are used, at least five questions per CPE credit must be included on the final examination. For example, the final examination for a five-credit course must include at least 25 questions.

(iii) Self-study programs must be based on materials specifically developed for instructional use. Self-study programs requiring only the reading of general professional literature, IRS publications, or reference manuals followed by a test will not be acceptable. However, the use of the publications and reference materials in self-study programs as supplements to the instructional materials could qualify if the self-study program complies with each of the CPE standards.

(h) Standard No. 8. CPE program sponsors must provide descriptive materials that enable CPAs to assess the appropriateness of learning activities. To accomplish this, CPE program sponsors must inform participants in advance of: learning objectives, prerequisites, program level, program content, advance preparation, instructional delivery methods, recommended CPE credit, and course registration requirements. Instructional delivery methods, as used in this subsection, means: delivery strategies such as case studies, computer-assisted learning, lectures, group participation, programmed instruction, teleconferencing, use of audiovisual aids, or work groups employed in group, self-study, or independent study programs.

(i) For potential participants to effectively plan their CPE, the program sponsor should disclose the significant features of the program in advance (e.g., through the use of brochures, Internet notices, invitations, direct mail, or other announcements). When CPE programs are offered in conjunction with non-educational activities, or when several CPE programs are offered concurrently, participants should receive an appropriate schedule of events indicating those components that are recommended for CPE credit. The CPE program sponsor's registration policies and procedures should be formalized, published, and made available to participants.

(ii) CPE program sponsors should distribute program materials in a timely manner and encourage participants to complete any advance preparation requirements. All programs should clearly identify prerequisite education, experience, and/or advance preparation requirements, if any, in the descriptive materials. Prerequisites should be written in precise language so that potential participants can readily ascertain whether they qualify for the program.

(i) Standard No. 9. CPE program sponsors must ensure instructors are qualified with respect to both program content and instructional methods used.

(i) Instructors are key ingredients in the learning process for any group program. Therefore, it is imperative that CPE program sponsors exercise great care in selecting qualified instructors for all group programs. Qualified instructors are those who are capable, through training, education, or experience of communicating effectively and providing an environment conducive to learning. They should be competent and current in the subject matter, skilled in the use of the appropriate instructional methods and technology, and prepared in advance. As used in this subsection, Group Program means: An educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants either in a classroom or conference setting or by using the Internet.

(ii) CPE program sponsors should evaluate the instructor's performance at the conclusion of each program to determine the instructor's suitability to serve in the future.

(j) Standard No. 10. CPE program sponsors must employ an effective means for evaluating learning activity quality with respect to content and presentation, as well as provide a mechanism for participants to assess whether learning objectives were met.

(i) The objectives of evaluation are to assess participant satisfaction with specific programs and to increase subsequent program effectiveness. Evaluations, whether written or electronic, should be solicited from participants and instructors for each program session, including self-study, to determine, among other things, whether:

(A) Stated learning objectives were met.

(B) If applicable, prerequisite requirements were appropriate.

(C) Program materials were accurate.

(D) Program materials were relevant and contributed to the achievement of the learning objectives.

(E) Time allotted to the learning activity was appropriate.

(F) If applicable, individual instructors were effective.

(G) Facilities and/or technological equipment was appropriate.

(H) Handout or advance preparation materials were satisfactory.

(I) Audio and video materials were effective.

(ii) CPE program sponsors should periodically review evaluation results to assess program effectiveness and should inform developers and instructors of evaluation results.

(k) Standard No. 11. CPE program sponsors must ensure instructional methods employed are appropriate for the learning activities. Instructional methods means: delivery strategies such as case studies, computer-assisted learning, lectures, group participation, programmed instruction, teleconferencing, use of audiovisual aids, or work groups employed in group, self-study, or independent study programs. Learning activities should be presented in a manner consistent with the descriptive and technical materials provided.

(i) CPE program sponsors should evaluate the instructional methods employed for the learning activities to determine if the delivery is appropriate and effective. Integral aspects in the learning environment that should be carefully monitored include the number of participants and the facilities and technologies employed in the delivery of the learning activity.

(ii) CPE program sponsors are expected to present learning activities that comply with course descriptions and objectives. Appropriate supplemental materials may also be used.

(l) Standard No. 12. Sponsored learning activities are measured by program length, with one 50-minute period equal to one CPE credit. One-half CPE credit increments (equal to 25 minutes) are permitted after the first credit has been earned in a given learning activity.

(i) For learning activities in which individual segments are less than 50 minutes, the sum of the segments should be considered one total program. For example, five 30-minute presentations would equal 150 minutes and should be counted as three CPE credits.

(ii) When the total minutes of a sponsored learning activity are greater than 50, but not equally divisible by 50, the CPE credits granted should be rounded down to the nearest one-half credit. Thus, learning activities with segments totaling 140 minutes should be granted two and one-half CPE credits.

(iii) While it is the participant's responsibility to report the appropriate number of credits earned, CPE program sponsors must monitor group learning activities to assign the correct number of CPE credits.

(iv) For university or college credit courses that meet these CPE Standards, each unit of college credit shall equal the following CPE credits: semester system 15 credits; quarter system 10 credits.

(v) For university or college non-credit courses that meet these CPE standards, CPE credits shall be awarded only for the actual classroom time spent in the non-credit course.

(vi) Credit is not granted to participants for preparation time.

(vii) Only the portions of committee or staff meetings that are designed as programs of learning and comply with these standards qualify for CPE credit.

(m) Standard No. 13. CPE credit for self-study learning activities must be based on a pilot test of the average completion time.

(i) A sample of intended professional participants should be selected to test program materials in an environment and manner similar to that in which the program is to be presented. The sample group of at least three individuals must be independent of the program development group and possess the appropriate level of knowledge before taking the program.

(ii) The sample does not have to ensure statistical validity. CPE credits should be recommended based on the average completion time for the sample. If substantive changes are subsequently made to program materials, further pilot tests of the revised program materials should be conducted to affirm or amend, as appropriate, the average completion time.

(iii) The maximum credit for self-study learning activities cannot exceed 25 percent of the CPE requirement.

(n) Standard No. 14. Instructors or discussion leaders of learning activities should receive CPE credit for both their preparation and presentation time to the extent the activities maintain or improve their professional competence and meet the requirements of these CPE standards.

(i) Instructors, discussion leaders, or speakers who present a learning activity for the first time should receive CPE credit for actual preparation time up to two times the number of CPE credits to which participants would be entitled, in addition to the time for presentation. For example, for learning activities in which participants could receive 8 CPE credits, instructors may receive up to 24 CPE credits (16 for preparation plus 8 for presentation).

(ii) For repeat presentations, CPE credit can be claimed only if it can be demonstrated that the learning activity content was substantially changed and such change required significant additional study or research.

(iii) The maximum credit for instructors, discussion leaders or speakers cannot exceed 50 percent of the CPE requirement.

(o) Standard No. 15. Writers of published articles, books, or CPE programs should receive CPE credit for their research and writing time to the extent it maintains or improves their professional competence.

(i) Writing articles, books, or CPE programs for publication is a structured activity that involves a process of learning. For the writer to receive CPE credit, the article, book, or CPE program must be formally reviewed by an independent party. CPE credits should be claimed only upon publication.

(ii) The maximum credit for books or articles cannot exceed 25 percent of the CPE requirement.

(p) Standard No. 16. CPE credits recommended by a CPE program sponsor of independent study must not exceed the time the participant devoted to complete the learning activities specified in the learning contract.

(i) The credits to be recommended by an independent study CPE program sponsor should be agreed upon in advance and should be equated to the effort expended to improve professional competence. The credits cannot exceed the time devoted to the learning activities and may be less than the actual time involved.

(q) Standard No. 17. CPE program sponsors must provide program participants with documentation of their participation, which includes the following: CPE program sponsor name and contact information, participant's name, course title, course field of study, date offered or completed, if applicable, location, the name of the CPE registry issuing approval, and the approval number assigned to that program by the Registry, type of instructional/delivery method used, amount of CPE credit recommended, verification by CPE program sponsor representative.

(i) CPE program sponsors should provide participants with documentation to support their claims of CPE credit. Acceptable evidence of completion includes:

(A) For group and independent study programs, a certificate or other verification supplied by the CPE program sponsor.

(B) For self-study programs, a certificate supplied by the CPE program sponsor after satisfactory completion of an examination.

(C) For instruction credit, a certificate or other verification supplied by the CPE program sponsor.

(D) For a university or college course that is successfully completed for credit, a record or transcript of the grade the participant received.

(E) For university or college non-credit courses, a certificate of attendance issued by a representative of the university or college.

(F) For published articles, books, or CPE programs: (1) a copy of the publication (or in the case of a CPE program, course development documentation) that names the writer as author or contributor, (2) a statement from the writer supporting the number of CPE hours claimed, and (3) the name and contact information of the independent reviewer(s) or publisher.

(r) Standard No. 18. CPE program sponsors must retain adequate documentation for five years to support their compliance with these standards and the reports that may be required of participants.

(i) Evidence of compliance with responsibilities set forth under these Standards which is to be retained by CPE program sponsors includes, but is not limited to: records of participation, dates and locations, instructor names and credentials, number of CPE credits earned by participants, and results of program evaluations.

(ii) Information to be retained by developers includes copies of program materials, evidence that the program materials were developed and reviewed by qualified parties, and a record of how CPE credits were determined.

(iii) For CPE program sponsors offering self-study programs, appropriate pilot test records must be retained regarding the following:

(A) When the pilot test was conducted.

(B) The intended participant population.

(C) How the sample was determined.

(D) Names and profiles of sample participants.

(E) A summary of participants' actual completion time.

(4) Programs or Activities Which Do Not Qualify. The following activities do not satisfy the standards for programs of this section and are not eligible for satisfaction of CPE requirements:

(a) Personal study: personal study includes reading professional journals and publications, studying and researching matters such as tax code revisions, practicing software programs on a computer and watching video movies of a conference; and

(b) Committee meetings, dinner and luncheon meetings, firm meetings or other activities that do not meet the standards outlined in this section.

([~~2~~]5) Reporting Requirements. Each licensee applying for license renewal shall report, by January 31 of each even numbered year, demonstrating completion of at least the minimum number of credits required in Section 58-26a-304 for qualified continuing professional education hours completed for the preceding two calendar years. Each person applying for license reinstatement shall file a report at the time of application demonstrating completion of the CPE required under Subsection R156-26a-307.

(a) Such report shall be by means of one of the following:

(i) certification from an approved continuing professional education registry of the hours of qualified continuing education completed; or

(ii) a report to the Division for review and approval of continuing professional education.

(b) It is the responsibility of the applicant or licensee to demonstrate to the Division that the applicant or licensee successfully completed all CPE reported and meets the requirements of [~~Subsection (1)~~]this section or that the CPE has been approved by an approved continuing professional education registry and that reported courses maintained or increased the professional competence of the applicant or licensee.

([~~3~~]6) Continuing Professional Education Registry. To obtain approval as a continuing professional education registry, an organization shall:

(a) be a professional association primarily consisting of individuals licensed as certified public accountants;

(b) be organized and in good standing according to the laws of the state;

(c) enter into a written agreement with the Division under which the organization agrees to:

(i) review and approve only those programs which meet the standards set forth under [~~Subsection (1)~~]this section;

(ii) publish and disseminate to their members or other CPAs on request, listings of continuing professional education programs which meet the standards and are approved for qualified continuing professional education credit;

(iii) maintain accurate records of qualified continuing professional education completed by each of its registrants and provide each of its registrants with a certificate on a timely basis to permit the registrant to file that certificate with the registrant's application to the division for renewal or reinstatement of his license as a certified public accountant. The certificate shall contain the name of the instructor, the date of the program, location of the program, title of the program, the name of the sponsor, the name of the CPE registry issuing approval, and the approval number assigned to that program by the Registry, and the number of CPE hours granted; and

(iv) make records of approved of qualified continuing professional education programs and records of qualified continuing professional education completed by registrants available for audit by representatives of the division, the board or peer advisory committees of the board.

([~~4~~]7) Fees. A registry may charge a reasonable fee to registrants for services provided for approval of courses. Sponsors of approved courses may charge a lower fee to members of the sponsoring association for participation as a registrant than it charges to non-members of the association.

([~~5~~]8) Other CPE requirements and failure to complete CPE requirements.

(a) Interim Licensure CPE requirements. Those individuals who become licensed or certified between renewal periods shall be required to complete CPE based upon ten hours per calendar quarter for the remaining quarters of the reporting period.

(b) Carry Forward Provision. A licensee who completes more than 80 hours of CPE during the two year reporting period may carry forward up to 40 hours to the next succeeding reporting period.[~~Carry forward credits may not be used to satisfy the 20 hour minimum annual CPE requirement.~~]

(c) Failure to comply with CPE requirements.

(i) Failure to meet the 80 hour requirement. An individual holding a current Utah license who fails to complete the required 80 hours of CPE by the reporting deadline will not be allowed to renew their license unless they complete and report to the division at least 30 days prior to their expiration date two times the number of CPE hours the license holder was short for the reporting period (penalty hours). The penalty hours shall not be considered to satisfy in whole or part any of the CPE hours required for subsequent renewal of the license.

(ii) [~~Failure to meet the 20 hour minimum per year requirement. An individual who fails to complete the 20 hour minimum per calendar year requirement will not be allowed to renew their license unless they complete and report to the division at least 30 days prior to their expiration date, the AICPA Ethics Self-Study Examination and the Utah Law and Rules Examination with passing scores required for initial licensure. CPE credit will not be given for completion of this requirement.~~

~~(iii)~~]Non-Qualifying or Disqualified CPE hours. An individual who reports nonqualifying hours or who has hours disqualified by the Utah Board of Accountancy shall not be allowed to renew their license unless they complete and report to the division, within 60 days of receiving notification by the division of

their shortage[~~,~~] and the relevant penalty hours requirement under R156-26-303b[~~(6)(c)(i) or (ii)~~](8)(c)(i).

([~~iv~~]iii) Waiver for Medical Reasons. A licensee may request the board to waive the requirements or grant an extension for continuing professional education on the basis that the licensee was not able to complete the continuing professional education due to medical or related conditions confirmed by a qualified health care provider. Such medical confirmation shall include the beginning and ending dates during which the medical condition would have prevented the licensee from completing the continuing professional education, the extent of the medical condition and the effect that the medical condition had upon the ability of the licensee to continue to engage in the practice of accountancy. The board in determining whether the waiver is appropriate shall consider whether or not the licensee continued to be engaged in the practice of accountancy practice on a full or part time basis during the period specified by the medical confirmation. Granting a waiver of meeting the minimum CPE hours shall not be construed as a waiver of a CPA being required to provide services in a competent manner with current knowledge, skill and ability. When medical or other conditions prevent the CPA from providing services in a competent manner, the CPA shall refrain from providing such services.

KEY: accountants, licensing, peer review, continuing professional education
[~~July 17, 2003~~]2004
Notice of Continuation April 15, 2002
58-26a-101
58-1-106(1)(a)
58-1-202(1)(a)

Commerce, Occupational and Professional Licensing
R156-76-102
Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26777
FILED: 11/10/2003, 16:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to make one change in the rule to clarify the practice of geology pertaining to paleontology.

SUMMARY OF THE RULE OR CHANGE: Occasionally the practice of paleontology requires the incidental practice of geology. Therefore, Subsection R156-76-102(4)(c) is amended to clarify the practice of paleontology as it relates to geology and allows paleontologists to perform incidental geological analysis.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-76-101, and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The Division will incur minimal costs, less than $50, to reprint the rule once the proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.
❖ LOCAL GOVERNMENTS: Proposed amendment does not apply to local governments. Therefore, there is no impact to local government.
❖ OTHER PERSONS: The Division anticipates no costs or savings associated with this proposed amendment as it clarifies that paleontologists in Utah can practice their profession without concern of being in conflict with Subsection 58-76-102(3) which defines the practice of geology.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates no costs or savings associated with this proposed amendment as it clarifies that paleontologists in Utah can practice their profession without concern of being in conflict with Subsection 58-76-102(3) which defines the practice of geology.

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, which better defines the practice of geology as it relates to the practice of paleontology. Klare 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:
Douglas Vilnius at the above address, by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at dvilnius@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-76. Professional Geologist Licensing Act Rules.
R156-76-102. Definitions.
In addition to the definitions in Title 58, Chapters 1 and 76, as used in Title 58, Chapters 1 and 76, or these rules:

(1) "ASBOG" means Association of State Boards of Geology.

(2) "Geosciences", as used in Subsection 58-76-302(4)(a), means an earth science degree, which results in sufficient geological knowledge to enable the practice of geology before the public.

(3) "Qualified individual", as used in Section R156-76-302c, means a person who is licensed as a professional geologist in a recognized jurisdiction, or who otherwise meets the requirements for licensure as defined in Sections 58-76-302 and R156-76-302b and R156-76-302c.

(4) "Practice of geology before the public" does not include the following aspects of paleontology:

(a) taxonomy;

(b) biologic analysis of organisms; or

(c) [~~the human context of a site~~]investigation and reporting of deposits which may be fossiliferous, including incidental geological analysis.

(5) "Practice of geology before the public" does not include the following aspects of the practice of anthropology and archeology:

(a) archeological survey, excavation, and reporting;

(b) production of archeological plan views, profiles, and regional overviews; or

(c) investigation and reporting of artifacts or deposits that are modified or affected by past human behavior.

(6) "Principal", as used in Subsection 58-76-603(2), means the licensee assigned to and personally accountable for the production of specified professional geologic projects within an organization.

(7) "Recognized jurisdiction", as used in Subsection R156-76-302d(2), means any state, district or territory of the United States that issues a license for a professional geologist, and whose licensure requirements include:

(a) a bachelors or post graduate degree in the geosciences from an accredited institution or equivalent foreign education as determined by the International Credentialing Association and the Division in collaboration with the board;

(b) documented qualifying experience requirements similar to the experience requirements found in Subsection 58-76-302(5) and Section R156-76-302; and

(c) passing the ASBOG Fundamentals of Geology (FG) and the ASBOG Principles and Practice of Geology (PG) Examination.

(8) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 76, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-76-501.

KEY: licensing, professional geologists, geology
[~~September 5, 2002~~]2004
58-1-106(1)(a)
58-1-202(1)(a)
58-76-101

Corrections, Administration
R251-101
Corrections Advisory Council Bylaws

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 26769
FILED: 11/04/2003, 13:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The statute, Section 64-13-4.1, Creation of Corrections Advisory Council, has been eliminated.

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

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 64-13-14.1

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: With the elimination of the Corrections Advisory Council, the Department anticipates a cost savings of $3,000.
❖ LOCAL GOVERNMENTS: None--Local governments are not affected by this Council.
❖ OTHER PERSONS: None--Other persons are not affected by this Council.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The repeal of this rule will have no compliance costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CORRECTIONS
ADMINISTRATION
14717 S MINUTEMAN DR
DRAPER UT 84020-9549, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ginny L Duncan at the above address, by phone at 801-545-5722, by FAX at 801-545-5523, or by Internet E-mail at gduncan@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Michael P. Chabries, Executive Director

R251. Corrections, Administration.
[~~R251-101. Corrections Advisory Council Bylaws.~~
~~R251-101-1. Authority and Purpose.~~

~~(1) This rule is authorized by Sections 63-46a(3), Rulemaking; 64-13-4.1, Creation of Corrections Advisory Council; 64-13-10, Department Duties; and 64-13-25, Standards for Programs.~~

~~(2) The purpose of the rule is to define the parameters of membership, responsibility, and function of the Corrections Advisory Council.~~

~~R251-101-2. Definitions.~~

~~(1) "Council members" means citizens of the State of Utah, appointed by the Governor with the advice and consent of the Senate to advise the Executive Director of the Department.~~

~~(2) "Department" means Department of Corrections.~~

~~**R251-101-3. Name.**~~

~~The name of this body shall be the Utah State Corrections Advisory Council.~~

~~**R251-101-4. Quorum.**~~

~~A quorum of four members of the Council present shall be necessary to conduct the business of the Council.~~

~~**R251-101-5. Officers and Elections.**~~

~~(1) Each year, the Council shall elect a chairperson and a vice chairperson from its membership. They shall be elected to take office June 1 by secret ballot by a majority of those present at the meeting immediately previous to the June 1 date. No member may serve more than two consecutive terms in any one office unless the governor deems an additional term is in the best interest of the state. Only those members who have signified their consent to serve if elected shall be nominated for or elected to any office.~~

~~(2) A vacancy in the office of chairperson shall be filled for an unexpired term of that office by the vice chairperson. A vacancy in the office of vice chairperson shall be filled for the remainder of the unexpired term by a member of the Council elected by a majority of the Council members present at the next Council meeting.~~

~~**R251-101-6. Duties of Officers.**~~

~~(1) The chairperson shall preside and conduct all meetings of the Council.~~

~~(2) The vice chairperson shall act as assistant to the chairperson and perform duties as may be assigned to him by the chairperson and shall possess all the powers and perform all the duties of the chairperson in the absence or disability of that officer to act.~~

~~(3) Both officers shall perform the duties prescribed in the parliamentary authority in addition to those outlined in these bylaws.~~

~~**R251-101-7. Meetings.**~~

~~(1) The Council shall meet a minimum of six times a year, with a meeting scheduled during each regular session of the Legislature. Additional meetings may be scheduled upon other occasions as the chairperson may deem necessary, or upon the request of any four members of the Council. Public notice shall be given in accordance with Section 52-4-6.~~

~~(2) Four members of the Council shall constitute a quorum for the transaction of its business.~~

~~(3) Each member present at any meeting of the Council shall be entitled to one vote. There shall be no voting by proxy at any of the meetings of the Council or any committees thereof.~~

~~(4) All meetings of the Council are open to the public unless closed pursuant to the provisions of the Open and Public Meetings Act, Sections 52-4-4 and 52-4-5.~~

~~(5) When because of unforeseen circumstances it is necessary to hold an emergency meeting to consider matters of any emergency or urgent nature, the best notice practicable shall be given. No emergency meeting shall be held unless an attempt has been made to notify all members of the Council and a majority votes in the affirmative to hold the meeting.~~

~~**R251-101-8. Membership.**~~

~~In the event a member of the Council misses three consecutive meetings unexcused, it shall be the discretion of the Council to recommend to the Governor replacement of the member.~~

~~**R251-101-9. Committees.**~~

~~(1) Special ad hoc committees may be created at the discretion of the Council to serve for a specified period of time. The Council chairperson will appoint the committee membership and chairperson, and shall be an ex-officio member of all special committees.~~

~~(2) Advisory committees related to any aspect of the corrections system may be established at the discretion of the Council. Membership on committees shall be appointed by the Council, and the chairperson of the committee will be appointed by the Council chairperson. The Council chairperson shall be an ex-officio member or may appoint an ex-officio member of the committee from the membership of the Council.~~

~~**R251-101-10. Staff.**~~

~~The director of the department shall provide staff assistance and any information necessary for the Council to fulfill its statutory responsibilities, including assisting the Council in determining conflict of interest or potential conflict of interest.~~

~~**R251-101-11. Amendments.**~~

~~Proposed changes to the bylaws may be presented at any regular meeting of the Council and must be approved by the majority vote of the members present at the meeting. Amendments become effective immediately upon ratification.~~

~~**R251-101-12. Parliamentary Authority.**~~

~~Robert's Rules of Order, Revised, shall govern the Council and its committees in all cases in which they are applicable and in which they are not in conflict with these bylaws.~~

~~**KEY: corrections**~~
~~**1992**~~
~~**Notice of Continuation August 1, 2001**~~
~~**63-46a-3**~~
~~**64-13-4.1**~~
~~**64-13-10**~~
~~**64-13-25**~~**|**

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Environmental Quality, Water Quality
R317-1
Definitions and General Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26796
FILED: 11/14/2003, 15:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In Section R317-1-7, addresses a program that ended in the late 1980's and is no longer needed. The proposed amendments delete this section in its entirety. A minor revision to Section R317-1-4 is necessary to reconcile differences in this rule with provisions in the Division of Drinking Water's rule for culinary water systems. A new Section R317-1-7 was added in order to incorporate by reference 31 completed and approved total maximum daily loads (TMDLs) into the rule.

SUMMARY OF THE RULE OR CHANGE: Section R317-1-7 is deleted in its entirety. Language at Subsection R317-1-4(4.8)(D)(4) was amended to reconcile differences in this rule with provisions in the Division of Drinking Water's rule for culinary water systems. A new definition "Total Maximum Daily Load" (TMDL) was added to Section R317-1-1. A new Section R317-1-7 was added. This section incorporates by reference 31 completed and approved TMDLs into the rule. Each TMDL document has gone through an individual public review process and have been approved by EPA.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: The proposed amendments incorporate the following Total Maximum Daily Load (TMDL) Documents by reference: Bear River, December 23, 1997; Chalk Creek, December 23, 1997; Otter Creek, December 23, 1997; Little Bear River, May 23, 2000; Mantua Reservoir, May 23, 2000; East Canyon Creek, September 1, 2000; East Canyon Reservoir, September 1, 2000; Kents Lake, September 1, 2000; LaBaron Reservoir, September 1, 2000; Minersville Reservoir, September 1, 2000; Puffer Lake, September 1, 2000; Scofield Reservoir, September 1, 2000; Onion Creek (near Moab), July 25, 2002; Cottonwood Wash, September 9, 2002; Deer Creek Reservoir, September 9, 2002; Hyrum Reservoir, September 9, 2002; Little Cottonwood Creek, September 9, 2002; Lower Bear River, September 9, 2002; Malad River, September 9, 2002; Mill Creek (near Moab), September 9, 2002; Spring Creek, September 9, 2002; Forsyth Reservoir, September 27, 2002; Johnson Valley Reservoir, September 27, 2002; Lower Fremont River, September 27, 2002; Mill Meadow Reservoir, September 27, 2002; UM Creek, September 27, 2002; Upper Fremont River, September 27, 2002; Deep Creek, October 9, 2002; Uinta River, October 9, 2002; Pineview Reservoir, December 9, 2002; and Browne Lake, February 19, 2003

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: No anticipated impacts to state budget. The proposed amendments will be addressed using existing resources.
❖ LOCAL GOVERNMENTS: No cost impacts to local governments are anticipated. However, individual TMDLs may or may not result in capital construction costs or costs associated with changes in management strategies to address point sources and nonpoint source pollution problems. If increased compliance costs to local governments are identified as a result of a TMDL they are presented to the public for comment and discussion prior to the adoption of the TMDL.
❖ OTHER PERSONS: No anticipated cost to other persons are anticipated. However, individual TMDLs may or may not result in capital construction costs or costs associated with changes in management strategies to address point sources and nonpoint source pollution problems. If increased compliance costs to other persons are identified as a result of a TMDL they are presented to the public for comment and discussion prior to the adoption of the TMDL.

COMPLIANCE COSTS FOR AFFECTED PERSONS: TMDLs may or may not result in capital construction costs or costs associated with changes in management strategies to address point sources and nonpoint source pollution problems. If increased compliance costs to individuals or local governments are identified as a result of a TMDL they are presented to the public for comment and discussion prior to the adoption of the TMDL.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Each state is required under Section 303 of the federal Clean Water Act to establish TMDLs for waters identified as impaired, i.e., those waters included on the 303(d) list. States must complete and implement TMDLs. Fiscal impacts to businesses that may result from TMDL implementation, if any, will be declared and discussed in public forums during the development of individual TMDLs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
WATER QUALITY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2004

AUTHORIZED BY: Don Ostler, Director

R317. Environmental Quality, Water Quality.
R317-1. Definitions and General Requirements.
R317-1-1. Definitions.

1.1 "Absorption system" means a device constructed under the ground surface to receive and to distribute effluent in such a manner that the effluent is effectively filtered and retained below ground surface.

1.2 "Board" means the Utah Water Quality Board.

1.3 "BOD" means 5-day, 20 degrees C. biochemical oxygen demand.

1.4 "Body Politic" means the State or its agencies or any political subdivision of the State to include a county, city, town, improvement district, taxing district or any other governmental subdivision or public corporation of the State.

1.5 "Building sewer" means the pipe which carries wastewater from the building drain to a public sewer, a wastewater disposal system or other point of disposal. It is synonymous with "house sewer".

1.6 "CBOD" means 5-day, 20 degrees C., carbonaceous biochemical oxygen demand.

1.7 "Deep well" means a drinking water supply source which complies with all the applicable provisions of the State of Utah Public Drinking Water Regulations.

1.8 "Digested sludge" means sludge in which the volatile solids content has been reduced to about 50% by a suitable biological treatment process.

1.9 "Division" means the Utah State Division of Water Quality.

1.10 "Domestic wastewater" means a combination of the liquid or water-carried wastes from residences, business buildings, institutions, and other establishments with installed plumbing facilities, together with those from industrial establishments, and with such ground water, surface water, and storm water as may be present. It is synonymous with the term "sewage".

1.11 "Effluent" means the liquid discharge from any unit of a wastewater treatment works, including a septic tank.

1.12 "Human pathogens" means specific causative agents of disease in humans such as bacteria or viruses.

1.13 "Onsite wastewater system" means an underground wastewater disposal system for domestic wastewater which is designed for a capacity of 5,000 gallons per day or less and is not designed to serve multiple dwelling units which are owned by separate owners except condominiums and twin homes. It usually consists of a building sewer, a septic tank and an absorptions system.

1.14 "Industrial wastes" means the liquid wastes from industrial processes as distinct from wastes derived principally from dwellings, business buildings, institutions and the like. It is synonymous with the term "industrial wastewater".

1.15 "Influent" means the total wastewater flow entering a wastewater treatment works.

1.16 "Large underground wastewater disposal system" means the same type of device as described under 1.1.13 above, except that it is designed to handle more than 5,000 gallons per day of domestic wastewater which originates in multiple dwellings, commercial establishments, recreational facilities, schools, or any other wastewater disposal system not covered in 1.1.13 above. The Board controls the installation of such systems.

1.17 "Person" means any individual, corporation, partnership, association, company, or body politic, including any agency or instrumentality of the United States government (Section 19-1-103).

1.18 "Point source" means any discernible, confined and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flow from irrigated agriculture.

1.19 "Polished Secondary Treatment" means a treatment process that can produce an effluent meeting or exceeding the following standards:

A. The arithmetic mean of BOD values determined on effluent samples collected during any 30-day period shall not exceed 15 mg/l, nor shall the arithmetic mean exceed 20 mg/l during any 7-day period.

B. The arithmetic mean of SS values determined on effluent samples collected during any 30-day period shall not exceed 10 mg/l, nor shall the arithmetic mean exceed 12 mg/l during any 7-day period.

C. The geometric mean of total coliform and fecal coliform bacteria in effluent samples collected during any 30-day period shall not exceed either 200 per 100 ml or 20 per 100 ml respectively, nor shall the geometric mean exceed 250 per 100 ml or 25 per 100 ml respectively during any 7-day period.

D. The effluent pH values shall be maintained within the limits of 6.5 to 9.0.

1.20 "Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, or such discharge of any liquid, gaseous or solid substance into any waters of the state as will create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

1.21 "Seepage trench" means a modified seepage pit, an absorption system consisting of trenches filled with coarse filter material into which septic tank effluent is discharged.

1.22 "Seepage pit" means an absorption system consisting of a covered pit into which effluent is discharged.

1.23 "Septic tank" means a water-tight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through an underground absorption system meeting the requirements of these regulations.

1.24 "Shallow well" means a well providing a source of drinking water which does not meet the requirements of a "deep well".

1.25 "Sludge" means the accumulation of solids which have settled from wastewater. As initially accumulated, and prior to treatment, it is known as "raw sludge".

1.26 "SS" means suspended solids.

1.27 Total Maximum Daily Load (TMDL) means the maximum amount of a particular pollutant that a waterbody can receive and still meet state water quality standards, and an allocation of that amount to the pollutant's sources.

1.2[~~7~~]8 "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, incinerator, or other works used for the purpose of treating, stabilizing or holding wastes. (Section 19-5-102).

1.2[~~8~~]9 "Wastes" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. (Section 19-5-102).

1.[~~29~~]30 "Wastewater" means sewage, industrial waste or other liquid substances which might cause pollution of waters of the state. Intercepted ground water which is uncontaminated by wastes is not included.

1.3[~~0~~]1 "Waters of the state" means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (Section 19-5-102).

1.3[~~1~~]2 "Underground Wastewater Disposal System" means a system for underground disposal of domestic wastewater. It usually consists of a building sewer, a septic tank, and an absorption system. It includes onsite wastewater systems and large underground wastewater disposal systems.

R317-1-4. Utilization and Isolation of Domestic Wastewater Treatment Works Effluent.

. . . . . .

4.8 Reclaimed Water Distribution Systems. Where reclaimed water is to be provided by pressure pipeline, unless contained in surface pipes wholly on private property and for agricultural purposes, the following requirements will apply. The requirements will apply to all new systems constructed after May 4, 1998, and it is recommended that the accessible portions of existing reclaimed water distribution systems be retrofitted to comply with these rules. Requirements for secondary irrigation systems proposed for conversion from use of non-reclaimed water to use with reclaimed water will be considered on an individual basis considering protection of public health and the environment. Any person or agency that is constructing all or part of the distribution system must obtain a construction permit from the Division of Water Quality prior to beginning construction.

A. Distribution Lines

1. Minimum Separation.

a. Horizontal Separation. Reclaimed water main distribution lines parallel to potable (culinary) water lines shall be installed at least ten feet horizontally from the potable water lines. Reclaimed water main distribution lines parallel to sanitary sewer lines shall be installed at least ten feet horizontally from the sanitary sewer line if the sanitary sewer line is located above the reclaimed water main and three feet horizontally from the sanitary sewer line if the sanitary sewer line is located below the reclaimed water main.

b. Vertical Separation. At crossings of reclaimed water main distribution lines with potable water lines and sanitary sewer lines the order of the lines from lowest in elevation to highest should be; sanitary sewer line, reclaimed water line, and potable water line. A minimum 18 inches vertical separation between these utilities shall be provided as measured from outside of pipe to outside of pipe. The crossings shall be arranged so that the reclaimed water line joints will be equidistant and as far as possible from the water line joints and the sewer line joints. If the reclaimed water line must cross above the potable water line, the vertical separation shall be a minimum 18 inches and the reclaimed water line shall be encased in a continuous pipe sleeve to a distance on each side of the crossing equal to the depth of the potable water line from the ground surface. If the reclaimed water line must cross below the sanitary sewer line, the vertical separation shall be a minimum 18 inches and the reclaimed water line shall be encased in a continuous pipe sleeve to a distance on each side of the crossing equal to the depth of the reclaimed water line from the ground surface.

c. Special Provisions. Where the horizontal and/or vertical separation as required above cannot be maintained, special construction requirements shall be provided in accordance with requirements in R317-3 for protection of potable water lines. Existing pressure lines carrying reclaimed water shall not be required to meet these requirements.

2. Depth of Installation. To provide protection of the installed pipeline, reclaimed water lines should be installed with a minimum depth of bury of three feet.

3. Reclaimed Water Pipe Identification.

a. General. All new buried pipe, including service lines, valves, and other appurtenances, shall be colored purple, Pantone 522 or equivalent. If fading or discoloration of the purple pipe is experienced during construction, identification tape is recommended. Locating wire along the pipe is also recommended.

b. Identification Tape. If identification tape is installed along with the purple pipe, it shall be prepared with white or black printing on a purple field, color Pantone 512 or equivalent, having the words, "Caution: Reclaimed Water-- Do Not Drink". The overall width of the tape shall be at least three inches. Identification tape shall be installed 12 inches above the transmission pipe longitudinally and shall be centered.

4. Conversion of existing water lines. Existing water lines that are being converted to use with reclaimed water shall first be accurately located and comply with leak test standards in accordance with AWWA Standard C-600 and in coordination with regulatory agencies. The pipeline must be physically disconnected from any potable water lines and brought into compliance with current State cross connection rules and requirements (R309-102-5), and must meet minimum separation requirements in section 4.8.A.1 of this rule above. If the existing lines meet approval of the water supplier and the Division, the lines shall be approved for reclaimed water distribution. If regulatory compliance of the system (accurate location and verification of no cross connections) cannot be verified with record drawings, televising, or otherwise, the lines shall be uncovered, inspected, and identified prior to use. All accessible portions of the system must be retrofitted to meet the requirements of this rule.

5. Valve Boxes and Other Surface Identification. All valve covers shall be of non-interchangeable shape with potable water covers, and shall have an inscription cast on the top surface stating "Reclaimed Water". Valve boxes shall meet AWWA standards. All above ground facilities shall be consistently color coded (purple, Pantone 512) and marked to differentiate reclaimed water facilities from potable water facilities.

6. Blow-off Assemblies. If either an in-line type or end-of-line type blow-off or drain assembly is installed in the system, the Division of Water Quality shall be consulted on acceptable discharge or runoff locations.

B. Storage. If storage or impoundment of reclaimed water is provided, the following requirements apply:

1. Fencing. For Type I effluent, no fencing is required by this rule, but may be required by local laws or ordinances. For Type II effluent, see R317-1-4.4.D.4 above.

2. Identification. All storage facilities shall be identified by signs prepared according to the requirements of Section 4.8.D.6 below. Signs shall be posted on the surrounding fence at minimum 500 foot intervals and at the entrance of each facility. If there is no fence, signs shall be located as a minimum on each side of the facility or at minimum 250 foot intervals or at all accessible points.

C. Pumping Facilities.

1. Marking. All exposed and above ground piping, fittings, pumps, valves, etc., shall be painted purple, Pantone 512. In addition, all piping shall be identified using an accepted means of labeling reading "Caution: Reclaimed Water - Do Not Drink." In a fenced pump station area, signs shall be posted on the fence on all sides.

2. Sealing Water. Any potable water used as seal water for reclaimed water pumps seals shall be protected from backflow with a reduced pressure principle device.

D. Other Requirements.

1. Backflow Protection. In no case shall a connection be made between the potable and reclaimed water system. If it is necessary to put potable water into the reclaimed distribution system, an approved air gap must be provided to protect the potable water system. A reduced pressure principle device may be used only when approved by the Division of Water Quality, the local health department, and the potable water supplier.

2. Drinking Fountains. Drinking fountains and other public facilities shall be placed out of any spray irrigation area in which

reclaimed water is used, or shall be otherwise protected from contact with the reclaimed water. Exterior drinking fountains and other public facilities shall be shown and called out on the construction plans. If no exterior drinking fountains, picnic tables, food establishments, or other public facilities are present in the design area, then it shall be specifically stated on the plans that none are to exist.

3. Hose Bibs. Hose bibs on reclaimed water systems in public areas and at individual residences shall be prohibited. In public, non-residential areas, replacement of hose bibs with quick couplers is recommended.

4. Equipment and Facilities. To ensure the protection of public health, [~~A~~]any equipment or facilities such as tanks, temporary piping or valves, and portable pumps which have been [~~or may be~~]used for conveying [~~with~~]reclaimed water[~~, and could be interchangeably used with potable water or sewage, shall be cleaned and disinfected before or after use as appropriate. This disinfection and cleaning shall ensure the protection of the public health in the event of any subsequent use~~]may not be reused for conveying potable water.

5. Warning Labels. Warning labels shall be installed on designated facilities such as, but not limited to, controller panels and washdown or blow-off hydrants on water trucks, and temporary construction services. The labels shall indicate the system contains reclaimed water that is unsafe to drink.

6. Warning signs. Where reclaimed water is stored or impounded, or used for irrigation in public areas, warning signs shall be installed and contain, as a minimum, 1/2 inch purple letters (Pantone 512) on a white or other high contrast background notifying the public that the water is unsafe to drink. Signs may also have a purple background with white or other high contrast lettering. Warning signs and labels shall read, "Warning: Reclaimed Water - Do Not Drink". The signs shall include the international symbol for Do Not Drink.

R317-1-7. TMDLs.

The following TMDLs are approved by the Board and hereby incorporated by reference into these rules:

7.1 Bear River -- December 23, 1997
7.2 Chalk Creek -- December 23, 1997
7.3 Otter Creek -- December 23, 1997
7.4 Little Bear River -- May 23, 2000
7.5 Mantua Reservoir -- May 23, 2000
7.6 East Canyon Creek -- September 1, 2000
7.7 East Canyon Reservoir -- September 1, 2000
7.8 Kents Lake -- September 1, 2000
7.9 LaBaron Reservoir -- September 1, 2000
7.10 Minersville Reservoir -- September 1, 2000
7.11 Puffer Lake -- September 1, 2000
7.12 Scofield Reservoir -- September 1, 2000
7.13 Onion Creek (near Moab) -- July 25, 2002
7.14 Cottonwood Wash -- September 9, 2002
7.15 Deer Creek Reservoir -- September 9, 2002
7.16 Hyrum Reservoir -- September 9, 2002
7.17 Little Cottonwood Creek -- September 9, 2002
7.18 Lower Bear River -- September 9, 2002
7.19 Malad River -- September 9, 2002
7.20 Mill Creek (near Moab) -- September 9, 2002
7.21 Spring Creek -- September 9, 2002
7.22 Forsyth Reservoir -- September 27, 2002
7.23 Johnson Valley Reservoir -- September 27, 2002
7.24 Lower Fremont River -- September 27, 2002
7.25 Mill Meadow Reservoir -- September 27, 2002
7.26 UM Creek -- September 27, 2002
7.27 Upper Fremont River -- September 27, 2002
7.28 Deep Creek -- October 9, 2002
7.29 Uinta River -- October 9, 2002
7.30 Pineview Reservoir -- December 9, 2002
7.31 Browne Lake -- February 19, 2003[~~**Municipal Wastewater Facility Planning and Compliance Criteria.**~~

~~7.1 Planning and Compliance Requirements.~~

~~A. Each wastewater treatment entity in Utah (which does not have an approved, current facility plan) is required to develop, as soon as practicable, but no later than December 31, 1985, a Facilities Management and Financial Plan (FMFP) which will assure that sewerage works construction, operation, maintenance, and replacement needs will be met in a timely manner. A general outline of an FMFP is provided as an attachment. These plans are prerequisite to issuance of construction permits for new or significantly modified wastewater treatment facilities and for certification of new or renewed NPDES permits.~~

~~B. The FMFP must include an evaluation of alternatives in sufficient detail to determine the most cost effective and environmentally sound treatment strategy. The strategy must include a timely progression of interim measures which are planned to result in effective wastewater treatment for existing and projected population levels. The FMFP should contain an implementation schedule which outlines the specific measures to be taken which are developed to achieve effective wastewater management as soon as possible. Measurable, continuing progress toward this goal must be achievable. Public entities are encouraged to begin implementing their FMFP as soon as possible.~~

~~C. The FMFP must describe a financial plan to pay for all project costs, including replacement costs. This financial plan should include an "enterprise" fund which is separate from the general fund. The enterprise fund will account for user charges and other assessments collected to pay for all necessary operation and maintenance costs, debt service, and capital replacement. The plan should consider budgeting an allowance for eventual replacement of the entire facility at the end of the design life as well as replacement of major components in the interim.~~

~~D. The FMFP must address optimizing the operation and maintenance of existing facilities.~~

~~E. The FMFP must be consistent with all applicable State and Federal Laws and Regulations regarding pollution control and financial management of publicly owned wastewater treatment facilities. Specific regulatory compliance dates may only be extended on the basis of approval of such a plan.~~

~~7.2 Facility Plans. Existing wastewater treatment facility plans for projects awaiting EPA funding for design and construction should be updated where necessary to include all elements of an approvable FMFP (above) and elements identified by EPA in current guidance for an approvable facility plan. Updated facility plans shall be submitted by December 31, 1985.~~

~~7.3 Planning Deadline Provisions. The deadline for submission of FMFP's or updated facility plans shall be December 31, 1985. Extensions to this deadline may be granted on a case-by-case basis by the Board if it is demonstrated that the imposition of the deadline will cause financial hardship to the entity; if the plan cannot, despite good faith efforts, be completed by this date; or if the preparation and approval process would likely cause delays in projects already planned and in the process of implementation. A schedule and plan for the preparation of the FMFP or facility plan must be submitted with any extension request.~~

~~7.4 Scope of Planning Necessary. In order to assure that FMFP's and facility plans are properly scoped wastewater treatment entities should first determine the current design life of existing wastewater treatment facilities.~~

~~If the current design life is five years or less, according to responsible engineering judgement, entities should prepare FMFP's or facility plans with sufficient detail to permit preparation of detailed design so that construction of necessary wastewater facilities may be completed as soon as possible. Short term and long term facilities needs should be addressed. A general outline of such a plan is presented as an attachment. Facility plans, prepared in anticipation of an EPA Construction Grant, must be prepared in accordance with current EPA guidance.~~

~~If the current design life exceeds five years, long term wastewater facilities needs and a financial plan to address these needs, prepared in a professional manner, may be an acceptable level of planning. These facilities needs would generally be established at a very preliminary level in recognition of the fact that detailed plans have a useful life of approximately five years. However, the long term facilities needs must be estimated so that financial plans can be implemented as necessary.~~

~~After a preliminary determination is made regarding the present design life of facilities, the staff of the Bureau of Water Pollution Control should be consulted to provide scoping recommendations. Design criteria, wastewater characteristics, demographics, other factors used to determine the present design life of facilities, and the proposed plan of study should be submitted to the staff before planning is initiated.~~

~~7.5 Extensions to the Implementation of Standards.~~

~~To permit the expeditious and orderly development of plans for a short and long term wastewater management strategy, the Board will consider temporary extensions to the deadlines for compliance with water quality standards, secondary treatment standards and polished secondary treatment standards where it is documented by the entity that justifiable reasons exist. Extensions may be considered for specific standards and time periods if the following conditions are met:~~

~~A. A Facilities Management and Financial Plan or a current Facility Plan has been prepared in accordance with policies noted above.~~

~~B. Existing and anticipated conditions will not pose a health hazard.~~

~~C. The beneficial uses of affected state waters, as defined by R317-2, will not be seriously impaired by the discharge during the proposed extension.~~

~~D. Optimal operation and maintenance of existing facilities will be continued during the extension. Any time extension granted will require a treatment entity to conduct a detailed evaluation of the facility to identify and correct any operational and non-capital intensive deficiencies at the facility.~~

~~E. The FMFP or current facility plan must demonstrate that the entity will upgrade its wastewater treatment facility to meet the required standards in a timely manner. User charges and fees must be structured appropriately so that wastewater management facilities become self supporting.~~

~~7.6 Responsibility for Planning. Any wastewater treatment entity that is presently in compliance, yet has an identifiable need to plan for future expansion to accommodate growth but elects to wait for federal funds for construction, will make such election with full knowledge that should the capacity of the existing facilities be reached before new facilities are completed, a moratorium on new connections may be imposed and/or other enforcement actions may be taken. In such enforcement actions, the entity will not qualify for any special consideration, since the condition will be considered to have resulted as a matter of its choice.~~

~~7.7 Public Participation. The WPCC encourages entities to involve the affected public throughout the development of the Facility Plan or Facilities Management and Financial Plan. Since sewer users will be required to pay for debt retirement, operation and maintenance costs, connection fees, and contractor charges for service lateral hook-up, active citizen involvement is essential to assess public acceptance prior to bond elections and assure a responsive posture for local governments. The WPCC staff, as resources allow, will assist entities to develop and maintain effective public participation programs.~~

~~At least one public meeting should be held during early phases of the planning process before a recommended alternative is developed.~~

~~A public hearing should be held prior to the adoption of the Facility Plan or FMFP.~~

~~Adequate notification of public meetings, public hearings, and actions in response to public participation should be provided.~~

~~A consensus of the communities' willingness to proceed with the plan should be developed through public meetings, public hearings, referendums, bond elections, etc. and it should be documented in the Facility Plan or FMFP.~~

~~7.8 Staff Support. Upon request and as resources permit, the WPCC staff will provide technical assistance to help entities develop interim and long-range programs, construction schedules, FMFP's and Facility Plans. The staff will also provide information relative to securing financing for construction. Technical assistance would include reviews of documents submitted and meetings with city officials and their engineers to help scope the planning project, evaluate work plans, etc., in an effort to facilitate an expeditious approval process.~~]

KEY: water pollution, waste disposal, industrial waste, effluent standards
[~~November 12, 2003~~]2004
Notice of Continuation October 7, 2002
19-5

▼ ▼

Environmental Quality, Water Quality
R317-401
Graywater Systems

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 26797
FILED: 11/14/2003, 15:27

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The State is in the fifth year of drought. Recently, there have been numerous inquiries about allowing graywater for landscape irrigation. Division of Water Quality staff have been working with the Conference of Local Environmental Health Administrators (CLEHA) Onsite Wastewater Partnership since early this year to develop an acceptable approach for administering a graywater program. The process of delegation of administration of the graywater systems was the key issue for local health departments. Last month, the local

health departments accepted the concepts presented in the proposed rule.

SUMMARY OF THE RULE OR CHANGE: The proposed rule allows the use of graywater originating from laundries, showers, tubs, and lavatories for subsurface irrigation only. The rule does require fallback provision with a sewer or an onsite system. A Level 3 designer must design the system after considering operations and maintenance instructions, information on the groundwater table and soils. The health department may require more stringent design than the one proposed in the rule. The rule provides for the services of a contract service provider for operation and maintenance at the option of local health departments. Local health departments may also require renewable operating permits. The local health departments must present to the Water Quality Board adequacy of resources and technical capability, and support from county commissioners, board of health, and county attorney, as a prerequisite of being delegated approval authority.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: No anticipated impact to state budget. The proposed rule will be administered using existing resources.
❖ LOCAL GOVERNMENTS: The local health department will incur a cost to administer the program and process proposed graywater applications. We estimate a resource need of approximately eight hours for review, approval and inspection per system. The proposed rule includes language authorizing the local health department to collect application fees sufficient to cover these costs. Because the number of graywater applications that may be received under this rule is unknown, the total cost cannot be determined.
❖ OTHER PERSONS: If a person chooses to use graywater for irrigation, one-time costs for construction and retrofit could be expected to range from $3,000 to $8,000.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If a person chooses to use graywater for irrigation, one-time costs for construction and retrofit could be expected to range from $3,000 to $8,000.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule provides the opportunity for businesses to utilize graywater for irrigation. The decision to pursue graywater irrigation, as well as any fiscal impacts, remains the decision of the business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
WATER QUALITY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@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 12/31/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/09/2003 at 7:00 PM, Southwest Utah Public Health Department, 168 N 100 E , Conference room, St. George, UT and 12/10/2003 at 3:00 PM, DEQ Building #2, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2004

AUTHORIZED BY: Don Ostler, Director

R317. Environmental Quality, Water Quality.
R317-401. Graywater Systems.
R317-401-1. General.

(a) This rule shall apply to the construction, installation, modification and repair of graywater systems for subsurface landscape irrigation for single-family residences.

(b) Nothing contained in this rule shall be construed to prevent the permitting local health department from:

(i) adopting stricter requirements than those contained herein;

(ii) prohibiting graywater systems; and

(iii) assessment of fees for administration of graywater systems.

(c) Graywater shall not be:

(i) applied above the land surface;

(ii) applied to vegetable gardens;

(iii) allowed to surface; or

system or any waters of the State.

(d) It shall be unlawful for any person to construct, install or modify, or cause to be constructed, installed or modified any graywater system in a building or on a given lot without first obtaining a permit to do such work from the local health department.

(e) The local health department may require the graywater system in its jurisdiction, be placed under:

(i) an umbrella of a management district for the purposes of operation, maintenance and repairs,

(ii) a third-party operation, maintenance and repair contract at the expense of the permittee with a requirement of notification by the permittee and the contractor to the local health department, of the termination of such services.

R317-401-2. Definitions.

(a) Graywater is untreated wastewater, which has not come into contact with toilet waste. Graywater includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, laundry tubs, etc., and does not include wastewater from kitchen sinks, photo lab sinks, dishwashers, garage floor drains, or other hazardous chemicals.

(b) Surfacing of graywater means the ponding, running off, or other release of graywater to or from the land surface.

(c) The local health department means a city-county or multi-county local health department established under Title 26A, which has been given approval by the Utah Water Quality Board to issue permits for graywater systems within its jurisdiction.

R317-401-3. Administrative Requirements.

(a) The local health department having jurisdiction must obtain approval from the Utah Water Quality Board to administer a graywater systems program, as outlined in this section, before permitting graywater systems.

(b) The local health department request for approval must include a description of its plan to properly manage these systems to protect public health. This plan must include:

(i) Documentation of:

(1) the adequacy of staff resources to manage the increased work load;

(2) the technical capability to administer the new systems including any training plans which are needed;

(3) the Local Board of Health and County Commission support this request; and

(4) the county's legal authority to implement and enforce correction of malfunctioning systems and its commitment to exercise this authority.

(ii) An agreement to:

(1) advise the owner of the system of the type of system, and information concerning risk of failure, level of maintenance required, financial liability for repair, modification or replacement of a failed system and periodic monitoring requirements;

(2) advise the building permitting agency of the approved graywater system on the property;

(3) provide oversight of installed systems;

(4) record the existence of the system on the deed of ownership for that property;

(5) issue a renewable operating permit at a frequency not exceeding five years with inspection of the permitted systems before renewal; or, inspect annually the greater of 20 per cent of all installed system or the minimum of ten installed systems; and

(6) maintain records of all installed systems, failures, modifications, repairs and all inspections recording the condition of the system at the time of inspection such as, but not limited to, overflow, surfacing, ponding and nuisance.

R317-401-4. Permitting or Approval Requirements.

(a) Designer certified at Level 3, in accordance with the requirements of R317-11, shall design the graywater systems.

(b) The local health department may require the following information with or in the plot plan before a permit is issued for a graywater system:

(i) plot plan drawn to scale, completely dimensioned, showing lot lines and structures, direction and slope of the ground, location of all present or proposed retaining walls, drainage channels, water supply lines, wells, paved areas and structures on the plot, other utilities, easements, number of bedrooms and plumbing fixtures plan in each structure, location of onsite wastewater system and replacement area of the onsite wastewater system, or building sewer connecting to a public sewer, and location of the proposed graywater system;

(ii) a log of soil formations and identification of the maximum anticipated ground water level as determined by the minimum of one test hole, dug in close proximity, two feet below the bottom of the irrigation area together with a statement of water absorption characteristics of the soil at the proposed site. Soil and groundwater evaluations will be conducted by professionals fulfilling the requirements of R317-11;

(iii) details of construction necessary to ensure compliance with the requirements of this rule together with full description of the complete installation including installation methods, construction and materials, as required by the local health department; and

(iv) other pertinent information the local health department may deem appropriate.

(c) The installed graywater system shall be operated only after receiving a written approval or an authorization from the local health department after the local health department has made the final construction inspection.

(d) The local health department will require written operation and maintenance procedures including checklists and maintenance instructions from the designer.

(e) No graywater system, or part thereof, shall be located on any lot other than the lot which is the site of the building or structure which discharges the graywater unless, when approved by the local health department, a perpetual utility easement and right-of-way is established on an adjacent or nearby lot.

(f) Onsite wastewater systems existing or to be constructed on a given lot shall comply with the requirements of R317-4 or more restrictive local requirements. The capacity of the onsite wastewater system, including required future areas, shall not be decreased by the existence or proposed installation of a graywater system servicing a given lot.

(g) The graywater system shall not be connected to any potable water system without an air gap or a reduced pressure principle backflow prevention assembly for cross connection control, in accordance with R309-105.

(h) When abandoning a graywater system,

(i) the owner of the real property on which such system is located shall render it safe by having the surge tank pumped out only in a manner approved by the health department;

(ii) the surge tank shall be filled completely with earth, sand or gravel within 30 days;

(iii) the surge tank may also be removed within 30 days, at the owner's discretion.

R317-401-5. Design of Graywater Systems.

(a) The basis of design for a graywater system shall be as follows:

TABLE

Number of Bedrooms	Flow, gallons per day
Minimum two bedrooms	120
Three bedrooms	160
Each additional bedroom	40

(b) No graywater system or part thereof shall be located at any point having less than the minimum distances indicated as follows:

TABLE

Minimum Horizontal Distance (in feet) From	Surge Tank	Subsurface or Drip Irrigation Field
Buildings or Structures (1)	5 feet (2)	2 feet
Property line adjoining private property	5 feet	5 feet
Public Drinking Water Sources (3)	(4)	(4)

Non-public Drinking Water Sources		
Protected (grouted)source	50 feet	100 feet
Unprotected (ungrouted)source	50 feet(5)	200 feet(5)
Streams, ditches and lakes (3)	25 feet	100 feet(6)
Seepage pits	5 feet	10 feet
Absorption System and replacement area	5 feet	10 feet
Septic tank	none	5 feet
Culinary water supply line	10 feet	10 feet(7)

Footnotes:
(1) Including porches and steps, whether covered or uncovered, but does not include carports, covered walks, driveways and similar structures.
(2) For above ground tanks the local health department may allow less than five feet separation.
(3) As defined in R309
(4) Recommended separation distances will comply with the Source Water Protection requirements R309-600 and 605.
(5) Recommended separation distance may increase at the discretion of the local health department for adequate public health protection.
(6) Lining or enclosing watercourse or location above irrigation area may justify reduced separation at the discretion of the local health department.
(7) For parallel construction or for crossing requires an approval of the local health department.

(c) Surge Tank

(i) Plans for surge tanks shall include dimensions, structural, bracing and connection details, and a certification of structural suitability for the intended installation from the manufacturer.

(ii) Surge tanks shall be:

(A) at least 250 gallons in volumetric capacity to provide settling of solids, accumulation of sludge and scum;

(B) vented to the surface with a locking, gasketed access opening, or approved equivalent, to allow for inspection and cleaning;

(C) constructed of structurally durable materials to withstand all expected physical forces, and not subject to excessive corrosion or decay;

(D) watertight;

(E) anchored against overturning;

(F) installed below ground on dry, level, well compacted soil; in a dry well on compacted soil; or above ground on a level, four-inch thick concrete slab;

(G) Permanently marked showing the rated capacity, and "GRAYWATER IRRIGATION SYSTEM, DANGER - UNSAFE WATER" on the unit;

(H) provided with an overflow pipe:

(I) of diameter at least equal to that of the inlet pipe diameter;

(II) connected permanently to sanitary sewer or to septic tank; and

(III) equipped with a check valve, not a shut-off valve - to prevent backflow from sewer or septic tank.

(I) provided with a drain pipe of diameter at least equal to that of the inlet pipe diameter;

(J) provided with a vent pipe in conformance with the requirements of the International Plumbing Code; and

(K) provided with unions and fittings for all piping in conformance with the requirements of the International Plumbing Code.

(d) Valves and Piping

(i) Graywater piping discharging into a surge tank or having a direct connection to a sanitary drain or sewer piping shall be downstream of an approved water seal type trap(s) If no such trap(s) exists, an approved vented running trap shall be installed upstream of the connection to protect the building from any possible waste or sewer gases.

(ii) Vents and venting shall meet the requirements of the International Plumbing Code.

(iii) All graywater piping shall be marked or shall have a continuous tape marked with the words: DANGER - UNSAFE WATER. Purple colored pipe is required, as specified in R317-1.

(iv) All valves, including the three-way valve, shall be readily accessible.

R317-401-6. Irrigation Fields.

(a) Each irrigation zone shall have a minimum effective irrigation area for the type of soil and absorption characteristics.

(b) The area of the irrigation field shall be equal to the aggregate length of the perforated pipe sections within the irrigation zone times the width of the proposed trench. The required square footage shall be determined as follows:

TABLE

Soil Characteristics	Subsurface Irrigation System Loading, Gallons per day per square foot	Drip Irrigation System Maximum emitter discharge, gallons per day	Drip Irrigation System Minimum number of emitters per gallon per day of graywater
Coarse Sand or gravel	5	1.8	0.6
Fine Sand	4	1.4	0.7
Sandy Loam	2.5	1.2	0.9
Sandy Clay	1.6	0.9	1.1
Clay with considerable sand or gravel	1.1	0.6	1.6
Clay with sand or gravel	0.8	0.5	2.0

(c) No irrigation point shall be within two vertical feet of the maximum groundwater table. The applicant shall supply evidence of ground water depth to the satisfaction of the local health department.

(d) Subsurface drip irrigation system.

(i) Minimum 140 mesh (115 micron) filter with a capacity of 25 gallons per minute, or equivalent filtration, sized appropriately to maintain the filtration rate, shall be used.

(ii) The filter backwash and flush discharge shall be captured, contained and disposed of to the sewer system, septic tank, or, with approval of the local health department, in a dry well sized to accept all the backwash and flush discharge water. Filter backwash water and flush water shall not be used for any purpose. Sanitary procedures shall be followed when handling filter backwash and flush discharge of graywater.

(iii) Emitters recommended by the manufacture shall be resistant to root intrusion, and suitable for subsurface and graywater use.

(iv) Each irrigation zone shall be designed to include no less than the number of emitters specified in this rule.

(v) Minimum spacing between emitters should be 14 inches in any direction, or as recommended by the manufacturer.

(vi) The system design shall provide user controls, such as valves, switches, timers, and other controllers as appropriate, to rotate the distribution of graywater between irrigation zones.

(vii) All drip irrigation supply lines shall be:

(A) polyethylene tubing or PVC class 200 pipe or better and schedule 40 fittings;

(B) With solvent-cemented joints, inspected and pressure tested at 40 pounds per square inch and shown to be drip tight for five minutes, before burial; and

(C) buried at a minimum depth of six inches. Drip feeder lines can be polyethylene or flexible PVC tubing and shall be covered to a minimum depth of six inches.

(viii) Where pressure at the discharge side of the pump exceeds 20 pounds per square inch, a pressure-reducing valve able to maintain downstream pressure no greater than 20 pounds per square inch shall be installed downstream from the pump and before any emission device.

(ix) Each irrigation zone shall include a flush valve/anti-siphon valve to prevent back siphonage of water and soil.

(e) Subsurface Irrigation Field

(i) Perforated sections shall be a minimum three-inch diameter and shall be constructed of perforated high-density polyethylene pipe, perforated ABS pipe, perforated PVC pipe, or other approved materials, provided that sufficient openings are available for distribution of the graywater in the trench area. Material, construction and perforation of the piping shall be in compliance with the requirements of the International Plumbing Code.

(ii) Clean stone, gravel, or similar filter material acceptable to the local health department, and varying in size from 3/4 inch to 2 1/2 inches, shall be placed in the trench to the depth and grade required by this section. Perforated sections shall be laid on the filter material. The perforated sections shall then be covered with filter material to the minimum depth required by this section. The filter material shall then be covered with landscape filter fabric or similar porous material to prevent closure of voids with earth backfill.

(iii) No earth backfill shall be placed over the filter material cover until after inspection and approval of the local health department.

(iv) Subsurface Irrigation fields shall be constructed as follows:

TABLE

Description	Minimum	Maximum
Number of drain lines per subsurface irrigation zone	one	---
Length of each perforated line, feet	---	100
Bottom width of trench, inches	6	18
Total depth of trench, inches	12	---
Spacing of lines, center to center, feet	4	---
Depth of earth cover on top of gravel, inches	4	---
Depth of filter material cover over lines, inches	2	---
Depth of filter material beneath lines, inches	3	---
Grade of perforated lines, Inches per 100 feet	Level	4

(f) Construction, Inspection and Testing

(i) Installation shall conform to the equipment and installation methods described in the approved plans.

(ii) The manufacturer of all system components shall be properly identified.

(iii) Surge tanks shall be filled with water to the overflow line prior to and during construction inspection. All seams and joints shall be left exposed and the tank shall remain watertight.

(iv) The irrigation field shall be installed in the area which has soils similar to the soils which have been evaluated, and has absorption rate corresponding to the given soil classification.

(v) A graywater stub-out may be allowed for future construction, provided it is capped prior to the connection to the installed irrigation lines and landscaping. Stub-out shall be permanently marked: GRAYWATER STUB-OUT, DANGER UNSAFE WATER.

(vi) A flow test shall be performed throughout the system, from surge tank to the point of graywater irrigation. All lines and components shall be watertight.

KEY: wastewater, graywater, drip irrigation
2004
19-5

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-51

Dental, Orthodontia

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26782
FILED: 11/13/2003, 10:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking adds the method by which fees and reimbursements are established for dental and orthodontia services.

SUMMARY OF THE RULE OR CHANGE: This rulemaking action implements recent changes in Subsection 26-18-3(2) that requires that payment methodologies and covered benefits be placed in rule. The changes to eligibility standards are a moving of general language from Rule R414-1 which is made more specific in this rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-18-3, and 42 USC 1396d (a)(5)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are minor administrative costs to the state budget associated with this rulemaking, within the Division of Health Care Financing.

❖ LOCAL GOVERNMENTS: There are no costs or savings to local government because local government is not affected by this rulemaking.

❖ OTHER PERSONS: There are no costs or savings to other persons because there is no material change. This rulemaking adopts payment methodologies for Medicaid providers that were already in contracts with the providers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost because there is no material change. This rulemaking adopts payment methodologies for Medicaid providers that were already in contracts with the providers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rulemaking adds the method by which fees and reimbursements are established for dental and orthodontia services. This rulemaking is required by H.B. 126 passed in the 2003 Legislature. (DAR NOTE: H.B. 126 is found at UT L 2003 Ch 324, and was effective May 5, 2003.)

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ross Martin at the above address, by phone at 801-538-6592, by FAX at 801-538-6099, or by Internet E-mail at rmartin@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Scott D. Williams, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-51. Dental, Orthodontia.
R414-51-1. Introduction and Authority.

(1) The Medicaid Orthodontia Program provides orthodontia services for Medicaid eligible children who have a handicapping malocclusion as a result of birth defects, accident, or abnormal growth patterns, and for Medicaid eligible adults who have a handicapping malocclusion as a result of a recent accident or disease, of such severity that they are unable to masticate, digest, or benefit from their diet.

(2) Orthodontia services are authorized by 42 CFR 440.100(a), 440.225, 441.56(b)(2), 441.57, October, 1997 ed, which are adopted and incorporated by reference.

R414-51-2. Definitions.

In addition to the definitions in R414-1, the following definitions also applies to this rule:

(1) "Adult" means an individual who is 21 years of age or older;

(2) "Child" means an individual who is under 21 years of age;

(3) "Salzmann's Index" means the "Handicapping Malocclusion Assessment Record" by J. A. Salzmann, used for assessment of handicapping malocclusion, as adopted by the Board of Directors of the American Association of Orthodontists and the Council on Dental Health of the American Dental Association. This index provides a universal numerical measurement of the total malocclusion.

R414-51-3. Client Eligibility Requirements.

Orthodontia services are available for Medicaid eligible recipients.

R414-51-4. Program Access Requirements.

(1) Orthodontia services are available to children who meet the requirements of having a handicapping malocclusion identified in an Early and Periodic Screening, Diagnosis and Treatment (EPSDT) exam.

(2) The Department shall determine the medical necessity for orthodontia services for each individual whether child or adult based upon:

(a) the evaluation of the malocclusion using the Salzmann's Index from models of the teeth submitted by the dentist or orthodontist; and

(b) evidence of medical necessity provided by the primary dentist, the orthodontist, or the physician.

(3) The primary care physician, or the physician or dentist who completes the EPSDT screening examination, may contribute information pertaining to the medical necessity for services.

(4) Qualified Providers.

Dentists, oral and maxillofacial surgeons, and orthodontists may provide any part of the orthodontic services for which they are qualified.

R414-51-5. Service Coverage.

(1) Medicaid considers a Salzmann's Index score of 30 or more a level of handicapping malocclusion for which orthodontia is a covered service.

(2) Service coverage includes:

(a) a wax bite and study models of the teeth;

(b) removal of teeth, or other surgical procedures, if necessary to prepare for an orthodontic appliance;

(c) attachment of an orthodontic appliance;

(d) adjustments of an appliance;

(e) removal of an appliance;

(3) Dental surgical procedures which are cosmetic only are not covered services even when proposed in conjunction with orthodontia.

R414-51-6. Limitations.

Orthodontia is not a Medicaid benefit for:

(1) cosmetic or esthetic reasons;

(2) treatment of any temporo-mandibular joint condition or dysfunction;

(3) conditions in which radiographic evidence of bone loss has been documented;

(4) an adult whose handicapping malocclusion resulted from an accident or disease occurring more than one year from the date of request for services.

R414-51-7. Reimbursement.

(1) Fees for services for which the Department will pay optometrists are established from the physician's fees for CPT codes as described in the State Plan, Attachment 4.19-B, Section D Physicians. Fee schedules were initially established after consultation with provider representatives. Adjustments to the schedule are made in accordance with appropriations and to produce efficient and effective services.

(2) The Department pays the lower of the amount billed and the rate on the schedule. A provider shall not charge the Department

a fee that exceeds the provider's usual and customary charges for the provider's private-pay patients.

(3) The Department shall pay dentists in rural areas 120 percent of the Medicaid established dental fee. The Department shall pay dentist in urban areas 120 percent of the Medicaid established dental fee who agree in writing to treat 100 Medicaid eligible patients per year.

KEY: [~~m~~]Medicaid, dental, orthodontia
[~~July 17, 1998~~]2004
Notice of Continuation May 30, 2003
26-1-5
26-18-3

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-52
Optometry Services

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26798
FILED: 11/14/2003, 15:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking replaces some eligibility standards for non-pregnant adults ages 21 and older that were previously in Rule R414-1. In addition, this rulemaking allows optometrists to perform additional physician services as allowed under the Utah Optometry Practice Act. It also adds the method by which fees and reimbursements are established for optometry services.

SUMMARY OF THE RULE OR CHANGE: In Section R414-52-3, the phrase "except for non-pregnant adult recipients ages 21 and older" is deleted. In Section R414-52-4, the phrase "and prescription of corrective lenses" is deleted and the phrase "and Medicaid medical services open to physicians that may be performed by optometrists under the Utah Optometry Practice Act" is added. This rulemaking action implements recent changes in Subsection 26-18-3(2) that require that payment methodologies and covered benefits be placed in rule. The changes to eligibility standards are a moving of general language from Rule R414-1, which is made more specific in this rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There will be no costs to the state budget because of this rulemaking. The amounts paid to ophthalmologists and optometrists are the same for the service provided. No additional services are provided because of this change.

❖ LOCAL GOVERNMENTS: Local governments will not be affected by this rulemaking because they do not provide any optometry services.
❖ OTHER PERSONS: An estimated $70,000 in Medicaid payments could shift from ophthalmologists to optometrists.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs involved with this rulemaking because it requires no affirmative action by any provider. There is no cost due to the addition of the reimbursement methodology because this rulemaking adopts payment methodologies for Medicaid providers that were already in contracts with the providers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes are in keeping with the scope of practice for optometrists as provided in the Optometry Practice Act. The net result to business is neutral.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee or Ross Martin at the above address, by phone at 801-538-6641 or 801-538-6592, by FAX at 801-538-6099 or 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov or rmartin@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Scott D. Williams, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-52. Optometry Services.
R414-52-1. Authority and Purpose.

Optometry services are authorized by 42 CFR, section 440.60, October 1992 edition, which addresses medical services provided by licensed practitioners. The Optometry Program provides optometry services to meet the optometry needs of Medicaid clients.

R414-52-2. Definitions.

(1) The definitions in the Utah Optometry Practice Act, Title 58, Chapter 16a, apply to this rule.

(2) For the purposes of this rule, "Client" has the same meaning as defined in R414-1-2.

R414-52-3. Client Eligibility Requirements.

Optometry services are available to Categorically and Medically Needy individuals[~~ except for non-pregnant adult recipients ages 21 and older~~]. Definitions of Categorically and Medically Needy individuals are found in R414-1-2.

R414-52-4. Service Coverage.

(1) Optometry services include the examination, evaluation, diagnosis, and treatment of visual deficiency; removal of a foreign body; [~~and prescription of corrective lenses.~~]and Medicaid medical services open to physicians which may be performed by optometrists under the Utah Optometry Practice Act.

(2) The optometrist must document in the patient record that the eye examination is medically necessary.

R414-52-5. Reimbursement.

(1) Fees for services for which the Department will pay optometrists are established from the physician's fees for CPT codes as described in the State Plan, Attachment 4.19-B, Section D Physicians. Fee schedules were initially established after consultation with provider representatives. Adjustments to the schedule are made in accordance with appropriations and to produce efficient and effective services.

(2) The Department pays the lower of the amount billed and the rate on the schedule. A provider shall not charge the Department a fee that exceeds the provider's usual and customary charges for the provider's private-pay patients.

KEY: Medicaid, optometry
[~~April 9, 2003~~]2004
Notice of Continuation June 6, 2003
26-1-5
26-18-3

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-53

Eyeglasses Services

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26783
FILED: 11/13/2003, 10:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking adds the method by which fees and reimbursements are established for eyeglasses services.

SUMMARY OF THE RULE OR CHANGE: This rulemaking action implements recent changes in Subsection 26-18-3(2) that requires that payment methodologies and covered benefits be placed in rule. The changes to eligibility standards are a moving of general language from Rule R414-1, which is made more specific in this rule.

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

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There are minor administrative costs to the state budget associated with this rulemaking, within the Division of Health Care Financing.
❖ LOCAL GOVERNMENTS: There are no costs or savings to local government because local government is not affected by this rulemaking.
❖ OTHER PERSONS: There are no costs or savings because there is no material change. This rulemaking adopts payment methodologies for Medicaid providers that were already in contracts with the providers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost because there is no material change. This rulemaking adopts payment methodologies for Medicaid providers that were already in contracts with the providers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rulemaking adds the method by which fees and reimbursements are established for eyeglass services. This rulemaking is required by H.B. 126 passed in the 2003 Legislature. (DAR NOTE: H.B. 126 is found at UT L 2003 Ch 324, and was effective May 5, 2003.)

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee or Ross Martin at the above address, by phone at 801-538-6641 or 801-538-6592, by FAX at 801-538-6099 or 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov or rmartin@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Scott D. Williams, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-53. Eyeglasses Services.
R414-53-1. Authority and Purpose.

Eyeglasses are authorized by 42 CFR, 440.120(d), October 1992 edition. The Eyeglasses Program provides eyeglasses services to meet the basic vision care needs of Medicaid recipients.

R414-53-2. Definitions.

"Eyeglasses" means lenses, including frames, contact lenses, and other aids to vision that are prescribed by a physician skilled in diseases of the eye or by an optometrist.

R414-53-3. Client Eligibility Requirements.

Eyeglasses are available to Categorically and Medically Needy [~~individuals except for non-pregnant adult recipients ages 21 and older~~]clients who are ages 20 and younger or who are pregnant. Definitions of Categorically and Medically Needy individuals are found in R414-1-2.

R414-53-4. Service Coverage.

(1) Corrective lenses and frames may be provided based on medical need. Medical need includes a change in prescription or replacement as a result of normal lens or frame wear. Frames must be those in which lenses can be replaced readily without having to provide a new frame. Corrective lenses must be suitable for indoor and outdoor use, and for day and night use.

(2) Single vision, bifocal, or trifocal lenses, with or without slab-off prism, in clear glass or plastic, may be provided.

(3) Only the least expensive frame practicable for use, either plastic or metal, may be provided.

(4) Replacements for existing lenses or frames may be provided if the prescribing physician or optometrist declares them to be medically necessary. Eyeglasses may not be replaced more often than every two years unless the prescribing physician or optometrist declares an earlier replacement to be medically necessary. Circumstances which would warrant providing new eyeglasses or contact lenses, are a diopter change of .75 or more, or disease or damage to the eye. Eyeglasses or contact lenses may not be replaced if they were damaged through client negligence or abuse.

(5) Frames which have hearing aids placed in the earpieces may be provided by the audiologist or hearing aid provider. Lenses for these frames must be dispensed by the prescribing physician or optometrist.

(6) The following may be provided if the prescribing physician or optometrist declares them to be medically necessary:

(a) Contact lenses;

(b) Soft contact lenses;

(c) Gas permeable contact lenses;

(d) Tints for eyeglasses or contact lenses where diseases or conditions are present which render the client unusually light-sensitive;

(e) Low vision aids.

(7) The following are not provided:

(a) Additional eyeglasses such as reading glasses, distance glasses, or a "spare";

(b) Extended wear contact lenses or disposable contact lenses.

R414-53-5. Reimbursement.

(1) The Department pays for lenses and standard frames on a fee-for-service basis, based on CPT codes as described in the State Plan, Attachment 4.19-B.

(2) The Department pays the lower of the amount billed and the rate on the schedule. A provider shall not charge the Department a fee that exceeds the provider's usual and customary charges for the provider's private-pay patients.

(2) Fee schedules were initially established after consultation with provider representatives. Adjustments to the schedule are made in accordance with appropriations and to produce efficient and effective services.

(3) The Department pays the lower of the amount billed and the rate on the schedule. A provider shall not charge the Department a fee that exceeds the provider's usual and customary charges for the provider's private-pay patients.

KEY: Medicaid, eyeglasses
[~~April 7, 2003~~]2004
Notice of Continuation June 6, 2003
26-1-5
26-18-3

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-304

Income and Budgeting

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26781
FILED: 11/13/2003, 09:57

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes remove the extra $8 income deduction that had been allowed to determine eligibility for the 100% of poverty Aged and Disabled Medicaid program; and to comply with H.B. 126, Medicaid Benefits Administration, passed in the 2003 Utah State Legislative session, language is being added about the income deduction for maintaining the home for a person who will be a resident in a
nursing facility for six months or less. The deduction is equal to the one-person Medicaid Income Limit for aged, blind, and disabled individuals. This deduction for maintaining the home has been allowed under 42 CFR 435.725 and 435.832, and the amount was previously set under policy. (DAR NOTE: H.B. 126 is found at UT L 2003 Ch 324, and was effective May 5, 2003.)

SUMMARY OF THE RULE OR CHANGE: Remove Subsection R414-304-7(10) because this provision was an extra income deduction for the 100% of poverty Aged and Disabled Medicaid program that was added because in 2001, the cost-of-living increase from Social Security that Aged and Disabled individuals received was higher than the percentage of increase in the federal poverty rate. This difference caused numerous eligible individuals to lose eligibility under the 100% poverty program and created large spenddowns for them. The additional $8 disregard protected their eligibility. Effective July 2003, the spenddown level for aged, blind, and disabled individuals has been increased to 100% of the federal poverty rate; therefore, the $8 disregard is no longer needed. Now when an aged, blind, or disabled individual's income goes over the 100% poverty rate because of a cost-of-living increase that exceeds the rate of increase in the poverty rate, the individual only has to spenddown to 100% of poverty

instead of the much lower medically needy income level. Language was also added to Subsection R414-304-9(13) about the deduction for maintaining the community residence for a person who will reside in a nursing facility for six months or less. A deduction for maintaining the home has been allowed under the incorporated materials in 42 CFR 435.725 and 435.832, and the amount was set under policy. The amount of this deduction is equal to the Medicaid Income Limit for one person. This language must be added to rules to comply with H.B. 126, Medicaid Benefits Administration, passed in the 2003 Utah State Legislative session. Modifications have been made in several places to clarify language concerning income deductions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: A savings of between $490 to $3,940 annually in combined state and federal funds for the change in the $8 deduction.
❖ LOCAL GOVERNMENTS: No cost or savings to local government because local governments are not involved in the $8 deduction.
❖ OTHER PERSONS: A cost of $12 to $96 annually for the group of aged or disabled persons affected by the elimination of the $8 deduction.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Aged and disabled individuals affected by this could incur personal costs for the Medicaid spenddown ranging from $12 to $96 annually for an eligible person or eligible couple, by removing the $8 deduction.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The $8 income disregard is no longer necessary with changes to the spenddown in this program. This change is not expected to change the eligibility of any person and should have no impact on health care providers.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ross Martin or Gayle M. Six at the above address, by phone at 801-538-6592 or 801-538-6895, by FAX at 801-538-6099 or 801-538-6952, or by Internet E-mail at rmartin@utah.gov or gaylesix@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Scott D. Williams, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-304. Income and Budgeting.
R414-304-2. A, B and D Medicaid and A, B and D Institutional Medicaid Unearned Income Provisions.

(1) The Department adopts 42 CFR 435.725 through 435.832, 2001 ed., and 20 CFR 416.1102, 416.1103, 416.1120 through 416.1148, 416.1150, 416.1151, 416.1163 through 416.1166, and Appendix to Subpart K of 416, 2002 ed., which are incorporated by reference. The Department adopts Subsection 404(h)(4) and 1612(b)(22) of the Compilation of the Social Security Laws in effect January 1, 1999, which are incorporated by reference. The Department shall not count as income any payments that are prohibited under other federal laws from being counted as income to determine eligibility for federally-funded medical assistance programs.

(2) The following definitions apply to this section:

(a) "Deeming" or "deemed" means a process of counting income from a spouse of an aged, blind, or disabled person or from a parent of a blind or disabled child, or from a sponsor of an aged, blind or disabled qualified alien to decide what amount of income after certain allowable deductions, if any, must be considered income to an aged, blind, or disabled person or child.

(b) "Eligible spouse" means the member of a married couple who is either aged, blind, or disabled.

(c) "In-kind support donor" means an individual who provides food or shelter without receiving full market value compensation in return.

(d) "Presumed maximum value" means the allowed maximum amount an individual is charged for the receipt of food and shelter. This amount shall not exceed 1/3 of the SSI federal benefit rate plus $20.

(3) Only the portion of a VA check to which the client is legally entitled is countable income. VA payments for aid and attendance do not count as income. The portion of a VA payment [~~which~~]that is made because of unusual medical expenses is not countable income. Other VA income based on need is countable income, but is not subject to the $20 general income disregard.

(4) The value of special circumstance items is not countable income if the items are paid for by donors.

(5) For A, B and D Medicaid two-thirds of current child support received in a month for the disabled child is countable unearned income. It does not matter if the payments are voluntary or court-ordered. It does not matter if the child support is received in cash or in-kind. Child support payments that are payments owed for past months or years are countable income to the parent receiving the payments.

(6) For A, B and D Institutional Medicaid court-ordered child support payments must be paid to the Office of Recovery Services (ORS) when the child resides out-of-home in a Medicaid 24-hour care facility. If the child has no income or insufficient income to provide for a personal needs allowance, ORS will allow the parent to retain up to the amount of the personal needs allowance to send to the child for personal needs. All other current child support

payments received by the child or guardian that are not subject to collection by ORS shall count as unearned income to the child.

(7) The interest earned from a sales contract on either or both the lump sum and installment payments is countable unearned income when it is received or made available to the client.

(8) If the client, or the client and spouse do not live with an in-kind support donor, in-kind support and maintenance is the lesser of the value or the presumed maximum value of food or shelter received. If the client, or the client and spouse live with an in-kind support donor and do not pay a prorated share of household operating expenses, in-kind support and maintenance is the difference between the prorated share of household operating expenses and the amount the client, or the client and spouse actually pay, or the presumed maximum value, whichever is less.

(9) SSA reimbursements of Medicare premiums are not countable income.

(10) Payments under a contract, retroactive payments from SSI and SSA reimbursements of Medicare premiums are not considered lump sum payments.

(11) Educational loans, grants, and scholarships guaranteed by the U.S. Department of Education are not countable income if the recipient is an undergraduate. Income from service learning programs is not countable income if the recipient is an undergraduate. Deductions are allowed from countable educational income if receipt of the income depends on school attendance and if the client pays the expense. Allowable deductions include:

(a) tuition;

(b) fees;

(c) books;

(d) equipment;

(e) special clothing needed for classes;

(f) travel to and from school at a rate of 21 cents a mile, unless the grant identifies a larger amount;

(g) child care necessary for school attendance.

(12) Except for an individual eligible for the Medicaid Work Incentive Program, the following provisions apply to non-institutional medical assistance:

(a) For A, B, or D Medicaid, the income of a spouse or a parent shall not be considered in determining Medicaid eligibility of a person who receives SSI or meets 1619(b) criteria. SSI recipients and 1619(b) status individuals who meet all other Medicaid eligibility factors shall be eligible for Medicaid without spending down.

(b) If an ineligible spouse of an aged, blind, or disabled person has more income after deductions than the allocation for a spouse, that income shall be deemed to be income to the aged, blind, or disabled spouse to determine eligibility.

(c) The Department shall determine household size and whose income counts for A or D Medicaid as described below.

(i) If only one spouse is aged or disabled:

(A) income of the ineligible spouse shall be deemed to be income to the eligible spouse when it exceeds the allocation for a spouse. The combined income shall then be compared to 100% of the federal poverty guideline for a two-person household. If the combined income exceeds that amount, it shall be compared, after allowable deductions, to the BMS for two to calculate the spenddown.

(B) If the ineligible spouse's income does not exceed the allocation for a spouse, the ineligible spouse's income shall not be counted and the ineligible spouse shall not be included in the household size or the BMS. Only the eligible spouse's income shall be compared to 100% of the federal poverty guideline for one. If the income exceeds that amount, it shall be compared, after allowable deductions, to the BMS for one to calculate the spenddown.

(ii) If both spouses are either aged or disabled, the income of both spouses is combined and compared to 100% of the federal poverty guideline for a two-person household. SSI income is not counted.

(A) If the combined income exceeds that amount, and one spouse receives SSI, only the income of the non-SSI spouse, after allowable deductions, shall be compared to the BMS for a one-person household to calculate the spenddown.

(B) If neither spouse receives SSI and their combined income exceeds 100% of the federal poverty guideline, then the income of both spouses, after allowable deductions, shall be compared to the BMS for a two-person household to calculate the spenddown.

(C) If neither spouse receives SSI and only one spouse will be covered under the applicable program, income of the non-covered spouse shall be deemed to the covered spouse when it exceeds the spousal allocation. If the non-covered spouse's income does not exceed the spousal allocation, then only the covered spouse's income shall be counted. In both cases, the countable income shall be compared to 100% of the two-person poverty guideline. If it exceeds the limit, then income, after allowable deductions, shall be compared to the BMS.

(I) If the non-covered spouse has deemable income, the countable income, after allowable deductions, shall be compared to a two-person BMS to calculate a spenddown.

(II) If the non-covered spouse does not have deemable income, then only the covered spouse's income, after allowable deductions, shall be compared to a one-person BMS to calculate the spenddown.

(iii) If an aged or disabled person has a spouse who is blind, then income of the blind spouse shall be deemed to the aged or disabled person when this income exceeds the allocation for a spouse to determine eligibility for the 100% poverty-related Aged or Disabled Medicaid programs. If the deemed income of the blind spouse does not exceed the allocation for a spouse, none of the blind spouse's income shall be counted. In either case, countable income shall be compared to 100% of the poverty guideline for a two-person household to determine eligibility for the aged or disabled spouse.

(A) If the countable income does not exceed 100% of the two-person poverty guideline, then the aged or disabled spouse shall be eligible under the 100% poverty-related Aged or Disabled Medicaid program.

(B) If the countable income exceeds 100% of the two-person poverty guideline, then eligibility under the spenddown program shall be determined as described in (ii)(A) if the blind spouse receives SSI or as in (ii)(B) or (ii)(C)(I) or (II) if the blind spouse does not receive SSI.

(d) The Department shall determine household size and whose income counts for B Medicaid as described below.

(i) If the spouse of a blind client is aged, blind, or disabled and does not receive SSI, income of both spouses shall be combined and, after allowable deductions, compared to the BMS for a two-person household to calculate the spenddown.

(A) If only one spouse will be covered, or the aged or disabled spouse is eligible under the A or D 100% poverty-related program, income of the non-covered spouse shall be deemed when it exceeds the allocation for a spouse. The total countable income, after allowable deductions, shall then be compared to the BMS for a two-person household to calculate the spenddown.

(B) If the non-covered spouse's income does not exceed the allocation for a spouse, then only the covered spouse's income shall be counted and, after allowable deductions, compared to the BMS for a one-person household.

(C) If the spouse of a blind client receives SSI, then only the income of the blind spouse, after allowable deductions, shall be compared to the BMS for one.

(ii) If the spouse is not aged, blind, or disabled, income shall be deemed to the blind spouse when it exceeds the allocation for a spouse, and, after allowable deductions, the combined income shall be compared to the BMS for two. If the ineligible spouse's income does not exceed the allocation for a spouse, only the blind spouse's income, after allowable deductions, shall be compared to the BMS for one person to calculate the spenddown.

(e) Except when determining countable income for the 100% poverty-related Aged and Disabled Medicaid programs, income will not be deemed from a spouse who meets 1619(b) protected group criteria.

(f) The Department shall determine household size and whose income counts for QMB, SLMB, and QI-1 assistance as described below.

(i) If both spouses receive Part A Medicare and both want coverage, income shall be combined and compared to the applicable percentage of the poverty guideline for a two-person household.

(ii) If one spouse receives Part A Medicare, and the other spouse is aged, blind, or disabled and that spouse either does not receive Part A Medicare or does not want coverage, then income of the ineligible spouse shall be deemed to the eligible spouse when it exceeds the allocation for a spouse. If the income of the ineligible spouse does not exceed the allocation for a spouse, then only the income of the eligible spouse shall be counted. In both cases, the countable income shall be compared to the applicable percentage of the federal poverty guideline for a two-person household.

(iii) If one spouse receives Part A Medicare and the other spouse is not aged, blind or disabled, income of the ineligible spouse shall be deemed to the eligible spouse when it exceeds the allocation for a spouse. The combined countable income shall be compared to the applicable percentage of the federal poverty guideline for a two-person household. If the ineligible spouse's deemable income does not exceed the allocation for a spouse, only the eligible spouse's income shall be counted, and compared to the applicable percentage of the poverty guideline for a one-person household.

(iv) SSI income will not be counted to determine eligibility for QMB, SLMB or QI-1 assistance.

(g) If any parent in the home receives SSI or is eligible for 1619(b) protected group coverage, the income of neither parent shall be considered to determine a child's eligibility for B or D Medicaid.

(h) Payments for providing foster care to a child are countable income. The portion of the payment that represents a reimbursement for the expenses related to providing foster care is not countable income.

(13) For institutional Medicaid, the Department shall only count the client in the household size and only count the client's income to determine contribution to cost of care.

(14) Interest accrued on an Individual Development Account as defined in Sections 404-416 of Pub. L. No. 105-285 effective October 27, 1998, shall not count as income.

(15) Income, unearned and earned, shall be deemed from an alien's sponsor, and the sponsor's spouse, if any, when the sponsor has signed an Affidavit of Support pursuant to Section 213A of the Immigration and Nationality Act on or after December 19, 1997.

(16) Sponsor deeming will end when the alien becomes a naturalized U.S. citizen, or has worked 40 qualifying quarters as defined under Title II of the Social Security Act or can be credited with 40 qualifying work quarters. Beginning after December 31, 1996, a creditable qualifying work quarter is one during which the alien did not receive any federal means-tested public benefit.

(17) Sponsor deeming does not apply to applicants who are eligible for Medicaid for emergency services only.

R414-304-5. A, B and D Medicaid and A, B and D Institutional Medicaid Earned Income Provisions.

(1) The Department adopts 42 CFR 435.725 through 435.832, 2001 ed., and 20 CFR 416.1110 through 416.1112, 2002 ed., which are incorporated by reference. The department adopts Subsection 1612(b)(4)(A) and (B) of the Compilation of the Social Security Laws, in effect January 1, 1999, which is incorporated by reference.

(2) If an SSI recipient has a plan for achieving self support approved by the Social Security Administration, the Department shall not count income set aside in the plan that allows the individual to purchase work-related equipment or meet self support goals. This income shall be excluded and may include earned and unearned income.

(3) Expenses relating to the fulfillment of a plan to achieve self-support shall not be allowed as deductions from income.

(4) For A, B and D Medicaid, earned income used to compute a needs-based grant is not countable.

(5) For A, B and D Institutional Medicaid, $125 shall be deducted from earned income before contribution towards cost of care is determined.

(6) For A, B and D Institutional Medicaid impairment-related work expenses shall be allowed as an earned income deduction.

(7) Capital gains shall be included in the gross income from self-employment.

(8) To determine countable net income from self-employment, the state shall allow a 40 percent flat rate exclusion off the gross self-employment income as a deduction for business expenses. For self-employed individuals who have actual allowable business expenses greater than the 40 percent flat rate exclusion amount, if the individual provides verification of the actual expenses, the self-employment net profit amount will be calculated using the same deductions that are allowed under federal income tax rules.

(9) No deductions shall be allowed for the following business expenses:

(a) transportation to and from work;

(b) payments on the principal for business resources;

(c) net losses from previous tax years;

(d) taxes;

(e) money set aside for retirement;

(f) work-related personal expenses.

(10) Net losses of self-employment from the current tax year may be deducted from other earned income.

(11) Earned income paid by the U.S. Census Bureau to temporary census takers shall be excluded for any A, B, or D category programs that use a percentage of the federal poverty guideline as an eligibility income limit.

R414-304-7. A, B and D Medicaid and Family Medicaid Income Deductions.

(1) The Department adopts 42 CFR 435.831, 2001 ed., which is incorporated by reference.

(2) For aged, blind and disabled individuals eligible under 42 CFR 435.301(b)(2)(iii),(iv),and (v), described more fully in 42 CFR 435.320, .322 and .324, the Department shall allow an income deduction equal to the difference between 100% of the federal poverty guideline and the current BMS income standard for the applicable household size, to determine the spenddown amount.

(3) The Department shall allow health insurance premiums providing coverage for anyone in the family or the BMS as deductions in the month of payment.

(a) The entire payment shall be allowed as a deduction in the month it is due and will not be prorated.

(b) The Department shall not allow health insurance premiums as a deduction for determining eligibility for the poverty-related medical assistance programs or 1931 Family Medicaid.

(4) Health insurance premiums paid in the application month or during the three month retroactive period which are not fully used as a deduction to reduce a spenddown in the month paid may be allowed as a deduction to reduce a spenddown in any month after the month paid but only through the month of application.

(5) Medicare premiums shall not be allowed as deductions if the state will pay the premium or will reimburse the client.

(6) Medical expenses shall be allowed as deductions only if the expenses meet all of the following conditions:

(a) The medical service was received by the client, client's spouse, parent of an unemancipated client or unemancipated sibling of an unemancipated client, a deceased spouse or a deceased dependent child.

(b) The medical bill shall not be paid by Medicaid or a third party.

(c) The medical bill remains unpaid, or the medical service was received and paid during the month of application or during the three-month time-period immediately preceding the date of application. The date the medical service was provided on an unpaid expense does not matter. Bills for services received and paid during the application month or the three-month time-period preceding the date of application can be used as deductions only through the month of application.

(7) A medical expense shall not be allowed as a deduction more than once.

(8) A medical expense allowed as a deduction must be for a medically necessary service. The Department shall be responsible for deciding if services are not medically necessary.

(9) The Department shall not allow as a medical expense, co-payments or co-insurance amounts required under the State Medicaid Plan that are owed or paid by the client to receive Medicaid-covered services.

[~~(10) To determine countable income for the 100% poverty-related Aged and Disabled Medicaid programs, the Department shall deduct $8 from the individual's income, or from the combined income of the individual and the individual's spouse before making other allowable deductions.~~

] (1[~~1~~]0) For poverty-related medical assistance, an individual or household shall be ineligible if countable income exceeds the applicable income limit. Medical costs are not allowable deductions for determining eligibility for poverty-related medical assistance programs. No spenddown shall be allowed to meet the income limit for poverty-related medical assistance programs.

(1[~~2~~]1) As a condition of eligibility, clients must certify on Form 1049B that medical expenses in the benefit month are expected to exceed the spenddown amount. The client must do this when spenddown starts and at each review when the client continues to be eligible under the spenddown program. If medical expenses are less than or equal to the spenddown, the client shall not be eligible for that month. The client may elect to use allowable medical expenses the client still owes from previous months to reduce the spenddown so that expected medical expenses for the benefit month exceed the remaining spenddown owed.

(1[~~3~~]2) Pre-paid medical expenses shall not be allowed as deductions.

(1[~~4~~]3) The Department elects not to set limits on the amount of medical expenses that can be deducted.

(1[~~5~~]4) Clients may choose to meet their spenddown obligation by incurring medical expenses or by paying a corresponding amount to the Department.

(1[~~6~~]5) For A, B and D Medicaid, institutional costs shall be allowed as deductions if the services are medically necessary. The Department shall be responsible for deciding if services for institutional care are not medically necessary.

(1[~~7~~]6) No one shall be required to pay a spenddown of less than $1.

(1[~~8~~]7) Medicaid covered medical costs incurred in a current benefit month cannot be used to meet spenddown when the client is enrolled in a[~~n~~] [~~HMO~~]Medicaid Health Plan. Bills for mental health services incurred in a benefit month cannot be used to meet spenddown if the client will be eligible for Medicaid and lives in a county which has a single mental health provider under contract with Medicaid to provide services to all Medicaid clients who live in that county. Bills for mental health services received in a retroactive or application month that the client has fully-paid during that time can be used to meet spenddown as long as the services were not provided by the mental health provider in the client's county of residence which is under contract with Medicaid to provide services to all Medicaid clients.

R414-304-8. Medicaid Work Incentive Program Income Deductions.

(1) The Department shall allow the provisions found in R414-304-7 (1), (3) and (5).

(2) The Department shall apply the following deductions from income in determining countable income that is compared to 250% of the federal poverty guideline:

(a) $20 from unearned income. If there is less than $20 in unearned income, deduct the balance of the $20 from earned income;

(b) $65 plus one half of the remaining earned income.

(3) For the Medicaid Work Incentive Program (MWI), an individual or household shall be ineligible if countable income exceeds the applicable income limit. Health insurance premiums and medical costs will not be deducted from income before comparing countable income to the applicable limit.

(4) Health insurance premiums paid by the Medicaid Work Incentive Program individual to purchase health insurance for himself or other family members in the household shall be deducted from income before determining the MWI buy-in premium.

(5) An eligible individual may meet the MWI buy-in premium with cash, check or money order payable to the Office of Recovery Services.

(6) No one will be required to pay a MWI buy-in premium of less than $1.

R414-304-9. A, B, and D Institutional Medicaid and Family Institutional Medicaid Income Deductions.

(1) The Department adopts 42 CFR 435.725, 435.726, and 435.832, 2001 ed., which are incorporated by reference. The Department adopts Subsection 1902(r)(1) and 1924 of the Compilation of the Social Security Laws, in effect January 1, 1999, which are incorporated by reference.

(2) The following definitions apply to this section:

(a) "Family member" means a son, daughter, parent, or sibling of the client or the client's spouse who lives with the spouse.

(b) "Dependent" means earning less than $2,000 a year, not being claimed as a dependent by any other individual, and receiving more than half of one's annual support from the client or the client's spouse.

(3) Health insurance premiums:

(a) For institutionalized and waiver eligible clients, the Department shall allow health insurance premiums only for the institutionalized or waiver eligible client and only if paid with the institutionalized or waiver eligible client's funds. Health insurance premiums shall be allowed as a deduction in the month due. The payment shall not be pro-rated.

(b) The Department shall allow the portion of a combined premium, attributable to the institutionalized or waiver-eligible client, as a deduction if the combined premium includes a spouse or dependent family member and is paid from the funds of the institutionalized or waiver eligible client.

(4) Medicare premiums shall not be allowed as deductions if the state pays the premium or reimburses the client.

(5) Medical expenses shall be allowed as deductions only if the expenses meet all of the following conditions:

(a) the medical service was received by the client;

(b) the unpaid medical bill shall not be paid by Medicaid or a third party;

(c) the paid medical bill can be allowed only in the month paid. No portion of any paid bill can be allowed after the month of payment.

(6) A medical expense shall not be allowed as a deduction more than once.

(7) A medical expense allowed as a deduction must be for a medically necessary service. The Department of Health shall be responsible for deciding if services are not medically necessary.

(8) Pre-paid medical expenses shall not be allowed as deductions.

(9) The Department shall not allow as a medical expense, co-payments or co-insurance amounts required under the State Medicaid Plan that are owed or paid by a client to receive Medicaid-covered services.

(10) The Department elects not to set limits on the amount of medical expenses that can be deducted.

(11) Institutionalized clients are to contribute all countable income remaining after allowable deductions to the institution as their contribution to the cost of their care.

(12) The personal needs allowance shall be equal to $45.

(13) If a doctor verifies that a single person, or a person whose spouse resides in a medical institution is expected to return home within six months of entering a medical institution or nursing home, the Department shall deduct a personal needs allowance equal to the current Medicaid Income Limit (BMS) for one person, defined in R414-304-11(5), for up to six months to maintain the individual's community residence.

(1[~~3~~]4) Except for an individual eligible for the Personal Assistance Waiver, an individual receiving assistance under the terms of a Home and Community-Based Services Waiver shall be eligible to receive a deduction for a non-institutionalized, non-waiver-eligible spouse and dependent family member as if that individual were institutionalized.

(1[4]5) Income received by the spouse or dependent family member shall be counted in calculating the deduction if that type of income is countable to determine Medicaid eligibility. No income disregards shall be allowed. Certain needs-based income and state supplemental payments shall not be counted in calculating the deduction. Tribal income shall be counted.

(1[~~5~~]6) If the income of a spouse or dependent family member is not reported, no deduction shall be allowed for the spouse or dependent family member.

(1[~~6~~]7) A client shall not be eligible for Medicaid coverage if medical costs are not at least equal to the contribution required towards the cost of care.

(1[~~7~~]8) To determine a deduction for a community spouse, the standard utility allowance for households with heating costs shall be equal to the standard utility allowance used by the federal food stamp program. For households without heating costs, actual utility costs shall be used. The maximum allowance for a telephone bill is $20. Clients shall not be required to verify utility costs more than once in a certification period.

(1[~~8~~]9) Medicaid covered medical costs incurred in a current benefit month cannot be used to meet spenddown when the client is enrolled in a[~~n~~] [~~HMO~~]Medicaid Health Plan. Bills for mental health services incurred in a benefit month cannot be used to meet spenddown if the client will be eligible for Medicaid and lives in a county which has a single mental health provider under contract with Medicaid to provide services to all Medicaid clients who live in that county. Bills for mental health services received in a retroactive or application month that the client has fully-paid during that time can be used to meet spenddown as long as the services were not provided by the mental health provider in the client's county of residence which is under contract with Medicaid to provide services to all Medicaid clients.

R414-304-11. Income Standards.

(1) The Department adopts Sections 1902(a)(10)(E), 1902(l), 1902(m), 1903(f) and 1905(p) of the Compilation of the Social Security Laws, in effect January 1, 1999, which are incorporated by reference.

(2) The Aged and Disabled poverty-related Medicaid income standard shall be calculated as 100% of the federal non-farm poverty guideline. If an Aged or Disabled person's income exceeds this amount, the current Medicaid Income Standards (BMS) shall apply unless the disabled individual or a disabled aged individual has earned income. In this case, the income standards of either the Medically Needy (BMS) program or the Medicaid Work Incentive program may be applied. The individual may choose coverage under either program if the individual meets all other eligibility criteria for both programs.

(3) The income standard for the Medicaid Work Incentive Program shall be equal to 250% of the federal poverty guideline for a family of the size involved. If income exceeds this amount, the current Medicaid Income Standards (BMS) shall apply. The Department shall charge a MWI buy-in premium for the Medicaid Work Incentive Program when the countable income of the eligible individual, or the eligible individual and spouse[~~,~~] when the spouse

is also eligible or has deemable income, exceeds 100% of the federal poverty guideline for the Aged and Disabled 100% FPL coverage group. When the eligible individual is a minor child, the Department shall charge a MWI buy-in premium when the child's countable income, including income deemed from parents, exceeds 100% of the federal poverty guideline for a one-person household. The premium will be calculated as 15% percent of only the eligible individual's, or eligible couple's, countable income.

(4) The income limit for pregnant women, and children under one year of age, shall be equal to 133% of the federal poverty guideline for a family of the size involved. If income exceeds this amount, the current Medicaid Income Standards (BMS) shall apply.

(5) The current Medicaid Income Standards (BMS) are as follows:

TABLE

Household Size	Medicaid Income Standard (BMS)
1	382
2	468
3	583
4	683
5	777
6	857
7	897
8	938
9	982
10	1,023
11	1,066
12	1,108
13	1,150
14	1,192
15	1,236
16	1,277
17	1,320
18	1,364

R414-304-12. A, B and D Medicaid, Medicaid Work Incentive, QMB, SLMB, and QI-1 Filing Unit.

(1) The Department adopts 42 CFR 435.601 and 435.602, 2001 ed., which are incorporated by reference. The Department adopts Subsections 1902(l)(1), (2), and (3), 1902(m)(1) and (2), and 1905(p) of the Compilation of the Social Security Laws, in effect January 1, 1999, which are incorporated by reference.

(2) The following individuals shall be counted in the BMS for A, B and D Medicaid:

(a) the client;

(b) a spouse who lives in the same home, if the spouse is eligible for A, B, or D Medicaid, and is included in the coverage;

(c) a spouse who lives in the same home, if the spouse has deemable income above the allocation for a spouse.

(3) The following individuals shall be counted in the household size for the 100% poverty A or D Medicaid program:

(a) the client;

(b) a spouse who lives in the same home, if the spouse is aged, blind, or disabled, regardless of the type of income the spouse receives, or whether the spouse is included in the coverage;

(c) a spouse who lives in the same home, if the spouse is not aged, blind or disabled, but has deemable income above the allocation for a spouse.

(4) The following individuals shall be counted in the household size for a QMB, SLMB, or QI-1 case:

(a) the client;

(b) a spouse living in the same home who receives Part A Medicare or is Aged, Blind, or Disabled, regardless of whether the spouse has any deemable income or whether the spouse is included in the coverage;

(c) a spouse living in the same home who does not receive Part A Medicare and is not Aged, Blind, or Disabled, if the spouse has deemable income above the allocation for a spouse.

(5) The following individuals shall be counted in the household size for the Medicaid Work Incentive Program:

(a) the client;

(b) a spouse living in the same home;

(c) parents living with a minor child;

(d) children under age 18;

(e) children age 18, 19, or 20 if they are in school full-time.

(6) Eligibility for A, B and D Medicaid and the spenddown, if any; A and D 100% poverty-related Medicaid; and QMB, SLMB, and QI-1 programs shall be based on the income of the following individuals:

(a) the client;

(b) parents living with the minor client;

(c) a spouse who is living with the client. Income of the spouse is counted based on R414-304-2;

(d) an alien client's sponsor, and the spouse of the sponsor, if any.

(7) Eligibility for the Medicaid Work Incentive Program shall be based on income of the following individuals:

(a) the client;

(b) parents living with the minor client;

(c) a spouse who is living with the client;

(d) an alien client's sponsor, and the spouse of the sponsor, if any.

(8) If a person is "included" in the BMS, it means that family member shall be counted as part of the household and his or her income and resources shall be counted to determine eligibility for the household, whether or not that family member receives medical assistance.

(9) If a person is "included" in the household size, it means that family member shall be counted as part of the household to determine what income limit applies, regardless of whether that family member's income will be counted or whether that family member will receive medical assistance.

R414-304-13. Family Medicaid Filing Unit.

(1) The Department adopts 42 CFR 435.601 and 435.602, 2001 ed., 45 CFR 206.10(a)(1)(iii), 233.20(a)(1) and 233.20(a)(3)(vi), 2001 ed., which are incorporated by reference.

(2) Except for determinations under 1931 Family Medicaid, any unemancipated minor child may be excluded from the Medicaid coverage group at the request of the specified relative responsible for the children. An excluded child shall be considered an ineligible child and shall not be counted as part of the household size for deciding what income limit will be applicable to the family. Income and resources of an excluded child shall not be considered when determining eligibility or spenddown.

(3) The Department shall not use a grandparent's income to determine eligibility or spenddown for a minor child, and the grandparent shall not be counted in the household size. A cash contribution from the grandparents received by the minor child or parent of the minor child is countable income.

(4) Except for determinations under 1931 Family Medicaid, if anyone in the household is pregnant, the unborn child shall be included in the household size. If a medical authority confirms that

the pregnant woman will have more than one child, all of the unborn children shall be included in the household size.

(5) If a child is voluntarily placed in foster care and is in the custody of a state agency, the parents shall be included in the household size.

(6) Parents who have relinquished their parental rights shall not be included in the household size.

(7) If a court order places a child in the custody of the state, and the child is temporarily placed in an institution, the parents shall not be included in the household size.

(8) If a person is "included" in the household size, it means that family member shall be counted as part of the household and his or her income and resources shall be counted to determine eligibility for the household, whether or not that family member receives medical assistance. The household size determines which BMS income level or, in the case of poverty-related programs, which poverty guideline income level will apply to determine eligibility for the client or family.

R414-304-14. A, B and D Institutional and Waiver Medicaid and Family Institutional Medicaid Filing Unit.

(1) For A, B, and D institutional, and home and community-based waiver Medicaid, the Department shall not use income of the client's parents or the client's spouse to determine eligibility and the contribution to cost of care, which may be referred to as a spenddown.

(2) For Family institutional, and home and community-based waiver Medicaid programs, the Department adopts 45 CFR 206.10(a)(1)(vii), 2001 ed., which is incorporated by reference.

(3) The Department shall base eligibility and the contribution to cost of care, which may be referred to as a spenddown on the income of the client and the sponsor of an alien who is subject to deeming according to the rules described in 20 CFR 416.1166a, 2002 ed., which is incorporated by reference.

(4) The Department shall base eligibility and the contribution to cost of care, which may be referred to as a spenddown, on the income of the client and the income deemed from an alien's sponsor, and the sponsor's spouse, if any, when the sponsor has signed an Affidavit of Support pursuant to Section 213A of the Immigration and Nationality Act on or after December 19, 1997. Sponsor deeming will end when the alien becomes a naturalized U.S. citizen, or has worked 40 qualifying quarters as defined under Title II of the Social Security Act or can be credited with 40 qualifying work quarters. Beginning after December 31, 1996, a creditable qualifying work quarter is one during which the alien did not receive any federal means-tested public benefit.

KEY: financial disclosures, income, budgeting
[~~July 1, 2003~~]2004
Notice of Continuation January 31, 2003
26-18-1

Health, Center for Health Data, Health Care Statistics

R428-10

Health Data Authority Hospital Inpatient Reporting Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26800
FILED: 11/14/2003, 15:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change refines the requirements for an acceptable data submission schedule to support a timely data transmission from hospital to the Utah Department of Health via Utah Health Information Network and updates the "Penalties" section.

SUMMARY OF THE RULE OR CHANGE: Hospitals are allowed to send their respective data records using any type of schedule mutually agreed upon by the Office and hospital. Also, the penalty language in Section R428-10-8 is modified to provide that no more than a $3,000 penalty can be imposed upon an administrative finding of a first violation and up to $5,000 for a subsequent similar violation within two years.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-33a-104 and 26-33a-108

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Costs: $3,000 based on 5% of one FTE salary and benefits over the next year. Office of Health Care Statistics has received federal funding from the bio-terrorism grant to cover this cost. Savings: Enhanced timeliness of data release may generate an estimated revenue increase from data sales of approximately $6,300 over the next year (amount based on two additional sales per year).

❖ LOCAL GOVERNMENTS: Costs: Total estimated start up cost (personnel time), over the next year, for the three local government-owned hospitals that are anticipated to use a different reporting system: $720 ($240 x 3). Savings: Total estimated savings, over the next year, for three local government hospitals: $900 ($300 x 3), which reflects reduced personnel time and fewer mailing and printing expenses.

❖ OTHER PERSONS: Costs: Total estimated start up cost (personnel time), over the next year, for the seven privately-owned hospitals in Utah that are anticipated to use a different reporting system: $1,680 ($240 x 7). Savings: Total estimated savings, over the next year, for seven privately-owned hospitals: $2,100 ($300 x 7), which reflects reduced personnel time and fewer mailing and printing expenses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs: Initial outlay of up to $3,000 for IT programming costs per hospital. The bio-terrorism grant has allocated small technical assistance funds to each participating hospital for them to cover the IT programming costs in establishing this electronic transaction.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The estimated up-front programming costs are being provided from a federal bioterrorism grant. There should be a long-term savings for those hospitals that take advantage of the flexible reporting.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Mike Martin or Wu Xu at the above address, by phone at 801-538-9205 or 801-538-7072, by FAX at 801-538-9916 or 801-538-6694, or by Internet E-mail at mikemartin@utah.gov or wxu@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 12/31/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/15/2003 at 1:00 PM, Utah Department of Health, Cannon Building, Room 125, 288 N 1460 W, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Scott D. Williams, Executive Director

R428. Health, Center for Health Data, Health Care Statistics.
R428-10. Health Data Authority Hospital Inpatient Reporting Rule.
R428-10-5. Data Submittal Schedule.

Each hospital shall submit to the Office a single discharge data record for each patient discharged according to the schedule shown in Table 1, Hospital Discharge Data Submittal Schedule, or a schedule mutually agreed upon by the Office and hospital. For a patient with multiple discharges, each hospital shall submit a single discharge data record for each discharge. For a patient with multiple billing claims each hospital shall consolidate the multiple billings into a single discharge data record for submission after the patient's discharge.

TABLE 1
HOSPITAL DISCHARGE DATA SUBMITTAL SCHEDULE

PATIENT'S DATE OF DISCHARGE IS BETWEEN	DISCHARGE DATA RECORD IS DUE BY
January 1 through March 31	May 15
April 1 through June 30	August 15
July 1 through September 30	November 15
October 1 through December 31	February 15

R428-10-8. Penalties.

[~~Any person who violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of $5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.~~]Pursuant to Section 26-23-6, any person that violates any provision of this rule may be assessed an administrative civil money penalty not to exceed $3,000 upon an administrative finding of a first violation and up to $5,000 for a subsequent similar violation within two years. A person may also be subject to penalties imposed by a civil or criminal court, which may not exceed $5,000 or a class B misdemeanor for the first violation and a class A misdemeanor for any subsequent similar violation within two years.

KEY: health, hospital policy[~~*~~], health planning
[~~March 1, 1999~~]2004
Notice of Continuation April 29, 2002
26-33a-104
26-33a-108

Health, Center for Health Data, Health Care Statistics
R428-11
Health Data Authority Ambulatory Surgical Data Reporting Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26799
FILED: 11/14/2003, 15:39

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change adds a "Penalties" section and allows hospitals and ambulatory surgical facilities to send their respective data records using any type of schedule mutually agreed upon by the Office and the hospital or ambulatory surgical center. Outdated requirements for data submission schedules are deleted. Reporting criteria for types of surgical services are clarified.

SUMMARY OF THE RULE OR CHANGE: This change refines the requirements for acceptable data records (Section R428-11-5); deletes the year one data collection schedule and text for year two title (Section R428-11-5); deletes "Equipped for Anesthesia" from Table 2 in Section R428-11-5; adds "OR PROCEDURE" to Table 2 title in Section R428-11-5; and adds space to correct the last line of Table 2. This change also adds a new section (Section R428-11-12, Penalties).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-33a-104 and 26-33a-108

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: Costs: $3,000 based on 5% of one FTE salary and benefits. Office of Health Care Statistics has received federal funding from the bio-terrorism grant to cover this cost. Savings: Enhanced timeliness of data release may generate an estimated revenue increase from data sales of approximately $6,300 per year (amount based on two additional sales per year).
❖ LOCAL GOVERNMENTS: Local governments that choose to report in a different format may experience voluntary start-up

costs and long-term savings because of the more efficient reporting method.
❖ OTHER PERSONS: Other persons that choose to report in a different format may experience voluntary start-up costs and long-term savings because of the more efficient reporting method.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A reporting entity that chooses to report in a different format may experience voluntary start-up costs of $2,000-$3,000 for IT programming. Since the reporting requirement is consistent with the industry standard (billing data), the anticipated reporting cost would not add a significant burden to a reporting facility.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule make it easier for ambulatory surgical centers to report. For those that have been out of compliance in reporting, the change provides them a less expensive method of reporting.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Wu Xu or Mike Martin at the above address, by phone at 801-538-7072 or 801-538-9205, by FAX at 801-538-6694 or 801-538-9916, or by Internet E-mail at wxu@utah.gov or mikemartin@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 12/31/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/15/2003 at 1:00 PM, Utah Department of Health, Cannon Building, Room 125, 288 N 1460 W, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Scott D. Williams, Executive Director

R428. Health, Center for Health Data, Health Care Statistics.
R428-11. Health Data Authority Ambulatory Surgical Data Reporting Rule.
R428-11-5. Electronic Media Data Submittal Schedule.

Each hospital and ambulatory surgical facility shall submit to the Office a single outpatient surgical data record for each patient discharged according to the schedule shown in Table 1, Hospital and Ambulatory Surgical Facility Data Submittal Schedule, or a schedule mutually agreed upon by the Office and hospital or ambulatory surgical facility.

TABLE 1
HOSPITAL AND AMBULATORY SURGICAL FACILITY
DATA SUBMITTAL SCHEDULE

[~~YEAR ONE DATA COLLECTION SCHEDULE:~~

~~IF PATIENT'S DATE OF DISCHARGE IS BETWEEN:~~	~~DISCHARGE DATA RECORD IS DUE BY:~~
~~January 1 through December 31, 1996~~	~~December 15, 1997~~
~~January 1 through June 30, 1997~~	~~December 15, 1997~~
~~July 1 through September 30, 1997~~	~~December 15, 1997~~
~~October 1 through December 31, 1997~~	~~February 15, 1998~~

~~YEAR TWO AND SUCCESSIVE YEARS DATA COLLECTION SCHEDULE:~~]

IF PATIENT'S DATE OF DISCHARGE IS BETWEEN:	DISCHARGE DATA RECORD IS DUE BY:
January 1 through March 31	May 15
April 1 through June 30	August 15
July 1 through September 30	November 15
October 1 through December 31	February 15

For a patient with multiple discharges, each hospital or ambulatory surgical facility submitting electronic media shall submit a single data record for each discharge. For a patient with multiple billing claims each hospital or ambulatory surgical facility shall consolidate the multiple billings into a single data record for submission after the patient's discharge.

R428-11-7. Selection of Records to Submit via Electronic Media.

Each hospital or ambulatory surgical facility licensed in Utah shall report to the Office [~~of Health Data Analysis~~]information relating to any patient surgical or diagnostic procedure falling within the types described in Table 2, as defined by the corresponding CPT codes and ICD-9-CM codes. In case of changes in the CPT and/or ICD-9-CM codes in future versions, the most current list shall override the lists in Table 2.

TABLE 2
TYPES OF SURGICAL SERVICE TO BE SUBMITTED
IF PERFORMED IN OPERATING OR PROCEDURE ROOM[~~- EQUIPPED FOR ANESTHESIA~~]

DESCRIPTION	CPT CODES	ICD-9-CM CODES
Mastectomy	19120-19220	850-8599
Musculoskeletal	20000-29909	760-8499
Respiratory	30000-32999	300-3499
Cardiovascular	33010-37799	350-3999
Lymphatic	38100-38999	400-4199
Diaphragm	39501-39599	
Digestive System	40490-49999	420-5499
Urinary	50010-53899	550-5999
Male Genital	54000-55899	600-6499
Laparoscopy	56300-56399	
Female Genital	56405-58999	650-7199
Endocrine/Nervous	60000-64999	010-0799
Eye	65091-68899	080-1699
Ear	69000-69979	180-2099
Heart Catheterization	93501-93660	3721-3723
Nose, Mouth, Pharynx		210-2999

R428-11-12. Penalties.

Pursuant to Section 26-23-6, any person that violates any provision of this rule may be assessed an administrative civil money penalty not to exceed $3,000 upon an administrative finding of a first violation and up to $5,000 for a subsequent similar violation within two years. A person may also be subject to penalties imposed by a civil or

criminal court, which may not exceed $5,000 or a class B misdemeanor for the first violation and a class A misdemeanor for any subsequent similar violation within two years.

KEY: health, hospital policy[*], health planning
[~~July 22, 1998~~]2004
Notice of Continuation March 10, 2003
26-33a-104
26-33a-108

▼ ▼

Insurance, Administration
R590-102
Insurance Department Fee Payment Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26787
FILED: 11/14/2003, 08:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to add non-electronic processing fee for processing paper applications.

SUMMARY OF THE RULE OR CHANGE: The following changes are being made to this rule: 1) in Section R590-102-4, adds nonelectronic processing fees to general instructions; 2) in Section R590-102-12, consolidates the nonelectronic processing fees; 3) moves nonelectronic processing fee for appointments and terminations from Section R590-102-5 to Section R590-102-12; and 4) corrects the amount of the code book fee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-3-103

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The proposed change will have a minimal impact on the state's budget if paper applications are submitted rather than using the established electronic application process.
❖ LOCAL GOVERNMENTS: This rule does not affect local government since it only deals with the relationship between the department and their licensees and the public who do business with the department.
❖ OTHER PERSONS: The proposed change will affect any licensee who submits a paper application rather than use the established electronic application process. This change will have no impact on the general public.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed change will affect any licensee who submits a paper application rather than use the established electronic application process. This change will have no impact on the general public.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change will affect any licensee who submits a paper application rather than use the established electronic application process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-102. Insurance Department Fee Payment Rule.
R590-102-4. General Instructions.

(1) Any fee payable to the department not included in Subsections R590-102-5 through 14, shall be due when service is requested, if applicable, otherwise by the due date on the invoice. A non-electronic payment fee will be added to the fee due the department when a payment that can be made electronically is done through a non-electronic method.

(2) Payment.

(a) Checks shall be made payable to the Utah Insurance Department. A check that is dishonored in the process of the collection will not constitute payment of the fee for which it was issued and any action taken pursuant to the fee payment will be negated. Any late fees or penalties will apply until proper payment is made. Tender of a check to the department, that is subsequently dishonored, is a violation of this rule.

(b) Cash payments. The department is not responsible for un-receipted cash that is lost or misdelivered.

(c) Electronic payments.

(i) Credit Card. Credit cards may be used to pay any fee due to the department. Credit card payments that are dishonored will not constitute payment of the fee and any action taken based on the payment will be voided. Late fees and other penalties, resulting from the voided action, will apply until proper payment is made. A credit card payment that is dishonored is a violation of this rule.

(ii) Automated clearinghouse (ACH). Payers or purchasers desiring to use this method must contact the department for the proper routing and transit information. Payments that are made in error to another agency or that are not deposited into the department's account will not constitute payment of the fee and any action taken based on the payment will be voided. Late fees and

other penalties resulting from the voided action will apply until proper payment is made. An ACH payment that is dishonored is a violation of this rule.

(3) Retaliation. The fees enumerated in this rule are not subject to retaliation in accordance with Section 31A-3-401 if other states or countries impose higher fees.

(4) Refunds.

(a) All fees in this rule are non-refundable.

(b) Overpayments of fees are refundable.

(c) Requests for return of overpayments must be in writing.

(5) Implementation date.

(a) All fees, except resident and non-resident individual and agency license renewal fees, are implemented November 1, 2003.

(b) Resident and non-resident individual and agency license renewal fees are implemented December 1, 2003.

(6) A non-electronic processing fee will be assessed for a particular service if the department has established an electronic process for that service. See Section 12 for non-electronic processing fees.

R590-102-5. Admitted Insurer Annual License and Annual Service Fees.

(1) Annual license fees.

(a) certificate of authority, initial license application - due with license application: $1,002;

(b) certificate of authority - renewal - due by the due date on the invoice: $302;

(c) certificate of authority - reinstatement - due with application for reinstatement: $1,002;

(d) certificate of authority - amendments - due with request for amendment: $252;

(e) application for merger, acquisition, or change of control - Form A, due with filing: $2,002. Expenses incurred for consultant(s) services necessary to evaluate the Form A will be charged to the applicant and due when billed;

(f) redomestication filing - due with filing: $2,002; and

(g) application for organizational permit for mutual insurer to solicit applications for qualifying insurance policies or subscriptions for mutual bonds or contribution notes - due with application: $1,002.

(2) The annual initial or annual renewal license fee includes the following licensing services for which no additional fee is required:

(a) filing annual statement and report of Utah business - due annually on March 1;

(b) filing holding company registration statement - Form B;

(c) filing application for material transactions between affiliated companies - Form D;

(e) application for: stock solicitation permit, public offering filing, but not an SEC filing; an SEC filing; private placement offering; and

(f) application for individual license to solicit in accordance with the stock solicitation permit.

(3) Annual service fee:

(a) Due annually by the due date on the invoice. The fee is based on the Utah premium as shown in the latest annual statement on file with the National Association of Insurance Commissioners (NAIC) and the department. Fee calculation example: the 2003 annual service fee calculation will use the Utah premium shown in the December 31, 2002 annual statement.

(i) $0 premium volume: no service fee;

(ii) more than $zero but less than $1 million in premium volume: $700;

(iii) $1 million but less than $3 million in premium volume: $1,100;

(iv) $3 million but less than $6 million in premium volume: $1,550;

(v) $6 million but less than $11 million in premium volume: $2,100;

(vi) $11 million but less than $15 million in premium volume: $2,750;

(vii) $15 million but less than $20 million in premium volume: $3,500; and

(viii) $20 million or more in premium volume: $4,350.

(b) The annual service fee includes the following services for which no additional fee is required:

(i) filing of amendments to articles of incorporation, charter, or bylaws;

(ii) filing of power of attorney;

(iii) filing of registered agent;

(iv) affixing commissioner's seal and certifying any paper;

(v) filing of authorization to appoint and remove agents;

(vi) filing of producer/agency appointment with an insurer - initial;

(vii) filing of producer/agency appointment with an insurer - termination;

(viii) filing of producer/agency appointment with an insurer - biennial renewal;

(ix) report filing, all lines of insurance;

(x) rate filing, all lines of insurance;

(xi) form filing, all lines of insurance; and

(xii) workers' compensation loss cost schedule.

(c) The annual service fee is for services that the department will provide for an admitted insurer during the year. The fee is paid in advance of providing the services.[

~~(d) Paper filing processing fee for non-electronic processing of producer/agency appointment filing - initial or termination - due with non-electronic filing: $5 per appointment filing.~~]

R590-102-12. Non-electronic Processing Fees.

Non-electronic producer and agency appointment filing - initial or termination - due with each paper filing: $5.

R590-102-[~~12~~]13. Dedicated Fees.

The following are fees dedicated to specific uses:

(1) annual fraud assessment fee - due by the due date on the invoice;

(2) annual title assessment fee - due by the due date on the invoice;

(3) relative value study book fee - due when book purchased or by invoice due date: 12;

(4) Utah insurance codebook fee - due when book purchased or by invoice due date: [~~$32~~]$27; and

(5) mailing fee for books - due if book is to be mailed to purchaser: $3.

R590-102-[~~12~~]14. Electronic Commerce Dedicated Fees.

(1) E-commerce and internet technology services fee:

(a) admitted insurer, captive insurer, and surplus lines insurer - due with the annual initial, annual renewal, or reinstatement application: $75;

(b) other organization and viatical settlement provider - due with the annual initial, annual renewal, or reinstatement application: $50;

(c) continuing education provider - due with the annual initial, annual renewal, or reinstatement application: $20;

(d) agency - due with the biennial initial, biennial renewal, or reinstatement application: $10; and

(e) individual - due with the biennial initial, biennial renewal, or reinstatement application: $5.

(2) The e-commerce and internet technology services fees are authorized until July 1, 2006.

(3) Database access fee - due when the department's database is accessed to input or acquire data: $3 per transaction.

(4) Non-electronic payment fee - added to fees due the department when a payment that can be made electronically is done through some other method: $5 per payment.

R590-102-[~~14~~]15. Other Fees.

(1) photocopy fee - per page: $.50.

(2) Complete annual statement copy fee - per statement: $42.

(3) Fee for accepting service of legal process: $12.

(4) Fees for production of information lists regarding admitted insurers, other organizations, individuals, agencies, or other information that can be produced by list:

(a) printed list: $1 per page;

(b) electronic list:

(i) 1 to 500 records: $52; and

(ii) 501 or more records: $.11 per record.

(5) Returned check fee: $20.

(6) Workers compensation loss cost multiplier schedule: $5.

(7) Title agency filing (rate, form, or report) - due with filing: $25.

R590-102-[~~15~~]16. Separability.

If any provision of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of this provision to other persons or circumstances shall not be affected.

KEY: insurance
[~~2003~~]2004
Notice of Continuation February 21, 2002
31A-3-103

Insurance, Administration
R590-153
Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26791
FILED: 11/14/2003, 10:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The main reasons for changing this rule are to change the term "agent" to "producer," add a definition for "Bona Fide Real Estate Transaction," and update code references changed as a result of legislation. In the process of making these changes, other housekeeping changes have been made to make the rule more clear.

SUMMARY OF THE RULE OR CHANGE: Those changes that have been made to the rule that are other than grammatical or for clarification are as follows: 1) the reference to "title insurance agent" has been changed to "title insurance producer." This change was made to be consistent with the National Association of Insurance Commissioners (NAIC) terminology in their Model title rule; 2) in Section R590-153-2, adds language to clarify that unfair inducements include expenses incurred by clients; 3) in Section R590-153-3, adds wording disallowing the use of another business owned by a title agent, agency or insurer to avoid the provisions of this rule; 4) in Section R590-153-4, makes changes to the definitions of "Producer of title business" and "Business Meals," and adds new definitions for "Business Activities" and "Bona Fide Real Estate Transaction"; 5) in Section R590-153-5, makes three significant changes regarding cancellation fees for the title insurance commitments, the method of donating to charitable organizations, and requirement that the underwriter's jacket accompany all title insurance commitments issued; 6) in Section R590-153-6, clarifies the type of information that can be provided without charge or for a nominal charge; 7) Section R590-153-7 has been eliminated from the rule since it is already in the Utah Code; and 8) a new Section R590-153-7 has been added entitled, "Enforcement Date."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-23a-402

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The changes to this rule will not affect anticipated cost or savings to the state budget. No additional people will need to be hired and no additional revenue will be created or lost.

❖ LOCAL GOVERNMENTS: The changes to this rule will not affect local government since it deals solely with the relationship of title producers, agencies, and insurers with the Insurance Department.

❖ OTHER PERSONS: Title agents are no longer required to charge a cancellation fee which will impact title agencies negatively and clients and consumers positively. This fee, typically, around $200 but is rarely charged.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Title agents are no longer required to charge a cancellation fee which will impact title agencies negatively and clients and consumers positively. This fee, typically, around $200 but is rarely charged.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule are mainly for clarification and will have no fiscal impact on Utah Businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-153. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.
R590-153-1. Authority.

This rule is promulgated pursuant to Section 31A-2-201(3)(a), in which the [~~Commissioner~~]commissioner is empowered to make rules to implement the Insurance Code, and pursuant to the specific authority of Section [~~31A-23-302(8)~~]31A-23a-402(8), which authorizes the [~~Commissioner~~]commissioner to define unfair methods of competition or any other unfair or deceptive act or practice in the business of insurance.

R590-153-2. Purpose.

The purpose of this rule is to identify certain practices, which the commissioner finds provide unfair inducements for the placement of title insurance business and as such constitute unfair methods of competition. These practices include, but are not limited to, the payment of expenses that are considered normal, customary, reasonable and recurring in the operation of a client of a title insurer, agency or producer.

R590-153-3. Scope.

This [~~Rule~~]rule applies to all title insurers, title insurance agencies and title insurance [~~agents~~]producers and all employees, representatives and any other party working for or on behalf of said entities whether as a full time or part time employee or as an independent contractor. Title insurers, agencies and producers who have ownership in, or control of, other business entities may not use those other business entities to enter into any agreement, arrangement, or understanding or to pursue any course of conduct, designed to avoid the provisions of this rule.

R590-153-4. Definitions.

For the purpose of this [~~Rule~~]rule the commissioner adopts the definitions as set forth in Section 31A-1-301, and the following:

A. "[~~Producer of title business~~]Client" means any person, or group, who influences, or who may influence, the placement of title insurance business or who is engaged in a business, profession or occupation of:

(1) buying or selling interests in real property;

(2) making loans secured by interests in real property; and

(3) shall include but not be limited to real estate agents, real estate brokers, mortgage brokers, lending or financial institutions, builders, developers, sub-dividers, attorneys, consumers, exchange companies, escrow companies and the employees, agents, representatives, [~~or~~]solicitors and groups or associations of any of the foregoing.

B. "Discount" means the furnishing or offering to furnish title insurance, services constituting the business of title insurance or escrow services for a total charge less than the amounts set forth in the applicable rate schedules filed pursuant to Section 31A-19a-203 or 31A-19a-209.

C. "Trade Association" means a recognized association of persons, a majority of whom are [~~producers of title insurance business~~]clients or persons whose primary activity involves real property.

D. "Business meals" shall include[~~, drinks and tips.~~], but are not limited to, breakfast, brunch, lunch, dinner, cocktails and tips. In no case shall such business meals rise to the level of ceremonies, for example, awards banquets, recognition events or similar activities sponsored by or for clients.

E. "Official Trade Association Publication" means:

(1) a membership directory, provided its exclusive purpose is that of providing the distribution of an annual roster of the association's members to the membership and other interested parties; or

(2) an annual, [~~semi-annual~~]semiannual, quarterly or monthly publication containing information and topical material for the benefit of the members of the association.

F. "Business Activities" shall include, but are not limited to, sporting events, sporting activities, music and art events. In no case shall such business activities rise to the level of ceremonies, for example award banquets, recognition events or similar activities sponsored by or for clients, or include travel by air, or other commercial transportation.

G. "Bona fide real estate transaction" means: A transaction in which a preliminary title report is ordered by a seller or the listing broker in behalf of the seller at the time of the listing of a property for sale, and/or the ordering of a commitment to insure at the time an offer to purchase is fully executed, or at such time as an order is placed by a lender or mortgagor at the time of application by a mortgagor for a loan.

R590-153-5. Unfair Methods of Competition, Acts and Practices.

The commissioner finds that providing or offering to provide any of the following benefits by parties identified in Section R590-153-3 to any [~~producer of title insurance~~]client, either directly or indirectly, except as specifically allowed in Section R590-153-6 below, is a material and unfair inducement to obtaining title insurance business and constitutes an unfair method of competition in the business of title insurance prohibited under Section [~~31A-23-302~~]31A-23a-402:

A. The furnishing of a title insurance commitment [~~to provide title insurance without charge or at a charge discounted from an applicable rate filing. The prima facie cost of producing a commitment to insure shall be 60% of the minimum rate filed by the insurance company in the absence of a cost supported rate filing either higher or lower.~~]without one of the following:

(1) sufficient evidence in the file of the title insurer, agency or producer that a bona fide real estate transaction exists; or

(2) payment in full at the time the title insurance commitment is provided.

B. The paying of any charges for the cancellation of an existing title insurance commitment issued by a competing organization, unless that commitment discloses a defect which gives rise to a claim on an existing policy.

C. Furnishing escrow services pursuant to Section 31A-23a-[~~307~~]406, for a charge less than the charge filed pursuant to Section 31A-19a-209(5) or the filing of charges for escrow services with the commissioner, which are less than the actual cost of providing the services.

D. Waiving all or any part of established fees or charges for services, which are not the subject of rates filed with the [~~Commissioner~~]commissioner.

E. Deferring or waiving any payment for insurance or services otherwise due and payable, including "holding for resale".

F. Furnishing services not reasonably related to a bona fide title insurance or escrow, settlement, or closing transaction[~~. Examples (non exclusive):~~], including, but not limited to computer services, non-related delivery services, accounting assistance, legal counseling.

G. The paying for, furnishing, or waiving all or any part of the [~~rent~~]rental or lease charge for space, which is occupied by any [~~producer of title insurance business~~]client.

H. Renting or leasing space from any [~~producer of title business~~]client, regardless of the purpose, at a rate which is excessive or inadequate when compared with [~~rents~~]rental or lease charges for comparable space in the same geographic area, or paying [~~rent~~]rental or lease charges based in whole or in part on the volume of business generated by any [~~producer of title insurance business~~]client.

I. Furnishing all or any part of the time or productive effort of any employee of the title [~~insurance organization or~~]insurer, agency or producer, for example, [(~~i.e.,~~]secretary, clerk, messenger[~~,~~] or escrow officer [~~etc.)~~], to any [~~producer of title insurance business~~]client.

J. Paying for all or any part of the salary of a client or an employee of any [~~producer of title insurance business~~]client.

K. Paying, or offering to pay, either directly or indirectly, salary, commissions or any other consideration to any employee who is at the same time [~~engaged as~~]a client.[~~- real estate agent or broker or as a mortgage broker.~~]

L. Paying for the fees or charges of a professional, for example, [~~(e.g.~~]an appraiser, surveyor, engineer[~~,~~] or attorney, [~~etc.)~~] whose services are required by any [~~producer of title insurance business~~]client to structure or complete a particular transaction.

M. Sponsoring, cosponsoring, subsidizing, contributing fees, prizes, gifts, food or otherwise providing anything of value for an activity, except as allowed under Subsection R590-153-6(F) of a [~~producer of title insurance business~~]client. Activities include, but are not limited to[~~:~~] "open houses" at homes or property for sale, meetings, breakfasts, luncheons, dinners, conventions, installation ceremonies, celebrations, outings, cocktail parties, hospitality room functions, open house celebrations, dances, fishing trips, gambling trips, sporting events of all kinds, hunting trips or outings, golf or ski tournaments, artistic performances and outings in recreation areas or entertainment areas.

N. Sponsoring, subsidizing, supplying prizes or labor, except as allowed under Subsection R590-153-6(C), or otherwise providing things of value for promotional activities of [~~producers of title insurance business~~]a client. Title [~~agents or~~]insurers, agencies or producers may attend activities of [~~producers~~]a client if there is no additional cost to the [~~agent or~~]title insurer, agency or producer other than their own entry fees, registration fees, meals, etc., and provided that these fees are no greater than those charged to [~~producers of title insurance business~~]clients or others attending the function.

O. Providing gifts or anything of value to a [~~producer of title insurance business~~]client in connection with social events such as birthdays[~~,~~] or job promotions[~~, etc.~~] except as provided in Subsection R590-153-6(H). A letter or card in these instances will not be interpreted as providing a thing of value.

P. Providing either directly or indirectly, a compensating balance or deposit in a lending institution either for the express or implied purpose of influencing the placement or [~~channeling~~]steering of title insurance business by such lending institution. This does not preclude transactions with lending institutions, which are in the normal course of business.

Q. Furnishing any part of a title insurer's, agency's or [~~insurer's~~]producer's facilities, for example, [~~(e.g.~~]conference rooms[~~,~~] or meeting rooms, [~~etc.)~~]to a [~~producer of title insurance business~~]client or trade association without receiving a fair rental or lease charge comparable to other rental or lease charges for facilities in the same geographic area.

R. Furnishing information packets, listing kits, "farm" packages, reports, or any [~~other~~]form of title evidence without first filing a specimen form copy with the commissioner and specifying a rate for which the form is available. The rate may not be less than the actual cost of producing the information and the material furnished.

S. Paying for any advertising on behalf of a [~~producer of title insurance business~~]client.

T. Advertising jointly with a [~~producer of title insurance business~~]client on subdivision or condominium project signs, or signs for the sale of a lot or lots in a subdivision or units in a condominium project. A title [~~insurance~~]insurer, agency or producer[~~company~~] may advertise independently that it has provided title insurance for a particular subdivision[~~,~~] or condominium project [~~etc.,~~]but may not indicate that all future title insurance will be written by that title insurer, agency or producer.[~~through that company.~~]

U. A direct or indirect benefit provided to a [~~producer of title insurance~~]client which is not specified in Section R590-153-6 below, will be investigated by the [~~insurance~~]department for the purpose of determining whether it should be defined by the commissioner as an unfair inducement under Section [~~31A-23-302(8)~~]31A-23a-402(8).

V. Donations to charitable organizations must:

(1) not be paid in cash; and

(2) if paid by negotiable instrument, be made payable only to the charitable organization; and

(3) be distributed directly to the charitable organization; and

(4) not provide any benefit to a client.

W. Providing a title insurance commitment, which does not identify the proposed insured party or which does not contain a valid commitment from a title insurer.

R590-153-6. Permitted Advertising and Business Entertainment.

A. A title insurer, agency[~~, agent or insurer~~]or producer may furnish the following without charge, and without additions, addenda or attachments which may be construed as reaching conclusions of the insurer, agency or producer regarding matters of marketable ownership or encumbrances:[~~- a copy of any existing plat map, and tax information covering a specific parcel of real estate, (Tax identification number, assessed owner, assessed value of land and improvements and the latest tax amount) without additions or addenda or attachments which may be construed as reaching conclusions of the agency, insurer or agent regarding matters of marketable ownership or encumbrances.~~]

(1) A copy of an existing plat map; or

(2) Tax information covering a specific parcel of real estate, for example, tax identification number, assessed owner, assessed value of land and improvements, or the latest tax amount; or

(3) other information regarding real property which the county recorder's office provides to the public free of charge, or at a nominal charge, and in the exact format and content as provided by the county recorder's office.

B. Advertisements by title insurers, agencies or [~~companies~~]producers must comply with the following:

(1) The advertisement must be purely self-promotional.

(2) Advertisements may not be placed in a publication, including an [~~internet~~]Internet web page and its links, that is hosted, published, produced for, distributed by or on behalf of a [~~producer or group of producers of title insurance business~~]client except as allowed under R590-153-6 (B)(3).

(3) Advertisements in official trade association publications are permissible as long as any [~~agency or~~] title insurer, agency or producer has an equal opportunity to advertise in the publication and at the standard rates other advertisers in the publication are charged.

C. A title[~~agency~~], insurer, agency or producer [~~or agent~~]may donate time to serve on a trade association committee and may also serve as an officer for the trade association.

D. A title [~~agency or~~]insurer, agency or producer may have two self-promotional open houses per calendar year for each of its owned or occupied facilities, [~~(~~]including branch offices[~~) (e.g. a Christmas party, an open house for remodeling of its facility, an open house for a new facility for the organization)~~]. The [~~agency or~~]title insurer, agency or producer may not expend more than $10[~~.00~~] per guest per open house. The open house may take place on or off the [~~agency's or~~]title insurer's, agency's or producer's premises but may not take place on the [~~producer's~~]client's premises.

E. A title [~~agency or~~]insurer, agency or producer may distribute self-promotional items having a value of $3 or less to [~~producers of title insurance business~~]clients, consumers and members of the general public. These self-promotional items shall be novelty gifts which are [~~nonedible~~]non-edible and may not be personalized or bear the name of the donee. Self-promotional items may only be distributed in the regular course of business. Self-promotional items may not be given to [~~producers of title insurance business~~]clients or trade associations for redistribution by these entities.

F. A title [~~agency or~~]insurer, agency or producer may make expenditures for business meals or business activities on behalf of any person, whether a [~~producer of title insurance~~]client or not, as a method of advertising, if the expenditure meets all the following criteria:

(1) The [~~agent~~]person representing the title insurer, agency or producer[~~or an employee of the insurer~~]must be present during the business meal or business activity.

(2) There is a substantial title insurance business discussion directly before, during or after the business meal or business activity.

(3) The total cost of the business meal, [~~and~~]the business activity, or both is not more than $75[~~.00~~] per person, per day.

(4) No more than three individuals from an office of a [~~producer of title insurance business~~]client may be provided a business meal or business activity by [~~an agency or~~]a title insurer, agency or producer in a single day.

(5) The entire business meal or business activity may take place on or off the [~~agency's or~~]title insurer's, agency's or producer's premises, but may not take place on the [~~producer's~~]client's premises.

G. A title [~~agency or~~]insurer, agency or producer may conduct educational programs under the following conditions:

(1) The educational program shall address only title insurance, escrow or topics directly related thereto.

(2) The educational program must be of at least one hour duration.

(3) For each hour of education $10 or less per person may be expended, including the cost of meals and refreshments.

(4) No more than one such educational program may be conducted at the office of a [~~producer of title insurance business~~]client per calendar quarter.

H. A title [~~agency or~~]insurer, agency or producer may acknowledge a wedding, birth or adoption of a child, or funeral of a [~~producer of title insurance business~~]client or members of his/her immediate family with flowers or gifts not to exceed $50[~~.00~~].

I. Any other advertising and/or business entertainment must be requested in writing and approved in advance and in writing by the commissioner.

[~~R590-153-7. Penalties.~~

~~Subject to the provisions of the Utah Administrative Procedures Act, violators of this rule shall be subject to forfeitures, suspension or revocation of their insurance license or Certificate of Authority, and/or any other penalties or measures as are determined by the commissioner in accordance with law.~~]**R590-153-7. Enforcement Date.**

The commissioner will begin enforcing the provisions of this rule 45 days from the effective date of the rule.

R590-153-8. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: title insurance
[~~April 11, 2000~~]2004
Notice of Continuation November 27, 2002
31A-2-201
[~~31A-23-302~~]31A-23a-402

Insurance, Administration
R590-187
Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26792
FILED: 11/14/2003, 10:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed to comply with changes made to Section 31A-23a-415 by the 2002 Legislative Session in H.B. 276 Section 31A-23a-415 has since been renumbered by the 2003 Legislature as per H.B. 374, and definitions have been added

as a result of comments received during the last comment period that ended August 17, 2003. (DAR NOTE: H.B. 276 is found at UT L 2002 Ch 260, and was effective July 1, 2002. H.B. 374 is found at UT L 2003 Ch 298, and was effective May 5, 2003.)

SUMMARY OF THE RULE OR CHANGE: The following major changes were made to the rule: a new Scope section (Section R590-187-3) and Definition section (Section R590-187-4) were added to the rule. The new definitions added were for "Office" and "Branch Office." As a result of these new sections, the remainder of the rule sections needed to be renumbered. In the new Section R590-187-5 the title of the job position that is funded by the rule was changed. In the new Section R590-187-6, the Branch Office Report form has been incorporated by reference and is due 30 days after any opening or closing of a title office. In Section R590-187-8, the deadline for payment of the title assessment was changed from 45 to 30 days of invoice, and expanded and clarified the type of payment methods.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-23a-415

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: "Branch Office Report" form, revision date 06/03/03

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The changes in the rule will not affect anticipated costs or savings to the state budget. No additional people will need to be hired and the revenue will not be increased or decreased.
❖ LOCAL GOVERNMENTS: The changes to this rule will not affect local government since they only deal with the relationship of the title insurer and agency with the Insurance Department.
❖ OTHER PERSONS: The only impact is the frequency of reporting based on opening or closing of an office or branch by an agency or insurer. No fees are required for the form or the filing. The only impact will be on manpower to complete the simple one page report form when a new title office or branch is opened or an existing office or branch is closed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only impact is the frequency of reporting based on opening or closing of an office or branch by an agency or insurer. No fees are required for the form or the filing. The only impact will be on manpower to complete the simple one page report form when a new title office or branch is opened or an existing office or branch is closed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule should have little, if any impact on title insurers, producers and agencies doing business in Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-187. Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance.
R590-187-1. Authority.

This rule is promulgated by the commissioner pursuant to [~~Section~~]Subsections 31A-2-201(3) and [~~31A-23-315(2)(d)~~]31A-23a-415(2)(d).

R590-187-2. Purpose.

The purpose of this rule is:

(1) to establish the costs and expenses incurred by the department in administering, investigating and enforcing the provisions of Title 31A, Chapter 23a, Parts [~~III and~~]IV and V related to the marketing of title insurance;

(2) to determine a filing date for each title insurance agency or insurer to report to the commissioner the number of counties in which a title insurance agency or a title insurer maintains [~~an~~]offices[~~ to the commissioner~~];

(3) to establish a deadline for the payment of the assessment[~~s~~]; and

(4) to determine the premium year used in calculating the assessment of title insurers.

R590-187-3. Scope.

This rule applies to all title insurers, and title insurance agencies.

R590-187-4. Definitions.

For the purpose of the rule the commissioner adopts the definitions as set forth in Section 31A-1-301, and the following:

(1) "Office" means headquarters of an agency or company.

(2) "Branch Office" means local or area office of the headquarters of an agency or company.

R590-187-[~~3~~]5. Costs and Expenses.

(1) [~~The amount of costs and expenses that will be covered by the assessment imposed by 31A-23-315 for the fiscal year 1999 will consist of the following:~~

~~(a) the salary and state paid benefits for an Insurance Department, Compliance and Enforcement Investigator I;~~

~~(b) data processing expense for the purchase of a computer and associated data processing equipment; and~~

~~(c) a capital outlay for the investigator's office space.~~

~~(2)~~]The amount of costs and expenses that will be covered by the assessment imposed by [~~31A-23-315~~]31A-23a-415 for [~~the fiscal years 2000 and 2001~~]any fiscal year in which an assessment exists will consist of the salary and state paid benefits; travel expenses, including daily vehicle expenses; computer hardware and software expenses; e-commerce expenses and wireless communications expenses for [~~an Insurance Department,~~]a [~~Compliance and Enforcement Investigator I~~]Market Conduct Examiner I as determined by the department's budget as approved by the Utah State Legislature and would include any salary increases or increases in benefits.

R590-187-[4]6. Reporting of Counties.

(1) A title insurance agency and title insurer shall deliver[~~report the name of each county in which the agency or insurer maintains an office~~] to the commissioner, [~~by February 1 of each year.~~]a Branch Office Report within 30 days of the opening or closing of any office, of any change of address, or a change in branch manager.

(2) [~~County~~]Branch Office Report form[~~s~~], revised 6-3-03 is incorporated by reference and is[~~are~~] available from the [~~Utah State Insurance Department~~]department, or from the department's web page. [~~and~~]This form shall be utilized in reporting the [~~names of counties~~]office information required by this rule.

R590-187-[5]7. Title Insurer Assessment.

The title insurance assessment shall be calculated using direct premiums written during the preceding calendar year. The direct premiums written shall be taken from the [~~insurers~~]insurer's annual statements for that year.

R590-187-[6]8. Assessment Payment Deadline.

(1)[~~Assessments shall be paid within 45 days of the assessment date.~~

~~(2) A fee payment for the assessment, which is delivered by mail, will be considered to have been paid as of the date of the postmark.~~

~~(3) Payment by check.~~

~~(a) Checks shall be made payable to the Utah Insurance Department.~~

~~(b) A check which is dishonored in the process of the collection will not constitute payment of the assessment. Tender of a check to the department that is subsequently dishonored is a violation of this rule.~~]Payment.

(a) Checks shall be made payable to the Utah Insurance Department. A check that is dishonored in the process of the collection will not constitute payment of the fee for which it was issued and any action taken pursuant to the fee payment will be negated. Any late fees or penalties will apply until proper payment is made. Tender of a check to the department, that is subsequently dishonored, is a violation of this rule.

(b) Cash payments. The department is not responsible for un-receipted cash that is lost or mis-delivered.

(c) Electronic payments.

(i) Credit Card. Credit cards may be used to pay any fee due to the department. Credit card payments that are dishonored will not constitute payment of the fee and any action taken based on the payment will be negated. Late fees and other penalties, resulting from the negated action, will apply until proper payment is made. A credit card payment that is dishonored is a violation of this rule.

(ii) Automated clearinghouse (ACH). Payers or purchasers desiring to use this method must contact the department for the proper routing and transit information. Payments that are made in error to another agency or that are not deposited into the department's account will not constitute payment of the fee and any action taken based on the payment will be negated. Late fees and other penalties resulting from the negated action will apply until proper payment is made. An ACH payment that is dishonored is a violation of this rule.

R590-187-9. Enforcement Date.

The commissioner will begin enforcing the revised provisions of this rule 45 days from the rule's effective date.

R590-187-[7]10. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity will not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: title insurance
[~~September 25, 1998~~]2004
Notice of Continuation September 2, 2003
[~~31A-23-315~~]31A-2-201
31A-23a-415

Labor Commission, Adjudication
R602-1
General Provisions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26772
FILED: 11/04/2003, 16:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the proposed rule change is to clarify who may provide representation in Labor Commission adjudicative proceedings and how documents should be filed with the Adjudication Division.

SUMMARY OF THE RULE OR CHANGE: The proposed rule provides that only attorneys admitted and licensed in Utah may represent a party before the Adjudication Division. The proposed rule also clarifies that individuals who are themselves parties to a matter before the Adjudication Division may represent themselves. Corporations must have legal counsel who are admitted to practice law in Utah. The proposed rule also establishes that documents filed with the Adjudication Division must be filed with all parties to the case as well, either by mail or hand delivery, and must include a mailing certificate indicating to whom copies were provided.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-1-302 and 63-46b-1 et seq.

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There should be no cost or savings to the state's budget. The proposed rule is consistent with current practice.
❖ LOCAL GOVERNMENTS: There should be no cost or savings to local government. The proposed rule is consistent with current practice.
❖ OTHER PERSONS: There should be no cost or savings to other persons. The proposed rule is consistent with current practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule places no additional burdens on affected parties. Consequently, there should be no additional compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule establishes written standards for representation in adjudicative proceedings that are consistent with actual practice. Apart from establishing a written rule that will be clearer and more accessible, the proposed rule will have no fiscal impact on business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
LABOR COMMISSION
ADJUDICATION
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:
Richard Lajeunesse at the above address, by phone at 801-536-7928, by FAX at 801-530-6333, or by Internet E-mail at rlajeunesse@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: R Lee Ellertson, Commissioner

R602. Labor Commission, Adjudication.
R602-1. General Provisions.
R602-1-1. Time.

A. An Order is deemed issued on the date on the face of the Order which is the date the presiding officer signs the Order.

B. In computing any period of time prescribed or allowed by these rules or by applicable statute:

1. The day of the act, event, finding, or default, or the date an Order is issued, shall not be included;

2. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a state legal holiday, in which event the period runs until the end of the next working day;

3. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and state legal holidays shall be excluded in the computation;

4. No additional time for mailing will be allowed.

R602-1-2. Witness Fees.

Each witness who shall appear before the Commission by its order shall receive from the Commission for his/her attendance fees and mileage as provided for witnesses by the Utah Rules of Civil Procedure. Otherwise, each party is required to subpoena witnesses at their own expense.

R602-1-3. Representatives at Adjudicative Proceedings.

1. Representatives who are not duly admitted and licensed to practice law in Utah shall not be allowed to appear on behalf of a party before the Adjudication Division.

2. Individuals who are parties to an adjudicative proceeding before the Adjudication Division may appear pro se.

3. Corporations who are parties to an adjudicative proceeding before the Adjudication Division shall be represented by legal counsel who are duly admitted to practice law in Utah.

R602-1-4. Filing of Documents.

1. All documents filed with the administrative law judge shall be filed with all other parties to the adjudicative proceeding and shall provide verification of mailing to, or service on, all parties to whom copies of the documents are mailed or personally delivered.

2. Parties shall not file courtesy copies with the Division.

KEY: witness fees, time, administrative procedures, filing deadlines
[~~December 3, 1996~~]2004
Notice of Continuation September 5, 2002
34A-1-302
63-46b-1 et seq.

▼ ▼

Labor Commission, Adjudication
R602-2-1
Pleadings and Discovery

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26773
FILED: 11/04/2003, 16:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the proposed rule change is to clarify, update, and streamline procedures for adjudication of workers' compensation and occupational disease claims.

SUMMARY OF THE RULE OR CHANGE: The proposed rule change reorganizes and clarifies the existing procedures for the adjudication of workers' compensation and occupational disease claims.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-1-301 et seq. and 63-46b-1 et seq.

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The Commission anticipates no cost or savings to the state budget. The proposed rule is procedural in nature and is generally consistent with existing practice.
❖ LOCAL GOVERNMENTS: The Commission anticipates no cost or savings to local government. The proposed rule is procedural in nature and is generally consistent with existing practice
❖ OTHER PERSONS: The Commission anticipates no cost or savings to other persons. The proposed rule is procedural in nature and is generally consistent with existing practice

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional compliance costs for affected persons since the proposed rule follows current practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule represents the work of the Commission's Adjudication Division in cooperation with business representatives, insurance companies, and attorneys for injured workers. The rules are intended to make workers' compensation practice more uniform and rational. Although the proposed changes to existing rules are procedural, they should nevertheless make the system more efficient. The net impact on business should be to reduce costs in the long run.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
LABOR COMMISSION
ADJUDICATION
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:
Richard Lajeunesse at the above address, by phone at 801-536-7928, by FAX at 801-530-6333, or by Internet E-mail at rlajeunesse@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: R Lee Ellertson, Commissioner

R602. Labor Commission, Adjudication.
R602-2. Adjudication of Workers' Compensation and Occupational Disease Claims.
R602-2-1. Pleadings and Discovery.

[~~A. For the purposes of this rule, "Commission" means the Labor Commission. "Division" means the Division of Adjudication within the Labor Commission. Adjudicative proceedings for workers' compensation and occupational disease claims may be commenced by the injured worker or dependent filing a request for agency action with the Commission. The Administrative Law Judge is afforded discretion in allowing intervention of other parties pursuant to Section 63-46b-9. The Application for Hearing is the request for agency action. All such applications shall include supporting medical documentation of the claim where there is a dispute over medical issues. Applications without supporting documentation will not be mailed to the employer or insurance carrier for answer until the appropriate documents have been provided.~~

~~B. Whenever a claim for compensation benefits is denied by an employer or insurance carrier, the burden rests on the applicant to initiate the action by filing an Application for Hearing with the Commission.~~

~~C. When an Application for Hearing is filed with the Commission, the Commission shall forthwith mail a copy to the employer or to the employer's insurance carrier.~~

~~D. The employer or insurance carrier shall have 30 days following the date of the mailing of the application to file a written answer with the Commission, admitting or denying liability for the claim. The answer shall state all affirmative defenses with sufficient accuracy and detail that an applicant may be fully informed of the nature of the defense asserted. All answers shall include a summary and categorization of benefits paid to date on the claim. A copy shall be sent to the applicant or, if there is one, to the applicant's attorney by the defendant.~~

~~E. When an employer or insurance carrier fails to file an answer within the 30 days provided above, the Commission may enter a default against such employer or insurance carrier. The Commission may then set the matter for hearing, take evidence bearing on the claim, and enter an Order based on the evidence presented. Such defaults may be set aside by following the procedure outlined in the Utah Rules of Civil Procedure. Said default shall apply to the defendant employer or insurance carrier and may not be construed to deprive the Employers' Reinsurance Fund or the Uninsured Employers' Fund of any appropriate defenses.~~

~~F. When the answer denies liability solely on the medical aspects of the case, the applicant, through his/her attorney or agent, and the employer or insurance carrier, with the approval of the Commission or its representative, may enter into a stipulated set of facts, which stipulation, together with the medical documents bearing on the case in the Commission's file, may be used in making the final determination of liability.~~

~~G. When deemed appropriate, the Commission or its representatives may have a pre-hearing or post-hearing conference.~~

~~H. Upon filing of the Answer, the defendant may commence discovery with appropriate sets of interrogatories. Such discovery should focus on the accident event, witnesses, as well as past and present medical care. The defendant shall also be entitled to appropriately signed medical releases to allow gathering of pertinent medical records. The defendant may also require the applicant to submit to a medical examination by a physician of the defendant's choice. Failure of an applicant to comply with such requests may result in the dismissal of a claim or a delay in the scheduling of a hearing.~~

~~I. Commission subpoena forms shall be used in all discovery proceedings and shall be signed, unless good cause is shown for a shorter period, at least one week prior to any scheduled hearing.~~

~~J. All medical records shall be filed by the employer or its insurance carrier as a single joint exhibit at least one week before the scheduled hearing. Claimant must cooperate and submit all pertinent medical records contained in his/her file to the employer or its~~

~~insurance carrier for the joint exhibit submission two weeks in advance of a scheduled hearing. Exhibits are to be placed in an indexed binder arranged by care provider in chronological order. Exhibits shall include all relevant treatment records which tend to prove or disprove a fact in issue. Pages shall be numbered consecutively. Hospital nurses' notes, duplicate materials, and other non-relevant materials may not be included.~~

~~K. The Administrative Law Judge shall be notified one week in advance of any proceeding when it is anticipated that more than four witnesses will be called, or where it is anticipated that the hearing of the evidence will require more than two hours.~~

~~L. Decisions of the presiding officer in any adjudicative proceeding shall be issued in accordance with the provisions of Section 63-46b-5 or 63-46b-10.~~

~~M. Any party to an adjudicative proceeding may obtain review of an Order issued by an Administrative Law Judge by filing a written request for review with the Adjudication Division in accordance with the provisions of Section 63-46b-12 and Section 34A-1-303. Unless a request for review is properly filed, the Administrative Law Judge's Order is the final order of the Commission. If a request for review is filed, other parties to the adjudicative proceeding may file a response within 20 calendar days of the date the request for review was filed. Thereafter, the Administrative Law Judge shall:~~

~~1. Reopen the case and enter a Supplemental Order after holding such further hearing and receiving such further evidence as may be deemed necessary,~~

~~2. Amend or modify the prior Order by a Supplemental order, or~~

~~3. Refer the entire case for review under Section 34A-2-801.~~

~~If the Administrative Law Judge enters a Supplemental Order, as provided in this subsection, it shall be final unless a request for review of the same is filed.~~

~~N. In formal adjudicative proceedings, the Division shall generally follow the Utah Rules of Civil Procedure regarding discovery and the issuance of subpoenas, except as the Utah Rules of Civil Procedure are modified by the express provisions of Section 34A-2-802, or as may be otherwise modified by the presiding officer.~~

~~O. A request for reconsideration of an Order on Motion for Review may be allowed and shall be governed by the provisions of Section 63-46b-13. Any petition for judicial review of final agency action shall be governed by the provisions of Section 63-46b-14.~~]A. Definitions.

1. "Commission" means the Labor Commission.

2. "Division" means the Division of Adjudication within the Labor Commission.

3. "Application for Hearing" means the request for agency action regarding a workers' compensation claim.

4. "Supporting medical documentation" means a Summary of Medical Record or other medical report or treatment note completed by a physician that indicates the presence or absence of a medical causal connection between benefits sought and the alleged industrial injury.

5. "Authorization to Release Medical Records" is a form authorizing the injured workers' medical providers to provide medical records and other medical information to the commission or a party.

6. "Supporting documents" means supporting medical documentation, list of medical providers, Authorization to Release Medical Records and, when applicable, an Appointment of Counsel Form.

7. "Petitioner" means the person or entity who has filed an Application for Hearing.

8. "Respondent" means the person or entity against whom the Application for Hearing was filed.

9. "Discovery motion" includes a motion to compel or a motion for protective order.

B. Application for Hearing.

1. Whenever a claim for compensation benefits is denied by an employer or insurance carrier, the burden rests with the injured worker, or medical provider, to initiate agency action by filing an Application for Hearing with the Division. Applications for hearing shall include an original, notarized Authorization to Release Medical Records.

2. An employer, insurance carrier, or any other party with standing under the Workers' Compensation Act may obtain a hearing before the Adjudication Division by filing a request for agency action with the Division.

3. All Applications for Hearing shall include any available supporting medical documentation of the claim where there is a dispute over medical issues. Applications for Hearing without supporting documentation and a properly completed Authorization to Release Medical Records may not be mailed to the employer or insurance carrier for answer until the appropriate documents have been provided. In addition to respondent's answer, a respondent may file a motion to dismiss the Application for Hearing where there is no supporting medical documentation filed to demonstrate medical causation when such is at issue between the parties.

4. When an Application for Hearing with appropriate supporting documentation is filed with the Division, the Division shall forthwith mail to the respondents a copy of the Application for Hearing, supporting documents and Notice of Formal Adjudication and Order for Answer.

5. In cases where the injured worker is represented by an attorney, a completed and signed Appointment of Counsel form shall be filed with the Application for Hearing or upon retention of the attorney.

C. Answer.

1. The respondent(s) shall have 30 days from the date of mailing of the Order for Answer, to file a written answer to the Application for Hearing.

2. The answer shall admit or deny liability for the claim and shall state the reasons liability is denied. The answer shall state all affirmative defenses with sufficient accuracy and detail that the petitioner and the Division may be fully informed of the nature and substance of the defenses asserted.

3. All answers shall include a summary of benefits which have been paid to date on the claim, designating such payments by category, i.e. medical expenses, temporary total disability, permanent partial disability, etc.

4. When liability is denied based upon medical issues, copies of all available medical reports sufficient to support the denial of liability shall be filed with the answer.

5. If the answer filed by the respondents fails to sufficiently explain the basis of the denial, fails to include available medical reports or records to support the denial, or contains affirmative defenses without sufficient factual detail to support the affirmative defense, the Division may strike the answer filed and order the respondent to file within 20 days, a new answer which conforms with the requirements of this rule.

6. All answers must state whether the respondent is willing to mediate the claim.

7. Petitioners are allowed to timely amend the Application for Hearing, and respondents are allowed to timely amend the answer,

as newly discovered information becomes available that would warrant the amendment. The parties shall not amend their pleadings later than 45 days prior to the scheduled hearing without leave of the Administrative Law Judge.

8. Responses and answers to amended pleadings shall be filed within ten days of service of the amended pleading without further order of the Labor Commission.

D. Default.

1. If a respondent fails to file an answer as provided in Subsection C above, the Division may enter a default against the respondent.

2. If default is entered against a respondent, the Division may conduct any further proceedings necessary to take evidence and determine the issues raised by the Application for Hearing without the participation of the party in default pursuant to Section 63-46b-11(4), Utah Code.

3. A default of a respondent shall not be construed to deprive the Employer's Reinsurance Fund or Uninsured Employers' Fund of any appropriate defenses.

4. The defaulted party may file a motion to set aside the default under the procedures set forth in Section 63-46b-11(3), Utah Code. The Adjudication Division shall set aside defaults upon written and signed stipulation of all parties to the action.

E. Waiver of Hearing.

1. The parties may, with the approval of the administrative law judge, waive their right to a hearing and enter into a stipulated set of facts, which may be submitted to the administrative law judge. The administrative law judge may use the stipulated facts, medical records and evidence in the record to make a final determination of liability or refer the matter to a Medical Panel for consideration of the medical issues pursuant to R602-2-2.

2. Stipulated facts shall include sufficient facts to address all the issues raised in the Application for Hearing and answer.

3. In cases where Medical Panel review is required, the administrative law judge may forward the evidence in the record, including but not limited to, medical records, fact stipulations, radiographs and deposition transcripts, to a medical panel for assistance in resolving the medical issues.

F. Discovery.

1. Upon filing the answer, the respondent and the petitioner may commence discovery. Discovery allowed under this rule may include interrogatories, requests for production of documents, depositions, and medical examinations. Discovery shall not include requests for admissions. Appropriate discovery under this rule shall focus on matters relevant to the claims and defenses at issue in the case. All discovery requests are deemed continuing and shall be promptly supplemented by the responding party as information comes available.

2. Without leave of the administrative law judge, or written stipulation, any party may serve upon any other party written interrogatories, not exceeding 25 in number, including all discrete subparts, to be answered by the party served. The frequency or extent of use of interrogatories, requests for production of documents, medical examinations and/or depositions shall be limited by the administrative law judge if it is determined that:

a. The discovery sought is unreasonably cumulative or duplicative, or is obtainable from another source that is more convenient, less burdensome, or less expensive;

b. The party seeking discovery has had ample opportunity by discovery in the action to obtain the discovery sought; or

c. The discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the adjudication.

3. Upon reasonable notice, the respondent may require the petitioner to submit to a medical examination by a physician of the respondent's choice.

4. All parties may conduct depositions pursuant to the Utah Rules of Civil Procedure and Section 34A-1-308, Utah Code.

5. Requests for production of documents are allowed, but limited to matters relevant to the claims and defenses at issue in the case, and shall not include requests for documents provided with the petitioner's Application for Hearing, nor the respondents' answer.

6. Parties shall diligently pursue discovery so as not to delay the adjudication of the claim. If a hearing has been scheduled, discovery motions shall be filed no later than 45 days prior to the hearing unless leave of the administrative law judge is obtained.

7. Discovery motions shall contain copies of all relevant documents pertaining to the discovery at issue, such as mailing certificates and follow up requests for discovery. The responding party shall have 10 days from the date the discovery motion is mailed to file a response to the discovery motion.

8. Parties conducting discovery under this rule shall maintain mailing certificates and follow up letters regarding discovery to submit in the event Division intervention is necessary to complete discovery. Discovery documents shall not be filed with the Division at the time they are forwarded to opposing parties.

9. Any party who fails to obey an administrative law judge's discovery order shall be subject to the sanctions available under Rule 37, Utah Rules of Civil Procedure.

G. Subpoenas.

1. Commission subpoena forms shall be used in all discovery proceedings to compel the attendance of witnesses. All subpoenas shall be signed by the administrative law judge assigned to the case, or the duty judge where the assigned judge is not available. Subpoenas to compel the attendance of witnesses shall be served at least 14 days prior to the hearing consistent with Utah Rule of Civil Procedure 45. Witness fees and mileage shall be paid by the party which subpoenas the witness.

2. A subpoena to produce records shall be served on the holder of the record at least 14 days prior to the date specified in the subpoena as provided in Utah Rule of Civil Procedure 45. All fees associated with the production of documents shall be paid by the party which subpoenas the record.

H. Medical Records Exhibit.

1. The parties are expected to exchange medical records during the discovery period.

2. Petitioner shall submit all relevant medical records contained in his/her possession to the respondent for the preparation of a joint medical records exhibit at least twenty (20) working days prior to the scheduled hearing.

3. The respondent shall prepare a joint medical record exhibit containing all relevant medical records. The medical record exhibit shall include all relevant treatment records that tend to prove or disprove a fact in issue. Hospital nurses' notes, duplicate materials, and other non-relevant materials need not be included in the medical record exhibit.

4. The medical records shall be indexed, paginated, arranged by medical care provider in chronological order and bound.

5. The medical record exhibit prepared by the respondent shall be delivered to the Division and the petitioner or petitioner's counsel

at least ten (10) working days prior to the hearing. Late-filed medical records may or may not be admitted at the discretion of the administrative law judge by stipulation or for good cause shown.

6. The administrative law judge may require the respondent to submit an additional copy of the joint medical record exhibit in cases referred to a medical panel.

7. The petitioner is responsible to obtain radiographs and diagnostic films for review by the medical panel. The administrative law judge shall issue subpoenas where necessary to obtain radiology films.

I. Hearing.

1. Notices of hearing shall be mailed to the addresses of record of the parties. The parties shall provide current addresses to the Division for receipt of notices or risk the entry of default and loss of the opportunity to participate at the hearing.

2. Judgment may be entered without a hearing after default is entered or upon stipulation and waiver of a hearing by the parties.

3. No later than 45 days prior to the scheduled hearing, all parties shall file a signed pretrial disclosure form that identifies: (1) fact witnesses the parties actually intend to call at the hearing; (2) expert witnesses the parties actually intend to call at the hearing; (3) language translator the parties intend to use at the hearing; (4) exhibits, including reports, the parties intend to offer in evidence at the hearing; (5) the specific benefits or relief claimed by the petitioner; (6) the specific defenses that the respondent actually intends to litigate; (7) whether, or not, a party anticipates that the case will take more than four hours of hearing time; (8) the job categories or titles the respondents claim the petitioner is capable of performing if the claim is for permanent total disability, and; (9) any other issues that the parties intend to ask the administrative law judge to adjudicate. The administrative law judge may exclude witnesses, exhibits, evidence, claims, or defenses as appropriate of any party who fails to timely file a signed pre-trial disclosure form as set forth above. The parties shall supplement the pre-trial disclosure form with information that newly becomes available after filing the original form. The pre-trial disclosure form does not replace other discovery allowed under these rules.

4. If the petitioner requires the services of language translation during the hearing, the petitioner has the obligation of providing a person who can translate between the petitioner's native language and English during the hearing. If the respondents are dissatisfied with the proposed translator identified by the petitioner, the respondents may provide a qualified translator for the hearing at the respondent's expense.

5. The petitioner shall appear at the hearing prepared to outline the benefits sought, such as the periods for which compensation and medical benefits are sought, the amounts of unpaid medical bills, and a permanent partial disability rating, if applicable. If mileage reimbursement for travel to receive medical care is sought, the petitioner shall bring documentation of mileage, including the dates, the medical provider seen and the total mileage.

6. The respondent shall appear at the hearing prepared to address the merits of the petitioner's claim and provide evidence to support any defenses timely raised.

7. Parties are expected to be prepared to present their evidence on the date the hearing is scheduled. Requests for continuances may be granted or denied at the discretion of the administrative law judge for good cause shown. Lack of diligence in preparing for the hearing shall not constitute good cause for a continuance.

8. Subject to the continuing jurisdiction of the Labor Commission, the evidentiary record shall be deemed closed at the conclusion of the hearing, and no additional evidence will be accepted without leave of the administrative law judge.

J. Motions-Time to Respond.

Responses to all motions other than discovery motions shall be filed within ten (10) days from the date the motion was filed with the Division. Reply memoranda shall be filed within seven (7) days from the date a response was filed with the Division.

K. Notices.

1. Orders and notices mailed by the Division to the last address of record provided by a party are deemed served on that party.

2. Where an attorney appears on behalf of a party, notice of an action by the Division served on the attorney is considered notice to the party represented by the attorney.

L. Form of Decisions.

Decisions of the presiding officer in any adjudicative proceeding shall be issued in accordance with the provisions of Section 63-46b-5 or 63-46b-10, Utah Code.

M. Motions for Review.

1. Any party to an adjudicative proceeding may obtain review of an Order issued by an Administrative Law Judge by filing a written request for review with the Adjudication Division in accordance with the provisions of Section 63-46b-12 and Section 34A-1-303, Utah Code. Unless a request for review is properly filed, the Administrative Law Judge's Order is the final order of the Commission. If a request for review is filed, other parties to the adjudicative proceeding may file a response within 20 calendar days of the date the request for review was filed. Thereafter the Administrative Law Judge shall:

a. Reopen the case and enter a Supplemental Order after holding such further hearing and receiving such further evidence as may be deemed necessary;

b. Amend or modify the prior Order by a Supplemental Order; or

c. Refer the entire case for review under Section 34A-2-801, Utah Code.

2. If the Administrative Law Judge enters a Supplemental Order, as provided in this subsection, it shall be final unless a request for review of the same is filed.

N. Procedural Rules.

In formal adjudicative proceedings, the Division shall generally follow the Utah Rules of Civil Procedure regarding discovery and the issuance of subpoenas, except as the Utah Rules of Civil Procedure are modified by the express provisions of Section 34A-2-802, Utah Code or as may be otherwise modified by these rules.

O. Requests for Reconsideration and Petitions for Judicial Review.

A request for reconsideration of an Order on Motion for Review may be allowed and shall be governed by the provisions of Section 63-46b-13, Utah Code. Any petition for judicial review of final agency action shall be governed by the provisions of Section 63-46b-14, Utah Code.

KEY: workers' compensation, administrative procedures, hearings, settlement
[~~January 15, 2002~~]
Notice of Continuation September 5, 2002
34A-1-301 et seq.
63-46b-1 et seq.

Natural Resources, Parks and Recreation
R651-611
Fee Schedule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26776
FILED: 11/10/2003, 14:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is made to update the fee schedule, including golfing fees, rental fees for wagons, fees for certain buildings and facilities, boat mooring and camping fees, curation fees, and a fee for entrance at Monte Cristo trail head; eliminate the Heritage Park Permit, which was set up to increase visitation to the museums, but no Heritage Park Permit has been purchased in two years; and adds Senior Multiple Park Permits each at $35 per year which allows day use entrance to all state parks, with the exception of This Is The Place State Park.

SUMMARY OF THE RULE OR CHANGE: There are three categories to the changes for this rule: 1) changes that will generate substantial additional income as in adding the Senior Multiple Park Permit; 2) changes that generate additional revenue, as in the increase in golf fees, boat camping, rental fee at Wasatch Chalet, new rental fees at Territorial State House, and entrance fee for the Monte Cristo Trail Head; definition of some terms; eliminate the Heritage Park Pass, as it did not sell at all in two years; adds Senior Multiple Park Permits each at $35 per year which allows day use entrance to all state parks, excluding This Is The Place State Park; adding a fee for off-highway vehicle (OHV) riders at Jordan River OHV Center - $10; increasing certain golf fees at Wasatch Mountain State Park and Green River State Park; increasing boat mooring fees by $25 and adding fees for use of the Legislative Hall ($30 per hour) and School or Grounds ($20 per hour) at Territorial Statehouse (upon completion of remodeling); adding wagon rental fee of $50 per day and a cleaning deposit fee (where applicable) of $100; and 3) increasing the cost for application fees for easements from $50 to $200 to bring us more in line with the federal agencies and current market.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-11-17

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: Adding the Senior Multiple Park Permit at $35 per year will add approximately $345,000 in revenue to the state; and the increase in golf course fees will add approximately $35,000 for 2004 and $72,500 for 2005. There are no previous records for the Legislative Hall or school/grounds for Territorial Statehouse as it is being remodeled this year. The above amounts are estimates, as we will not know the total amounts until a year/season has passed.

❖ LOCAL GOVERNMENTS: As all of the above are directly involved with only state budgets and the public, there will be no anticipated cost or savings to the local government.
❖ OTHER PERSONS: The recreating public who choose to utilize the services listed above will pay the new fees. They will pay the increased costs for golfing, using certain buildings and grounds and boat camping fees. Seniors choosing to purchase the new Senior Multiple Park Permit will pay a new fee of $35 per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Services listed above will not be provided to those who do not pay the required fee, as all charges are paid prior to these type of services.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Natural Resources administration estimates an average increase in user fees of approximately 31 percent. Other new fees are not included in this estimate. The proposed fee changes may force a small number of would-be park users to seek alternative recreational opportunities unless the increases in user fees are accompanied by comparable enhancements (e.g., improved facilities) at the parks in question. If park visitation is impaired through fee increases, there may be a small, negative impact on those businesses associated with park use. However, there may also be a small, positive impact on those businesses that provide substitute recreational opportunities. The net effect of these potential impacts is difficult to quantify, but is, again, likely to be small.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
Room 116
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

R651. Natural Resources, Parks and Recreation.
R651-611. Fee Schedule.
R651-611-1. Use Fees.

All fees required under this fee schedule are to be paid in advance of occupancy or use of facilities.

A. Fees for services covering one or more months, for docks and dry storage, must be paid in advance for the season as determined by the Division.

B. Fee permits and passes are not refundable or transferable. Duplicate annual permits and special fun tags will be issued only upon completion of an affidavit and payment of the required fee. Inappropriate use of fee permits and passes may result in confiscation by park authorities.

C. Fees shall not be waived, reduced or refunded unless authorized by Division guideline; however, park or unit managers may determine and impose equitable fees for unique events or situations not covered in the current fee schedule. The director has the prerogative to waive or reduce fees.

D. The Multiple Park Permit, Senior Multiple Park Permit, Special Fun Tag, [~~Heritage Park Pass, ~~]Camping Permit and Daily Private Vehicle Permit are good for one (1) private vehicle with up to eight (8) occupants, with the exception of any special charges. Multiple Park Permits, Senior Multiple Park Permits,[~~Heritage Park Passes,~~] and Special Fun Tags, are not honored at This Is The Place State Park[~~ or the OHV center at Jordan River State Park~~].

E. No charge for persons five years old and younger.

F. With the exception of the Multiple Park Permit, [~~Heritage Park Pass,~~]Senior Multiple Park Permit, and Special Fun Tag, fees are applicable only to the specific park or facility where paid and will not be honored at other parks or facilities[~~-~~], unless otherwise stated in division guideline.

G. The contract operator, with the approval of the Division [~~d~~]Director, will set fees for This Is The Place State Park.

H. A "senior" is defined as any resident of the State of Utah 62 years of age or older. Residency and proof of age are verified by presentation of a valid driver's license or a valid Utah identification card.

R651-611-2. Day Use Entrance Fees.

Permits the use of all day activity areas in a state park. These fees do not include overnight camping facilities or special use fees.

A. Annual Permits

1. $70.00 Multiple Park Permit (good for all parks)

2. $35.00 Senior Multiple Park Permit (good for all parks)

[~~2~~]3. Snow Canyon Specialty Permits

a. $15.00 Family Pedestrian Permit

b. $5.00 Commuter Permit

[~~3~~]4. Duplicate Annual Permits may be purchased if originals are lost, destroyed, or stolen, upon payment of a $10.00 fee and the submittal of a signed affidavit to the Division office. Only one duplicate is allowed.

B. Special Fun Tag - Available free to Utah residents, [~~62 years and older or~~]who are disabled, as defined by the Special Fun Tag permit affidavit.

C. Daily Permit - Allows access to a specific state park on the date of purchase.

1. $9.00 ($5.00 for seniors) per private motor vehicle or [~~$4.00~~]$5.00 per person ($3.00 for seniors),for pedestrians or bicycles [~~for~~]at the following parks:

TABLE 1

Deer Creek	Jordanelle
Hailstone	Utah Lake
Willard Bay	

2. $7.00 ($4.00 for seniors) per private motor vehicle or $4.00 per person ($2.00 for seniors) for pedestrians or bicycles [~~for~~]at the following parks:

TABLE 2

Bear Lake - Marina	Bear Lake - Rendezvous
Dead Horse Point	East Canyon
Jordanelle - Rockcliff	Quail Creek
Rockport	Sand Hollow
Yuba	

[~~3. $6.00 per private motor vehicle or $3.00 per person for pedestrians or bicycles for the following parks:~~

~~TABLE 3~~

~~Bear Lake~~	~~Quail Creek~~
~~Scofield~~	~~Yuba~~

~~4. $5.00 per private motor vehicle or $3.00 per person for pedestrians or bicycles for the following parks:~~

~~TABLE 4~~

~~Antelope Island~~	~~Coral Pink~~	~~Wasatch Mountain~~
~~Escalante~~	~~Goblin Valley~~	
~~Green River~~	~~Gunlock~~	
~~Huntington~~	~~Hyrum~~	
~~Kodachrome~~	~~Lost Creek~~	
~~Millsite~~	~~Minersville~~	
~~Otter Creek~~	~~Palisade~~	
~~Pineview~~	~~Sand Hollow~~	
~~Snow Canyon~~	~~Piute~~	
~~Steinaker~~	~~Starvation~~	

] [~~5~~]3. [~~$1.00~~]$2.00 per person ($1.00 for seniors), or [~~$5.00~~]$6.00 per family (up to eight (8) individuals ($3.00 for seniors)[~~-~~], at[~~For~~] the following parks:

TABLE [~~5~~]3

Anasazi	Camp Floyd
Edge of the Cedars	[~~Fort Buenaventura~~]
Fremont	Great Salt Lake
Iron Mission	Territorial
Utah Field House	

[~~6.~~]4. $5.00 ($3.00 for seniors) per private motor vehicle or $3.00 per person ($2.00 for seniors),for pedestrians or bicycles at the parks not identified above, including the east side of Bear Lake.

5. $10.00 per OHV rider at the Jordan River OHV Center.

6. $2.00 per person for commercial groups or vehicles with nine (9) or more occupants ($15.00 per group at Great Salt Lake).

D. Group Site Day Use Fee - Advance reservation only. $2.00 per person, age six (6) and over, for sites with basic facilities. Minimum $50.00 fee established for each facility.

E. Educational Groups - No charge for group visits by Utah public or parochial schools with advance notice to park. When special arrangements or interpretive talks are provided, a fee of $.50 per person may be charged at the park manager's discretion.

[~~F. Heritage Park Pass: $20.00 permits up to five (5) visits to any Heritage Park during the calendar year of issue for up to eight (8) people per private motor vehicle.~~

~~G.~~]F. Antelope Island Wildlife Management Program: A $1.00 fee will be added to the entrance fee at Antelope Island. This

additional fee will be used by the Division to fund the Wildlife Management Program on the Island.

R651-611-3. Camping Fees.

Permits overnight camping and day use for the day of arrival until 2:00 p.m. of the following day or each successive day. Camp sites must be vacated by 12:00 noon following the last camping night at Dead Horse Point. Camping is limited to 14 consecutive days at all campgrounds with the exception of Snow Canyon State Park, with a five (5) consecutive day limit.

A. Individual Sites -- One (1) vehicle with up to eight (8) occupants and any attached recreational equipment as one (1) independent camp unit. [~~Any vehicles in addition to the independent camp unit will be charged the full price for a campsite.~~]Fees for individual sites are based on the following schedule:

1. $8.00 with pit or vault toilets; $11.00 with flush toilets; $14.00 with flush toilets and showers or electrical hookups; $17.00 with flush toilets, showers and electrical hookups; $20.00 with full hookups.

2. Primitive camping fees may be decreased at the park manager's discretion dependent upon the developed state of the facilities to be used by park visitors. Notification of the change must be made to the Division's financial manager and reservations manager before the reduced fee can be made effective.

3. Special Fun Tag holders may receive a $2.00 discount for individual camping sites Monday through Thursday nights, excluding holidays.

4. One-half the campsite fee rounded up to the nearest dollar will be charged per vehicle at all parks and individual camping sites for all additional transportation vehicles that are separate and not attached to the primary vehicle, but are dependent upon that [~~are allowed at any individual camp~~]unit[~~e~~]. No more than one additional vehicle is allowed at any individual campsite. This fee is not applicable at primitive campsites.

B. Group Sites - (by advance reservation for groups)

1. $2.00 per person, age six (6) and over at sites with vault toilets. Minimum $50.00 fee for each facility.

2. $3.00 per person, age six (6) and over at sites with flush toilets and/or pavilions. Minimum $75.00 fee for each facility[~~, except Dead Horse Point with a minimum of $25.00~~].

R651-611-4. Special Fees.

A. Golf Course Fees

[~~1. Jordan River rental and green fees~~

~~a. Nine holes general public - weekends and holidays - summer - $6.50~~

~~b. Nine holes weekdays (except holidays) - summer - $5.50~~

~~c. Nine holes Jr/Sr weekdays (except holidays) - summer) - $4.50~~

~~d. Nine holes general public (winter) - $4.50~~

~~e. Nine holes Jr/Sr (winter) - $3.50~~

~~f. All day rate weekdays (winter) - $8.00~~

~~g. All day rate weekends and holidays (winter) - $10.00~~

~~h. 20 round card pass - $75.00~~

~~i. Promotional pass weekdays (except holidays) - $250.00~~

~~j. Companion fee - adult - $2.00~~

~~k. Companion fee - child - $1.00~~

~~l. Motorized cart (9 holes) - Prohibited~~

~~m. Pull carts (9 holes) - $1.00~~

~~n. Club rental - $3.00~~

~~o. Summer season is April through October and the winter season is November through March.~~

] [~~2.~~]1. Palisade rental and green fees.

a. Nine holes general public - weekends and holidays - $10.00

b. Nine holes weekdays (except holidays) - $9.00

c. Nine holes Jr/Sr weekdays (except holidays) $8.00

d. 20 round card pass - $140.00

e. 20 round card pass (Jr only)- $100.00

f. Promotional pass - single person (any day) - $400.00

g. Promotional pass - single person (weekdays only) - $275.00

h. Promotional pass - couples (any day) - $650.00

i. Promotional pass - family (any day) - $850.00

j. Companion fee - walking, non -player - $4.00

k. Motorized cart (9 holes) - $8.00

l. Motorized cart (9 holes single rider) - $4.00

m. Pull carts (9 holes) - $2.00

n. Club rental (9 holes) - $5.00

o. School teams - No fee for practice rounds with coach and team roster. Tournaments are $3.00 per player.

p. Driving range - small bucket - $2.50

q. Driving range - large bucket - $3.50

[~~3.~~]2. Wasatch Mountain and Soldier Hollow rental and green fees.

a. Nine holes general public - [~~$11.50~~]$12.00

b. Nine holes general public (weekends and holidays) - [~~$12.50~~]13.00

c. Nine holes Jr/Sr weekdays (except holidays) - [~~$10.50~~]$11.00

d. 20 round card pass - [~~$210.00~~]$220.00 - no holidays or weekends

e. Companion fee - walking, non-player - $4.00

f. Motorized cart (9 holes - mandatory on Mt. course) - [~~$11.00~~]$12.00

g. Motorized cart (9 holes single rider - [~~$5.50~~]$6.00)

h. Pull carts (9 holes) - $2.25

i. Club rental (9 holes) - $6.00

j. School teams - No fee for practice rounds with coach and team roster (Wasatch Co[-]unty only).

Tournaments are $3.00 per player.

k. Tournament fee (per player) - [~~$4.00~~]$5.00

l. Driving range - small bucket - [~~$2.25~~]$2.50

m. Driving range - large bucket - [~~$4.50~~]$5.00

n. Advance tee time booking surcharge - [~~$10.00~~]$15.00

[~~4.~~]3. Green River rental and green fees.

a. Nine holes general public - $9.00

b. Nine holes Jr/Sr weekdays (except holidays) - $8.00

c. Eighteen holes general public - $16.00

d. 20 round card pass - [~~$130.00~~]$140.00

e. Promotional pass - single person (any day) - [~~$325.00~~]$350.00

f. Promotional pass - personal golf cart - $350.00

[~~f.~~]g. Promotional pass - single person (Jr/Sr weekdays) - $275.00

[~~g.~~]h. Promotional pass - couple (any day) - $600.00

[~~h.~~]I. Promotional pass - family (any day) - $750.00

[~~i.~~]j. Companion fee - walking, non-player - $4.00

[~~j.~~]k. Motorized cart (9 holes) - $8.00

[~~k.~~]l. Motorized cart (9 holes single rider) - $4.00

[~~l.~~]m. Pull carts (9 holes) - $2.25

[~~m.~~]n. Club rental (9 holes) - $5.00

[~~n.~~]o. School teams - No fee for practice rounds with coach and team roster. Tournaments are $3.00 per player.

[~~5.~~]4. Golf course hours are daylight to dark

[~~6.~~]5. No private, motorized golf carts are allowed, except where authorized by existing contractual agreement.

[~~7.~~]6. Jr golfers are 17 years and under. Sr golfers are 62 and older.

B. Boat Mooring and Dry Storage

1. Mooring Fees:

a. Day Use - $5.00

b. Overnight Boat Parking - $7.00 (until 8:00 a.m.)

c. Overnight Boat Camping - [~~$10.00~~]$15.00 (until 2:00 p.m.)

d. Monthly - $4.00/ft.

e. Monthly with Utilities - (Bear Lake) $6.00/ft.

f. Monthly with Utilities - (Other Parks) $5.00/ft.

g. Monthly Off Season - $2.00/ft

h. Monthly (Off Season with utilities) - [~~$2.50~~]$3.00/ft

2. Dry Storage Fees:

a. Overnight (until 2:00 p.m.) - $5.00

b. Monthly During Season - [~~$50.00~~]$75.00

c. Monthly Off Season - [~~$25.00~~]$50.00

d. Monthly (unsecured) - $25.00

C. Meeting Rooms and Buildings

1. Day Use: 1-4 hours between 8:00 a.m. and 6:00 p.m.

a. Up to 50 persons - $50.00

b. 51 to 100 persons - $70.00

c. 101 to 150 persons - $90.00

d. Add 50% for after 6:00 p.m.

e. Fees include day use fee

2. Overnight Use 2:00 p.m. until 2:00 p.m., up to 100 people.

[~~a.~~] Minimum Fee [~~$200.00~~]$250.00

3. Territorial Statehouse

a. Legislative Hall (per hour) - $30.00

b. School or Grounds (per hour) - $20.00[

~~b. November through March - Add 10%~~]

D. Roller Skating Fees:

[

~~TABLE 6~~

~~Territorial~~

~~Public Hours Two Hour Sessions~~]

1. Adults - $2.00

2. Children 6 through 11 - $1.00

3. Skate Rental - $1.00

4. Ice Skate Sharpening

5. Group Reservations

a. First Hour - $30.00

b. Every Hour Thereafter - $20.00

[

] E. Other Miscellaneous Fees

1. Canoe Rental (includes safety equipment).

a. Up to one (1) hour - $ 5.00

b. Up to four (4) hours - $10.00

c. All day to 6:00 p.m. $20.00

2. Paddle boat Rental (includes safety equipment).

a. Up to one (1) hour $10.00

b. Up to four (4) hours $20.00

c. All day to 6:00 p.m. $30.00

3. Cross Country Skiing Trails.

a. $4.00 per person, twelve (12) and older.

b. $2.00 per person, six (6) through eleven (11).

4. Pavilion - 8:00 a.m. - 10:00 p.m. (non -fee areas).

a. $10.00 per day - (single unit).

b. $30.00 per day - (group unit).

5. Wagon Rental per day - $50.00

[~~5.~~]6. Recreation Field (non-fee areas) - $25.00.

[~~6.~~]7. Sports Equipment Rental - $10.00.

[~~7.~~]8. Life Jacket Rental - $1.00

[~~8.~~]9. Day Use Shower Fee - $2.00.

(where facilities can accommodate)

10. Cleaning Deposit (where applicable) - $100.00

[~~9.~~]11. Application Fees - Non -refundable PLUS Negotiated Costs.

a. Grazing Permit - $20.00

b. Easement - $[~~50.00~~] 200.00

c. Construction/Maintenance - $50.00

d. Special Use Permit - $50.00

e. Commercial Filming - $50.00

f. Waiting List - $10.00

[~~10.~~]12. Assessment and Assignment Fees.

a. Duplicate Document - $10.00

b. Contract Assignment - $20.00

c. Returned checks - $20.00

d. Staff time - $40.00/hour

e. Equipment - $30.00/hour

f. Vehicle - $20.00/hour

g. Researcher - $5.00/hour

h. Photo copy - $ .10/each

i. Fee collection - $10.00

[~~11.~~]13. Curation Fees.

a. Annual curation agreement [~~$50.00~~]$75.00

b. Curation storage Edge of Cedars $400.00/cubic foot.

c. Curation storage other parks [~~$250.00~~]$350.00/cubic foot

d. All curation storage fees are one time only.

[~~12.~~]14. Snowmobile Parking Fee - Monte Cristo Trail head.

a. Day use (6:00 a.m. to 10:00 p.m.) - [~~$3.00~~]$5.00

b. Overnight (10:00 p.m. to 10:00 p.m.) - $5.00

c. Season Pass (Day use only) - $30.00

d. Season Pass (Overnight) - $50.00

R651-611-5. Reservations.

A. Camping Reservation Fees.

1. Individual Campsite $7.00

2. Group site or building rental $10.25

3. Fees identified in #1 and #2 above are to be charged for both initial reservations and for changes to existing reservations.

B. All park facilities will be allocated on a first-come, first-serve basis.

C. Selected camp and group sites are reservable in advance by calling 322-3770[~~ or~~], 1-800-322-3770 or on the Internet at: www.stateparks.utah.gov.

D. Applications for reservation of skating rinks, meeting rooms, buildings, mooring docks, dry storage spaces and other sites not covered above, will be accepted by the respective park personnel beginning on the first business day of February for the next 12 months. Application forms and instructions are available at the park.

E. All unreserved mooring docks, dry storage spaces and camp picnic sites are available on a first-come, first-serve basis.

F. The park manager for any group reservation or special use permit may require a cleanup deposit.

G. Golf course reservations for groups of 20 or more and tournaments will be accepted for the calendar year beginning the

first Monday of March. Reservations for up to two starting times (8 persons) may be made for Saturday, Sunday and Monday, the preceding Monday; and for Tuesday through Friday, the preceding Saturday. Reservations will be taken by phone and in person during golf course hours.

H. One party will reserve park facilities for more than fourteen (14) consecutive days in any 30-day period.

KEY: parks, fees
[~~June 1, 2003~~]January 1, 2004
Notice of Continuation August 7, 2001
63-11-17(2)

Natural Resources, Water Resources
R653-2
Financial Assistance from the Board of Water Resources

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26779
FILED: 11/12/2003, 14:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule amendment is to clarify and make revisions directed by the Board of Water Resources.

SUMMARY OF THE RULE OR CHANGE: The changes to Section R653-2-2 include: adding those water providers meeting the requirements of the Quality Growth Commission to the Board's funding prioritization system; changing the requirement of year-round residents from 20% to 50%; adding projects sponsored by individuals or families as not qualifying for Board funding; and increasing the maximum amount from $250,000 to $500,000 for culinary projects in the Revolving Construction Fund. The change to Section R653-2-4 creates a requirement for phased projects authorized by the Board. The change to Section R653-2-5 provides additional information and detail about dam safety grants and loans. The change to Section R653-2-6 clarifies the Board's role in providing grants for bond insurance.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 73, Chapter 10

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--There will be no increased cost to administer these rule changes. There should be no staff costs or program costs relating to these changes.
❖ LOCAL GOVERNMENTS: None--A small benefit may be possible to those communities that are designated as Quality Growth Communities because they may receive funding sooner.
❖ OTHER PERSONS: None--The rule change requiring 50% year-round residency could make some summer home developments not eligible for state loans. Increasing the project size for culinary water projects may make additional moneys available at low interest and may represent a reduction in loan costs. The change regarding dam safety is only to clarify the Board's role.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--These changes should not cause sponsors to incur additional costs other than some summer home developments that may not be eligible for Board funds.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--I agree with the statements for the cost information. These changes should not impact businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WATER RESOURCES
Room 310
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Nancy Fullmer or Barbara Allen at the above address, by phone at 801-538-7251 or 801-538-7232, by FAX at 801-538-7279 or 801-538-7279, or by Internet E-mail at nancyfullmer@utah.gov or barbaraallen@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Larry Anderson, Director

R653. Natural Resources, Water Resources.
R653-2. Financial Assistance from the Board of Water Resources.
R653-2-1. Purpose.

The purpose of this rule is to provide the standards and procedures for providing technical and financial assistance to water users to achieve the highest beneficial use of water resources within the state.

R653-2-2. Description of Funding Program.

(1)(a) The Board of Water Resources (Board) administers three revolving construction funds: the Revolving Construction Fund, the Cities Water Loan Fund, and the Conservation and Development Fund. Funding is available for projects that conserve, protect, or more efficiently use present water supplies, develop new water, or provide flood control. Project facilities may be constructed in another state if project water is to be used within the state of Utah.

(b) The Board will fund projects based on the following prioritization system:

(i) Projects which involve public health problems, safety problems, or emergencies.

(ii) Municipal water projects that are required to meet an existing or impending need [-], and those water providers meeting the requirements of the Quality Growth Commission.

(iii) Agricultural water projects that provide a significant economic benefit for the local area.

(iv) Projects which will receive a large portion of their funding from other sources.

(v) Projects not included in items 1-4, but which have been authorized by the Board, are funded on a first come first served basis.

(2) The Board will not fund the following types of projects:

(a) Projects that are, in the opinion of the Board, routine or regularly occurring system operation and maintenance.

(b) Domestic water systems where less than [~~20%~~]50% of the residents live in the project area year-round.

(c) Projects sponsored by developers.

(d) Projects sponsored by individuals or families.

(3) General guidelines of each of the Board's funding programs are:

(a) Revolving Construction Fund (RCF)

(i) In the RCF, the Board will accept applications from incorporated groups such as mutual irrigation and water companies.

(ii) The RCF advances financial assistance to the following types of projects:

(A) Irrigation projects costing less than $500,000.

(B) [~~Rural e~~]Culinary projects costing less than [~~$250,000~~]$500,000 that involve mutual irrigation and water companies.

(C) Dam Safety Studies

(iii) The staff will recommend repayment terms in the feasibility report it will prepare. Interest will not be charged.

(b) Cities Water Loan Fund (CWLF)

(i) Through the CWLF, the Board may finance the construction of municipal water facilities for political subdivisions of the state such as cities, towns, and districts.

(ii) The staff will recommend repayment terms and interest rates in the feasibility report.

(c) Conservation and Development Fund (CDF)

(i) Through the CDF, the Board may finance the construction of water projects sponsored by incorporated groups, political subdivisions of the state, the federal government, or Indian tribes.

(ii) The staff will recommend repayment terms and interest rates in the feasibility report.

R653-2-3. Application Procedure.

(1) Applicants shall submit a completed application form directly to the member of the Board residing in the river district in which the project is located. If the Board member determines the application meets general Board guidelines, the Board member will sign the application and forward it to the Division for action.

(2) Additional information not specifically requested on the application form should also be furnished when such information would be helpful in appraising the merits of the project.

(3) An application form can be obtained from the Division, a Board member, or the Division's website.

R653-2-4. Project Funding Process.

(1) After the application for assistance has been completed by the sponsor/applicant, signed by the Board member, and forwarded to the Division, a three-step process will be followed to determine those projects which will be funded by the Board.

(2) The three steps of the funding process are:

(a) Approval for Staff Investigation

(i) The Board member considers the proposed project to fall within the Board's general statutory authority.

(ii) Division staff will prepare a feasibility report covering the general scope of the proposed project but focusing on technical, financial, legal, and environmental aspects, water needs and rights, and water users' support.

(b) Authorization

(i) The feasibility report will be presented to the Board, which will consider the project for authorization on the basis of its merits and overall feasibility and the contribution the project will make to the general economy of the area and the state.

(ii) As part of its decision-making process, the Board considers it important to discuss the merits of the project with the sponsor. Therefore, representatives of the project sponsor must attend the Board meeting when the project is considered for authorization.

(iii) If the project is AUTHORIZED by the Board, a letter outlining the engineering and legal requirements for the project, and other conditions of the financial assistance will be sent to the sponsor. For example, some of the more common conditions of these projects are:

(A) Preparation of a Water Management and Conservation Plan for the sponsor's service area.

(B) Adoption of an ordinance prohibiting municipal irrigation of landscapes between the hours of 10:00 a.m. and 6:00 p.m.; the Division has prepared a Model Ordinance which is available for the sponsors of municipal projects.

(C) Adoption of a progressive water rate schedule (municipal projects). Division staff will assist sponsors in establishing such schedules to fit local conditions and circumstances.

(iv) The board's authorization will not exceed six years. When the board authorizes a project to be constructed in phases over several years, those phases not funded within six years of the committal of funds for the first phase will not be eligible for funding unless they are reauthorized by the board.

(c) Committal of Funds

(i) After the sponsor has complied with the Board requirements and conditions, the project will be presented for final review. If the Board finds the project to be in order and ready for construction, and IF FUNDS ARE AVAILABLE, the Board will commit funds and direct its officers to enter into the necessary agreements to secure project financing.

(ii) The project sponsor will not normally be required to attend the Board meeting at which funds are to be committed for the project. If the project scope or cost estimate has changed substantially, the sponsor may be asked to attend the meeting to discuss the changes with the Board.

[~~R653-2-5. Dam Safety Grants and Loans.~~

~~(1) After the application for assistance has been completed and signed by the Board member the application will be submitted to the Division for review. The Division staff will review the application for compliance with the Dam Safety Act and requirements, if any, placed on the sponsor by the State Engineer.~~

~~(2) A report will be prepared by the Division presenting its findings and recommending the amount of the grant and repayment terms for loans.~~

~~(3) Grants will be considered when money is appropriated by the legislature and will be restricted by limitations placed on the funding by the legislature and Board.~~

~~(4) The amount of each grant will be based on conditions determined by the legislature on the money appropriated, and/or by analysis of such items as the number of acres irrigated, the number of water users, the size of the reservoir, the use of the waters, and cost of the proposed improvements.~~]**R653-2-5. Dam Safety Grants and Loans.**

(1). Purpose.

(a) Provide funding to assist dam owners in complying with the 1990 Dam Safety Act (Act), Utah Code Ann. § 73-10-8.

(2) Description of Funding Program

(a) The 1996 Legislature directed the Board of Water Resources (Board) to begin providing loans and grants to qualifying dam owners to assist them in meeting minimum standards required by the Act. The Board will use the State Engineer's "Dam Rehabilitation Priority Listing" for determining which dams to include on the Board's "Dam Safety Priority List" (List). The statute does not allow the State Engineer to require dam owners to upgrade a dam in conformance with minimum standards unless grant money is appropriated by the legislature for that purpose.

(3) Application Procedure

(a) When the Board determines there is, or will be, money for compliance, the dam owners ranking highest on the List will be sent an application form. The Board will not provide grants to "for profit" corporations, companies, or partnerships. The application must be completed and submitted to the member of the Board residing in the river district in which the dam is located. The Board member will review the application and if found to be complete, will sign and forward it to the Division of Water Resources (Division).

(4) Project Approval Process

(a) The Division will prepare a brief summary report on each application for presentation in a Board meeting. The applicant will then be assigned a project manager from the Division's staff who will meet with the applicant to gather information for a detailed Project Report (Report). The Report will cover general project and applicant information, technical summary, cost estimate, time schedule, and the applicant's financial status. The Report may consider reasonable alternatives based on economic and safety considerations to meet the minimum dam safety standards established by the State Engineer such as incremental damage assessment for determining spillway size, taking the dam out of service, or building a replacement dam to accomplish the purpose of the Act and continue to provide water storage for the applicant. The applicant will be notified when its Report will be presented to the Board and will be required to have a representative at the meeting in order to have the application considered.

(5) Financial Arrangements

(a) The Board will grant at least 80% of the cost of meeting minimum standards of the Act. Based upon a finding by the Board of the applicant's financial ability, this grant may be increased but will not exceed 95%. The amount of the grant will be determined by the Board after the Report is presented. The Board may provide a loan to the applicant for all or part of the remaining cost of compliance with the Act that is not covered by the grant. Loans will generally be limited to 10 years and may include an interest charge. The grant amount and loan terms will be recommended by the Division in the Report.

(b) Loans to dam owners to upgrade dams in conformance with the Act shall be secured by taking title to the water rights associated with the dam or the purchase of a bond.

Projects will require a development period to accomplish investigations, prepare construction drawings, and obtain permits and approvals. The legislature intended dams to be brought into compliance with modest financial impact to applicants. The Board will therefore advance from grant funds the cost of investigation, design, legal work, environmental compliance, and necessary permits (development cost) including, where applicable, replacement dam costs. The amount of grant money used for these purposes will be included in the total project cost.

(6) Engineering and Construction

(a) Projects funded by the Board shall be designed according to appropriate technical standards. The design drawings shall be submitted to the Division for review and money will not be made available for construction until all required permits and approvals have been obtained. The project engineer shall coordinate the bidding of the project and direct the inspection of construction. Construction contracts shall be awarded in accordance with state law.

(b) The applicant shall be required to pay costs incurred by the Division in the preparation of the Report, project management, engineering, and legal review. These costs will be included in the grant.

R653-2-6. Financial Arrangements.

(1) Project Cost Sharing

(a) The Board desires to optimize available funding for the overall water development programs of the state and therefore requires sponsors to share in the cost of projects.

(b) The sponsor's financial ability to cost share will be determined in the project investigation. On the basis of the investigation, the Division will recommend to the Board the portion of the project cost to be furnished by the sponsoring organization. The sponsor will generally be expected to provide 15%-25% of the project cost.

(c) If additional funds become available to the sponsor after the project is authorized, and if project costs do not increase, the additional funds will be used to reduce the Board's financial participation.

(2) Alternate Financing

(a) The Board will consider alternative project funding methods such as letters of credit, bond insurance, and various methods of interest buydown, instead of directly funding construction of project features.

(b) The Board may provide financial assistance grants to applicants that apply only for bond insurance. Careful use of bond insurance grants can significantly reduce demands on the Board's financial resources, while at the same time promoting water development policies and encouraging use of private bond markets. When a project sponsor is approved for both a loan and bond insurance assistance on a project, the bond insurance premiums will be provided only as a loan. Only projects that meet the Board's general funding requirements will be considered for bond insurance.

(3) Repayment of Financial Assistance

(a) The repayment period will generally be less than 25 years.

(b) The minimum annual cost of water for municipal projects will be 1.17% of the region or project area's annual median adjusted gross income.

(c) When annual payments are to be made with revenues from the sale or use of project water, the Board may allow the sponsor one year's use of the project before the first payment is due.

(4) Security Arrangements

(a) Depending upon the type of organization sponsoring the project and the Board fund involved, financial assistance may be secured either by a purchase agreement or bond issue.

(i) Projects financed through the Revolving Construction Fund must be secured by a purchase agreement.

(ii) Projects financed through the Cities Water Loan Fund or the Conservation and Development Fund will be secured either by a purchase agreement or by the sale of a bond.

(b) If project financing is secured by a purchase agreement, the following conditions apply:

(i) The Board must take title to the project including water rights, easements, deeded land for project facilities, and other assets subject to security interest.

(ii) An opinion from the sponsor's attorney must be submitted stating the sponsor has complied with its articles and bylaws, state law, and the Board's contractual requirements.

(iii) Title to the project shall be returned to the sponsor upon successful completion of the purchase agreement.

(c) If project financing is secured by the sale of a bond, the following conditions apply:

(i) The procedures for bond approval will be substantially the same as required by the Utah Municipal Bond Act.

(ii) If the sponsor desires to issue a non-voted revenue bond, the sponsor will be required to:

(A) Hold a public meeting to describe the project and its need, cost, and effect on water rates.

(B) Give written notice describing the proposed project to all water users in the sponsor's service area. The notice shall include a solicitation of response to the proposed project. A copy of all written responses received by the sponsor shall be forwarded to the Division. If the area Board member determines there is substantial opposition to the project, the Board may require the sponsor to hold a bond election before funds will be made available.

R653-2-7. Project Engineering and Construction.

(1) Engineering

To expedite projects and facilitate the coordination of project development, sponsors are encouraged to select a design engineer prior to making application to the Board.

(2) Staff and Legal Costs

(a) Costs incurred by the Division for investigation, administration, engineering, and construction inspection will be paid to the Board according to the terms set by the Board.

(b) Costs incurred by the Division during project investigation will not become a charge to the sponsor if the project is found infeasible, denied by the Board, or if the sponsor withdraws the application.

(c) Legal fees incurred in the review of a sponsor's bonding documents will be billed directly to the sponsor by the legal firm doing the review for the Board.

(3) Design Standards and Approval

(a) All projects funded by the Board shall be designed according to appropriate technical standards and shall be stamped and signed by a Utah registered professional engineer responsible for the work.

(b) Prior to soliciting construction bids, plans and specifications must be approved by the Division and all other state and federal agencies which have regulatory or funding involvement in the project.

(4) Project Bidding and Construction

(a) The Board desires that all project construction be awarded to qualified contractors based on competitive bids. The Board may waive this requirement and allow a sponsor to act as its own contractor on small projects. However, in all cases the sponsor must comply with the laws governing its operation as well as the statutory requirements placed on the Board and Division.

(b) The design engineer shall coordinate the project bidding process.

(c) Construction inspection will be performed under the direction of the registered professional engineer having responsible charge of project construction.

R653-2-8. Qualifications to Guidelines.

The foregoing guideline statements are meant as a guide for the Board, staff, and sponsor to provide an orderly and effective procedure for preparing projects for construction. The Board reserves the right to consider each project on its own merits and may consider and authorize a project that does not meet all requirements of the guidelines.

KEY: water funding[~~*~~]
[~~January 16, 2002~~]2004
Notice of Continuation December 13, 2002
73-10[~~-1~~]

Natural Resources, Water Resources
R653-5
Cloud Seeding

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26784
FILED: 11/13/2003, 14:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After review by division staff, it was determined additional time was needed for notification of cloud seeding permits to the Division of Water Rights; also, no copies of promotional materials are needed.

SUMMARY OF THE RULE OR CHANGE: This change modifies the notification time to the Division of Water Rights from 30 days to 45 days, and eliminates the requirement for copies of promotional material.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 73, Chapter 15

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The change modifying the notification time should have no cost or savings.

❖ LOCAL GOVERNMENTS: None--The change modifying the notification time should have no cost or savings.

❖ OTHER PERSONS: None--The elimination of the requirement to submit copies of promotional material may save the sponsor some expense but it would be insignificant.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There should be no costs to comply with these changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--I agree with the statements listed under the cost information. These changes should not impact businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WATER RESOURCES
Room 310
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Nancy Fullmer or Barbara Allen at the above address, by phone at 801-538-7251 or 801-538-7232, by FAX at 801-538-7279 or 801-538-7279, or by Internet E-mail at nancyfullmer@utah.gov or barbaraallen@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Larry Anderson, Director

R653. Natural Resources, Water Resources.
R653-5. Cloud Seeding.
R653-5-2. General Provisions.

(1) Authority: The State of Utah, through the Division, is the only entity, private or public, that may authorize, sponsor, or develop cloud seeding research, evaluation, or implementation projects to alter precipitation, cloud forms, or meteorological parameters within the State of Utah.

(2) Ownership of Water: All water derived as a result of cloud seeding shall be considered as a part of Utah's basic water supply the same as all natural precipitation water supplies have been heretofore, and all statutory provisions that apply to water from natural precipitation shall also apply to water derived from cloud seeding.

(3) Notice to State Engineer: The Director shall, by written communication, notify the Director of the Utah Division of Water Rights of [~~any applications for~~]cloud seeding permits within [~~30~~]45 days of [~~receiving such applications.~~]issuance.

(4) Consultation and Assistance: The Division may contract with the Utah Water Research Laboratory, or any other individual or organization, for consultation or assistance in developing cloud seeding projects or in furthering necessary research of cloud seeding or other factors that may be affected by cloud seeding activities.

(5) State and County Cooperation: The Division shall encourage, cooperate, and work with individual counties, multi-county districts for planning and development, and groups of counties in the development of cloud seeding projects and issuance of permits.

(6) Statewide or Area-wide Cloud Seeding Project: The Division reserves the right to develop statewide or area-wide cloud seeding programs where it may contract directly with licensed contractors to increase precipitation. The Division may also work with individual counties, multi-county districts for planning and development, organizations or groups of counties, or private organizations, to develop Statewide or area-wide cloud seeding projects.

(7) Liability:

(a) Trespass - The mere dissemination of materials and substances into the atmosphere or causing precipitation pursuant to an authorized cloud seeding project, shall not give rise to any presumption that use of the atmosphere or lands constitutes trespass or involves an actionable or enjoinable public or private nuisance.

(b) Immunity - Nothing in these Rules shall be construed to impose or accept any liability or responsibility on the part of the State of Utah or any of its agencies, or any State officials or State employees or cloud seeding authorities, for any weather modification activities of any person or licensed contractor as defined in these Rules as provided in Title 63, Chapter 30.

(8) Suspension and Waiver of Rules - The Division may suspend or waive any provision of this rule on a case-by-case basis and by a writen memo signed by the Director. A suspension or waiver may be granted, in whole or in part, upon a showing of good cause relating to conditions of compliance or application procedures; or when, in the discretion of the Director the particular facts or circumstances render suspension or waiver appropriate.

R653-5-7. Procedures for Acquisition of Permit.

(1) Application for Permit: To qualify for a cloud seeding permit a licensee must:

(a) Submit a properly completed application to the Division;

(b) Submit proof of financial responsibility in order to give reasonable assurance of protection to the public in the event it should be established that damages were caused to third parties as a result of negligence in carrying out a cloud seeding project;

(c) Submit a copy of the contract or proposed contract between the sponsor and licensed contractor relating to the project;

[~~(d) Submit copies of all pamphlets and promotional material distributed in connection with the project;~~

~~(e)~~](d) Submit the plan of operation for the project, including a map showing locations of all equipment to be used as well as equipment descriptions;

[~~(f)~~](e) Receive preliminary approval of the project from the Director before proceeding with notices of intent described in R653-5-7(7) and (8) of this rule.

[~~(g)~~](f) File with the Division a notice of intention for publication which sets forth the following:

(i) the name and address of the applicant;

(ii) statement that a cloud seeding license has been issued by the Division;

(iii) the nature and the objective of the intended operation, and the person or organization on whose behalf it is to be conducted;

(iv) the specific area in which, and the approximate date and time during which the operation will be conducted;

(v) the specific area which is intended to be affected by the operation;

(vi) the materials and methods to be used in conducting the operation; and

(vii) a statement that persons interested in the permit application should contact the Division.

[~~(h)~~](g) File with the Division, within 15 days from the last date of the publication of notice, proof that the applicant caused the notice of intention to be published at least once a week for three consecutive weeks in a newspaper having a general circulation within each county in which the operation is to be conducted and in which the affected area is located. Publication of notice shall not commence until the applicant has received approval of the form and substance of the notice of intention from the Director.

(2) Description of a Permit: A licensee shall comply with all the requirements set out in his permit. A permit shall include the following:

(a) The effective period of the permit, which shall not exceed one year;

(b) The location of the operation;

(c) The methods which may be employed; and

(d) Other necessary terms, requirements, and conditions.

(3) Authority to Amend a Permit: The Division may amend the terms of a permit after issuance if it determines that it is in the public interest.

KEY: weather modification, water policy[~~*~~]
[~~February 18, 1998~~]2004
Notice of Continuation December 16, 2002
73-15

Natural Resources, Wildlife Resources
R657-41
Conservation and Sportsman Permits

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26778
FILED: 11/12/2003, 11:19

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the conservation and sportsman permits program.

SUMMARY OF THE RULE OR CHANGE: Provisions of this rule are being amended to clarify the definition of a sportsman permit and provide the species for which a sportsman permit may be issued. Provisions are being amended to provide clarification to conservation organizations when applying for conservation permits, and provide additional criteria that the Wildlife Board may consider when allocating such permits. Provisions are being amended to provide clarification on retention and use of funds derived from conservation permits. Provisions are being added to require auditing of funds generated from conservation permits.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Some additional cost will be incurred to audit conservation organizations obtaining conservation permits, however, these costs will be funded from the conservation permit revenue. Otherwise, this amendment clarifies the standards and procedures for issuing conservation permits. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or the DWR's budget.

❖ 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 amendment clarifies the standards and procedures for issuing conservation permits, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments are for clarification and providing procedures for issuing conservation permits. DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.
R657-41. Conservation and Sportsman Permits.
R657-41-1. Purpose and Authority.

(1) Under the authority of Section 23-14-18 and 23-14-19, this rule provides the standards and procedures for issuing:

(a) conservation permits to conservation organizations for sale at an auction, or for use as an aid to wildlife related fund raising activities; and

(b) sportsman permits.

(2) The division and conservation organizations shall use all revenue derived from conservation permits under Subsections R657-41-5(4) and R657-41-5(5)(b) for the benefit of the species for which the permit is issued, unless the division and conservation organization mutually agree in writing that there is a higher priority use for other species of protected wildlife.

R657-41-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Area Conservation Permit" means a permit issued for a specific unit or hunt area for a specific species, and may include an extended season, or legal weapon choice, or both, beyond the general season.

(i) Area Conservation permits issued for limited entry units are not valid on cooperative wildlife management units, and Area Conservation permits issued for general season hunt areas are not valid on cooperative wildlife management units or limited entry units.

(b) "Conservation Organization" means a nonprofit chartered institution, foundation, or association founded for the purpose of promoting wildlife conservation and has established tax exempt status under Internal Revenue Code, Section 501C-3 as amended.

(c) "Conservation Permit" means any harvest permit authorized by the Wildlife Board and issued by the division for purposes identified in Section R657-41-1(2).

(d) "Sportsman Permit" means a [~~harvest permit~~]permit which allows a permittee to hunt during the applicable season dates specified in Subsection (e), and which is authorized by the Wildlife Board and issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit.

(e) "Statewide Conservation Permit" means a permit which allows a permittee to hunt:

(i) big game species on any open unit with archery equipment during the general archery season published in the big game proclamation for the unit beginning before September 1, and with any weapon from September 1 through December 31, except pronghorn and moose from September 1 through [~~October 31~~]November 15;

(ii) turkey on any open unit from April 1 through May 31;

(iii) any other small game species on any open unit during the season authorized by the Wildlife Board;

(iv) bear on any open unit during the season authorized by the Wildlife Board for that unit;[~~ and~~]

(v) cougar on any open unit during the season authorized by the Wildlife Board for that unit and during the season dates authorized by the Wildlife Board on any harvest objective unit that has been closed by meeting its objective; and

(vi) Antelope Island is not an open unit for hunting any species of wildlife authorized by a conservation or sportsman permit.

R657-41-3. Method for Determining the Number of Conservation and Sportsman Permits.

(1) The number of conservation permits authorized by the Wildlife Board shall be based on:

(a) the species population trend, size, and distribution to protect the long-term health of the population;

(b) the hunting and viewing opportunity for the general public, both short and long term; and

(c) the potential revenue that will support protection and enhancement of the species.

(2) One statewide conservation permit may be authorized for each [~~big game and small game~~]species for which limited permits are available, except that a second statewide conservation permit for a [~~big game or small game~~]species may be authorized for a special event or fund raising activity.

(3) A limited number of area conservation permits may be authorized, with a maximum of 5% of the permits or eight permits, whichever is less, for any unit or hunt area, unless a higher number is specifically authorized by the Wildlife Board.

(4) The number of conservation and sportsman permits available for use during the following year will be determined by the Wildlife Board annually.

(5) Area Conservation permits shall be deducted from the number of public drawing permits.

(6) One sportsman permit may be authorized for each statewide conservation permit authorized.

R657-41-4. Obtaining Conservation Permits.

(1) Statewide and area conservation permits [~~are available~~]may be awarded to eligible conservation organizations [~~for sale at an auction, or for~~]to market and sell, or to use as an aid [~~to~~] in wildlife related fund raising activities.

(2)(a) Conservation organizations may apply for conservation permits by sending an application to the division for each permit requested.

(b) Only one application per conservation organization may be submitted. Multiple chapters of the same conservation organization may not apply individually.

(3) The application must be submitted to the division by September 1 to be considered for the following year's conservation permits. Each application must include:

(a) the name, address and telephone number of the conservation organization;

(b) a copy of the conservation organization's mission statement;

(c) verification of the conservation organization's tax exempt status under Internal Revenue Code, Section 501C-3 as amended;

(d) the name of the president or other individual responsible for the administrative operations of the conservation organization;

(e) the type of permit and species for which the permit is requested; and

(f) any requested variances for an extended season or legal weapon choice for area conservation permits.

(4)(a) Conservation organizations must further include in their applications the[~~include the information as provided in Subsection (b) or (c).~~

~~(b) The~~] proposed bid amount for each permit. The proposed bid amount is the revenue the organization anticipates to be raised from [~~the~~]a permit through auction or other lawful fund raising activity. The recommended minimum permit bid amount is listed in Table 1.

[~~(i)~~](b) The basis for the bid amount must include the conservation organization's experience in similar activities, and details of the marketing plan.

TABLE 1
RECOMMENDED MINIMUM PERMIT BID AMOUNT

Species	Statewide	Area
Rocky Mountain Bighorn (Ram)	$30,000	$20,000
Desert Bighorn (Ram)	30,000	20,000
Buck Deer	10,000	2,000
Bull Elk	10,000	4,000
Bull Moose	10,000	3,000
Bison (Hunter's Choice)	5,000	5,000
Rocky Mountain Goat (Hunter's Choice)	5,000	3,000
Buck Pronghorn	2,000	1,000
Black Bear	2,000	1,000
Cougar	2,000	500
Turkey	350	250

[~~(c) A specific project proposal that includes:~~

~~(i) a schedule for project completion;~~

~~(ii) the benefits to the identified species;~~

~~(iii) justification for the conservation organization retaining more than ten percent of the revenue, showing increased benefit to the species, over remitting the funds to the division. Under this option, the division must receive the cost of the permit.~~

~~(iv) Proposals which integrate well with the division's species plans and objectives will be given emphasis in the evaluation.~~

~~]~~(5) An application which is incomplete or completed incorrectly may be rejected.

(6) The application of a conservation organization [~~that has not fully reported on the preceding years~~]for conservation permits may be [~~rejected.~~]denied for:

(a) failing to fully report on the preceding year's conservation permits;

(b) violating any provision of this rule, Title 23 of the Utah Code, Title R657 of the Utah Administrative Code, a division proclamation, or an order of the Wildlife Board ; or

(c) violating any other law that bears a reasonable relationship to the applicant's ability to responsibly and lawfully handle conservation permits pursuant to this rule.

(7) Conservation permits shall be awarded for one year, except as provided in Subsection (8).

(8) Conservation organizations may apply for specific area conservation permits, which may be awarded for up to five consecutive years, provided the conservation organization meets the requirements provided in Subsection (a) for a multi-year permit.

(a)(i) the conservation organization must submit a bid for each multi-year area conservation permit requested and submit a specific project proposal for which the funds will be utilized[~~, as provided in Subsection (4)(c)~~];

(ii) the project must require more than one year of funding to complete;

(iii) the conservation organization must show the increased benefit to the division by the conservation organization carrying out the project;

(iv) the conservation organization must maintain each year a minimum performance standard, raising no less than 80% of the funds bid for each multi-year permit; and

(v) the conservation organization must report annually on the funds raised and expended, and the project activities accomplished.

(b) Conservation organizations failing to satisfy the performance standards in any given year during the multi-year period or reporting requirements shall lose the multi-year area conservation permit for the balance of the multi-year award period.

(c) Conservation organizations must submit a separate bid for each multi-year area conservation permit.

(d) Bids for multi-year area conservation permits shall be evaluated based on:

(i) an average annual benefit when compared to annual bids for permits; and

(ii) the requirements as provided in Subsection (9).

(e) Conservation organizations receiving multi-year permits shall handle permit revenue consistent with the requirements provided in Section R657-41-5(4) and (5).

(9) The division shall recommend the conservation organization to receive each of the conservation permits based on:

(a) first, the bid amount pledged to the species, adjusted by:

(i) the performance of the organization over the previous two years in meeting proposed bids;

(ii) [~~if returning the bid amount to the division, at least~~]90% of the bid amount;

[~~(iii) if retaining the bid amount for projects, at least 90% of the bid amount, multiplied by the percent the project integrates with species plans and objectives; and~~

~~(iv) organizations must maintain~~](iii) organizations maintaining a minimum two-year average performance of 70% to be eligible for consideration of permits. Performance of the organization is the proportion of the [~~amount returned to the division~~]total revenue generated from permit sales, divided by 90% of the bid amount for all permits, calculated annually and averaged for the last two years.

(b) second, if two or more conservation organizations are tied using the criteria in Subsection (a), the closeness of the organization's purpose to the species of the permit; and

(c) third, if two or more conservation organizations are tied using the criteria in Subsection (a) and (b), the geographic closeness of the organization to the location of the permit.

(10)(a) Between the time the division recommends that a conservation permit be awarded to a conservation organization and the time the Wildlife Board approves that recommendation, a conservation organization may withdraw [~~their~~]its application for any given permit or exchange [~~their~~]its application with another conservation organization without penalty, provided the bid amount upon which the permit application was evaluated is not changed.

(b) If a conservation organization withdraws it's bid and the bid is awarded to another organization at a lower amount, then the difference between the two bids will be subtracted from the organization making the higher bid for purposes of evaluating organization performance.

(11) The Wildlife Board shall make the final assignment of conservation permits at a meeting prior to December 1 annually.

(12) The Wildlife Board may authorize a conservation permit to a conservation organization, other than the conservation organization recommended by the division, after considering the:

(a) division recommendation;

(b) benefit to the species;

(c) historical contribution of the organization to the conservation of wildlife in Utah;[~~ and~~]

(d) previous performance of the conservation organization; and

(e) overall viability and integrity of the conservation permit program.[~~.~~]

(13) The total of all bids for permits awarded to any one organization shall not exceed $20,000 the first year an organization receives permits.

(14) The number of permits awarded to any one organization shall not increase by more than 100% from the previous year.

(15) If the Wildlife Board authorizes a second statewide conservation permit for a species, the conservation organization receiving the permit must meet the high bid for that permit.

(16) The division and conservation organization receiving the permits shall enter into a contract.

(17)(a) The conservation organization receiving permits must [~~certify~~]insure that the permits are marketed and distributed by lawful means.

(b) The conservation organization must:

(i) obtain the name of the proposed permit recipient at the event where the permit recipient is selected; and

(ii) notify the division of the proposed permit recipient within 10 days of the recipient selection or the permit may be forfeited.

(c) If a person is selected by a qualified organization to receive a conservation permit and is also successful in obtaining a permit for the same species in the same year through the Bucks, Bulls and

Once-In-A-Lifetime Drawing, that person may designate another person to receive the conservation permit, provided the conservation permit has not been issued by the division to the first selected person.

(d) If a person is selected by a qualified organization to receive a conservation permit, but is unable to use the permit, the conservation organization may designate another person to receive the permit provided:

(i) the conservation organization selects the new recipient of the permit;

(ii) the amount of money received by the division for the permit is not decreased;

(iii) the conservation organization relinquishes to the division [~~90% of~~]and otherwise uses all proceeds generated from the [~~alternate permit transfer or uses the funds for projects authorized by the division pursuant to this rule;~~]redesignated permit, pursuant to the requirements provided in Section R657-41-5;

(iv) the conservation organization and the initial designated recipient of the permit, must sign an affidavit indicating the initial designated recipient is not profiting from transferring the right to the permit; and

(v) the permit has not been issued by the division to the first designated person.

(e) Except as otherwise provided under Subsection (c) and (d), a person designated by a conservation organization as a recipient of a conservation permit, may not sell or transfer the rights to that designation to any other person. This does not preclude a person from bidding or otherwise lawfully acquiring a permit from a conservation organization on behalf of another person who will be identified as the original designated recipient.

R657-41-5. Conservation Permit Funds and Reporting.

(1)[~~(18)~~] All permits must be marketed by September 1, annually.

[~~(19)~~](2) Within 30 days of the last event, but no later than September 1 annually, the conservation organization must submit to the division:

(a) a final report on the distribution of permits;

(b) the funds due to the division; and

(c) a report on the status of each project [~~contained in the application.~~]funded in whole or in part with retained conservation permit revenue.

[~~(20)~~](3)(a) Permits shall not be issued until [~~funds due to the division are received. Ten percent of the auction or fund raising activity amount may be retained by the conservation organization for administrative expenses.~~]the permit fees are paid to the division.

(b) If the conservation organization is paying the permit fees for the permit recipient, the fees must be paid from the 10% retained by the conservation organization as provided in Subsection (5)(a).

(4)(a) Conservation organizations shall remit to the division by September 1 of each year 30% of the total revenue generated by conservation permit sales in that year.

(b) The permit revenue payable to the division under Subsection (4)(a), excluding accrued interest, is the property of the division and may not be used by conservation organizations for projects or any other purpose.

(c) The permit revenue must be placed in a federally insured account promptly upon receipt and remain in the account until remitted to the division on or before September 1 of each year.

(d) The permit revenue payable to the division under this subsection shall not be used by the conservation organization as collateral or commingled in the same account with the organization's operation and administration funds, so that the separate identity of the permit revenue is not lost.

(e) Failure to remit 30% of the total permit revenue to the Division by the September 1 deadline may result in criminal prosecution under Title 76, Chapter 6, Part 4 of the Utah Code, and may further disqualify the conservation organization from bidding on any future conservation permits.

(5) A conservation organization may retain 70% of the revenue generated from sale of conservation permits as follows:

(a) 10% of the revenue may be retained and used by the conservation organization for administrative expenses.

(b) 60% of the revenue may be retained and used by the conservation organization only for eligible projects as provided in subsections (i) through (x).

(i) "Retained revenue" means 60% of the revenue raised by a conservation organizations from the sale of conservation permits which the organization retains for eligible projects under this subsection, excluding interest earned thereon.

(ii) Eligible projects include habitat improvement, habitat acquisition, transplants, and other projects providing a substantial benefit to species of wildlife for which conservation permits are issued.

(iii) Retained revenue shall not be committed to or expended on any eligible project without first obtaining the division director's written concurrence.

(iv) Retained revenue shall not be used on any project that does not provide a substantial and direct benefit to conservation permit species located in Utah.

(v) Cash donations to the Wildlife Habitat Account created under Section 23-19-43, division Species Enhancement Funds, or the Conservation Permit Fund shall be considered an eligible project and do not require the division director's approval, provided the donation is made with instructions that it be used for species of wildlife for which conservation permits are issued.

(vi) Retained revenue shall not be used on any project that is inconsistent with Division policy, including feeding programs, depredation management, or predator control.

(vii) Any revenue retained under this subsection must be placed in a federally insured account. All interest revenue earned thereon may be retained and used by the conservation organization for administrative expenses.

(viii) Retained revenue shall not be used by the conservation organization as collateral or commingled in the same account with the organization's operation and administration funds, so that the separate identity of the retained revenue is not lost.

(ix) Retained revenue must be completely expended on or committed to approved eligible projects by September 1 two years following the year in which the relevant conservation permits are awarded to the conservation organization by the Wildlife Board. Failure to commit or expend the retained revenue by the September 1 deadline will disqualify the conservation organization from bidding on any future conservation permits until the unspent retained revenue is committed to an approved eligible project.

(x) All records and receipts for projects under this subsection must be retained by the conservation organization for a period not less than five years, and shall be produced to the division for inspection upon request.

(6)(a) Conservation organizations accepting permits shall be subject to annual audits on project expenditures and conservation permit accounts.

(b) The division shall preform annual audits on project expenditures and conservation permit accounts.

R657-41-6[~~R657-41-5~~]. Obtaining Sportsman Permits.

(1) One sportsman permit is offered to residents through a drawing for each of the following species:

(a) desert bighorn (ram);

(b) bison (hunter's choice);

(c) buck deer;

(d) bull elk;

(e) Rocky Mountain bighorn (ram)

(f) Rocky Mountain goat (hunter's choice)

[~~(f) bull moose; and~~](g) bull moose;

[~~(g) buck pronghorn.~~](h) buck pronghorn;

(i) black bear;

(j) cougar;

(k) sandhill crane; and

(l) wild turkey.

(2) The following information is provided in the proclamation of the Wildlife Board for taking big game:

(a) hunt dates;

(b) open units or hunt areas;

(c) application procedures;

(d) fees; and

(e) deadlines.

R657-41-[~~6~~]7. Using a Conservation or Sportsman Permit.

(1)(a) A conservation or sportsman permit allows the recipient to take only the species for which the permit is issued.

(b) The species that may be taken shall be printed on the permit.

(c) The species may be taken in the area and during the season specified on the permit.

(d) The species may be taken only with the weapon specified on the permit.

(2) The recipient of a conservation or sportsman permit is subject to all of the provisions of Title 23, Wildlife Resources Code, and the rules and proclamations of the Wildlife Board for taking and pursuing wildlife.

(3) Bonus points shall not be awarded or utilized:

(a) when applying for conservation or sportsman permits; or

(b) in obtaining conservation or sportsman permits.

(4) Any person who has obtained a conservation or sportsman permit is subject to all waiting periods as provided in Rules R657-5, R657-6, R657-10 and R657-33.

KEY: wildlife, wildlife permits
[~~October 2, 2002~~]2004
Notice of Continuation November 30, 2000
23-14-18
23-14-19

Public Safety, Fire Marshal
R710-2
Rules Pursuant to the Utah Fireworks Act

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26795
FILED: 11/14/2003, 13:10

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met and proposed that Rule R710-2 be amended. The purpose of the amendment is to update an incorporated reference and set minimum standards for fire department displays.

SUMMARY OF THE RULE OR CHANGE: The Utah Fire Prevention Board met in a regularly scheduled Board meeting on November 12, 2003, and proposed to amend the rule as follows: 1) in Subsection R710-2-1(1.1), the Board proposes to update the International Fire Code to the 2003 edition; and 2) in Section R710-2-10, the Board proposes to adopt a new section of the rule establishing minimum safety requirements for fire departments that discharge display fireworks. The section also establishes the fire departments allowance of where they can discharge fireworks and where they are allowed to buy fireworks.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: International Fire Code, 2003 edition, as published by the International Code Council

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There would be an aggregate anticipated cost of approximately $1,000 to develop a fireworks safety class for use on the State Fire Marshal website.

❖ LOCAL GOVERNMENTS: There would be an anticipated cost of $25 for local government to purchase NFPA 1123 as the enforcing standard. There would be an anticipated savings to local government of approximately $200 to $500 per fire department to be able to take the fireworks safety class from the State Fire Marshal Internet website rather than travel to take a fireworks safety class on the Wasatch Front. It is impossible to estimate aggregate anticipated costs to all local government due to the unknown number of local fire departments that discharge fireworks and would purchase the NFPA standard.

❖ OTHER PERSONS: There is no aggregate anticipated cost to other persons because this proposed amendment does not affect other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only compliance cost for affected persons would be the approximately $1,000 it would cost to develop the fireworks safety class for the State Fire Marshal website.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses for the enactment of this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SAFETY
FIRE MARSHAL
Room 302
5272 S COLLEGE DR
MURRAY UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/02/2004

AUTHORIZED BY: Gary A. Wise, State Fire Marshal

R710. Public Safety, Fire Marshal.
R710-2. Rules Pursuant to the Utah Fireworks Act.
R710-2-1. Adoption.

Pursuant to Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, the Utah Fire Prevention Board adopts rules establishing minimum safety standards for retail storage, handling, and sale of class C common state approved explosives; minimum requirements for placement and discharge of display fireworks; and requirements for importer, wholesaler, display or special effects operator licenses.

There is further adopted as part of these rules the following codes which are incorporated by reference:

1.1 International Fire Code (IFC), [~~2000~~]2003 edition, as published by the International Code Council, Inc. (ICC), except as amended by provisions listed in R710-2-9, et seq.

1.2 National Fire Protection Association (NFPA), Standard 1123, Code for Fireworks Display, 2000 edition, as published by the National Fire Protection Association, except as amended by provisions listed in R710-2-9, et seq.

1.3 National Fire Protection Association (NFPA), Standard 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, 2001 edition, as published by the National Fire Protection Association, except as amended by provisions listed in R710-2-9, et seq.

1.4 Copies of the above codes are on file in the Office of Administrative Rules and the State Fire Marshal's Office.

R710-2-7. Importer, Wholesaler, Display or Special Effects Operator Licenses.

7.1 Application for a importer, wholesaler, display or special effects operator license shall be made in writing on forms provided by the SFM.

7.2 Application for a license shall be signed by the applicant. If the application is made by a partnership, it shall be signed by all partners. If the application is made by a corporation or association, it shall be signed by a principal officer.

7.3 Original licenses shall be valid from the date of issuance through December 31st of the year in which issued. Licenses issued on or after October 1st, will be valid through December 31st of the following year.

7.4 Application for renewal of license shall be made before January 1st of each year. Application for renewal shall be made in writing on forms provided by the SFM.

7.5 The SFM may refuse to renew any license pursuant to Section 8 of these rules. The applicant, upon such refusal, shall also have those rights as are granted by Section 8 of these rules.

7.6 Every licensee shall notify the SFM, in writing, within thirty (30) days, of any change of his address or location.

7.7 No licensee shall conduct his licensed business under a name other than the name which appears on his license.

7.8 No license shall be issued to any person as licensee who is under eighteen (18) years of age.

7.9 The holder of any license shall submit such license for inspection upon request of the SFM, his duly authorized deputies, or any authorized enforcement official.

7.10 Every person who wishes to secure a display or special effects operator original license shall demonstrate proof of competence by:

7.10.1 Successfully passing a closed book written examination and obtaining a minimum grade of seventy percent (70%).

7.10.2 Submit written verification with the application of having completed a display or special effects operators safety class or demonstrate previous experience acceptable to the SFM.

7.10.3 Submit written verification with the application that the applicant has worked with a licensed display or special effects operator for at least three shows or demonstrate previous experience acceptable to the SFM.

7.11 The written examination stated in Section 7.10(a) shall be valid for five years from the date of the examination.

7.12 At the end of the five year period the licensed display or special effects operator shall take a re-examination. The re-examination shall be open book and sent to the license holder at least 60 days before the renewal date. The re-examination shall focus on the changes in the last 5 years to the adopted standards. The license holder is responsible to complete the re-examination and return it to the Division in time to renew and also comply with the requirements listed in Section 7.13.

7.13 After the issuance of the original license, and each year thereafter, the display or special effects operator shall complete a minimum of one fireworks performance annually or attend an operator safety class annually or work with another licensed display or special effects operator with a show annually to demonstrate proof of competence.

7.14 When the license has expired for more than one year, an application shall be made for an original license and the initial requirements shall be completed as required in Section 7.10 of these rules.

7.15 Every person who wishes to secure an importer, wholesaler, display or special effects operators license shall be at least [~~21~~]18 years of age.

7.16 Every licensed display or special effects operator shall complete the Pyrotechnician's After Action Report for Fireworks Display form within ten (10) working days after the conclusion of any display or special effects show and [~~mail~~]send it to the State Fire Marshal.

R710-2-10. Fire Department Displays

10.1 As required in UCA 53-7-223(1) and as allowed for fire departments in UCA 53-7-202(9)(b), the fire department's involvement in the discharge of display fireworks is allowed only for the discharge of display fireworks in that fire departments community or communities it has a contract to protect.

10.2 Within 10 working days after the conclusion of a fireworks display, the fire chief or an assigned fire department member shall complete a Pyrotechnician's After Action Report and send it to the State Fire Marshal.

10.3 Any fire department member that will be involved in the discharge site as defined in NFPA 1123, shall complete a fireworks display safety class yearly to be allowed in the discharge area during the display.

10.4 Any fireworks purchased by a community or fire department outside of the State of Utah shall require the securing of an annual importers license as required in UCA 53-7-224.

KEY: fireworks
[~~January 2, 2002~~]January 2, 2004
Notice of Continuation June 11, 2002
53-7-204

Public Safety, Fire Marshal
R710-4
Buildings Under the Jurisdiction of the State Fire Prevention Board

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26793
FILED: 11/14/2003, 11:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met and proposed that Rule R710-4 be amended. The purpose of the rule amendment is to amend the existing rule to adopt the 2003 edition of the International Fire Code, update incorporated references, and make a number of amendments in the rule to that fire code.

SUMMARY OF THE RULE OR CHANGE: The Utah Fire Prevention Board met in a regularly scheduled Board meeting on November 12, 2003, and proposed to amend the rule as follows: 1) in Section R710-4-1, the Board proposes to update seven incorporated references to the newer editions; 2) in Subsection R710-4-3(3.1), the Board proposes to amend and add definitions to the International Fire Code; 3) in Subsection R710-4-3(3.4.1), the Board proposes to add the requirement that owners or administrators of buildings are responsible to insure the inspection and testing of water-based fire protection systems; 4) in Subsection R710-4-3(3.11), the Board proposes to add requirements for Time Out and Seclusion Rooms; and 5) in Section R710-4-3, the Board proposes to rearrange several sections of this rule to make it consistent with the corresponding chapters of the International Fire Code.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: NFPA, Standard 101, Life Safety Code, 2003 edition, as published by the National Fire Protection Association; NFPA, Standard 70, National Electric Code, 2002 edition, as published by the National Fire Protection Association; International Building Code, 2003 edition, as published by the International Code Council; International Fire Code, 2003 edition, as published by the International Code Council; International Mechanical Code, 2003 edition, as published by the International Code Council; International Fuel Gas Code, 2003 edition, as published by the International Code Council; and International Plumbing Code, 2003 edition, as published by the International Code Council

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There would be an anticipated cost of approximately $460 to purchase all of the proposed updated editions of the incorporated references. Aggregate anticipated cost to the state budget is impossible to state due to the unknown number of books that would be purchased by each state agency and the unknown number of state agencies that would purchase them.
❖ LOCAL GOVERNMENTS: There would be an anticipated cost of approximately $460 to purchase all of the proposed updated editions of the incorporated references. Aggregate anticipated cost for all local governments is impossible to state due to the unknown number of standards that would be purchased by each local government agency and the unknown number of local government agencies that would purchase the standards.
❖ OTHER PERSONS: There is no anticipated cost to other persons because the proposed amendments do not effect them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost for affected persons would be approximately $460 per affected person or agency to purchase all the updated standards for use.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses from the enactment of this proposed rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SAFETY
FIRE MARSHAL
Room 302
5272 S COLLEGE DR
MURRAY UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/02/2004

AUTHORIZED BY: Gary A. Wise, State Fire Marshal

R710. Public Safety, Fire Marshal.
R710-4. Buildings Under the Jurisdiction of the State Fire Prevention Board.
R710-4-1. Adoption of Fire Codes.

Pursuant to Title 53, Chapter 7, Section 204, of the Utah Code Annotated 1953, the Utah Fire Prevention Board adopts minimum rules for the prevention of fire and for the protection of life and property against fire and panic in any publicly owned building, including all public and private schools, colleges, and university buildings, and in any building or structure used or intended for use, as an asylum, hospital, mental hospital, sanitarium, home for the aged, assisted living facility, children's home or day care center, or any similar institutional type occupancy of any capacity; and in any place of assemblage where fifty (50) or more persons may gather together in a building, structure, tent, or room, for the purpose of amusement, entertainment, instruction, or education.

There is further adopted as part of these rules the following codes which are incorporated by reference:

1.1 National Fire Protection Association (NFPA), Standard 101, Life Safety Code (LSC), [~~2000~~]2003 edition, except as amended by provisions listed in R710-4-3, et seq. The following chapters from NFPA, Standard 101 are the only chapters adopted: Chapter 18 - New Health Care Occupancies; Chapter 19 - Existing Health Care Occupancies; Chapter 20 - New Ambulatory Health Care Occupancies; Chapter 21 - Existing Ambulatory Health Care Occupancies; Chapter 22 - New Detention and Correctional Occupancies; Chapter 23 - Existing Detention and Correctional Occupancies; and other sections referenced within and pertaining to these chapters only. Wherever there is a section, figure or table in NFPA 101 that references "NFPA 5000 - Building Construction and Safety Code", that reference shall be replaced with the "International Building Code".

1.2 National Fire Protection Association (NFPA), Standard 13, Installation of Sprinkler Systems, 2002 edition, except as amended by provisions listed in R710-4-3, et seq.

1.3 National Fire Protection Association (NFPA), Standard 13R, Installation of Sprinkler Systems - Residential Occupancies up to and Including Four Stories in Height, 2002 edition, except as amended by provisions listed in R710-4-3, et seq.

1.4 National Fire Protection Association (NFPA), Standard 72, National Fire Alarm Code, 2002 edition, except as amended by provisions listed in R710-4-3, et seq.

1.5 National Fire Protection Association (NFPA), Standard 70, National Electric Code (NEC), [~~1999~~]2002 edition, as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953. Wherever there are sections or tables in the International Fire Code (IFC) that reference "ICC Electrical Standard", the reference to "ICC Electrical Standard" shall be replaced with "National Electric Code".

1.6 International Building Code (IBC), [~~2000~~]2003 edition, as published by the International Code Council, Inc. (ICC), and as adopted under the authority of the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953 and the Utah Administrative Code, R156-56-701.

1.7 International Fire Code (IFC), [~~2000~~]2003 edition, as published by the International Code Council, Inc. (ICC), except as amended by provisions listed in R710-4-3, et seq.

1.8 International Mechanical Code (IMC), [~~2000~~]2003 edition, as published by the International Code Council, Inc., and as adopted under the authority of the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953 and the Utah Administrative Code, R156-56-701.

1.9 International Fuel Gas Code (IFGC), [~~2000~~]2003 edition, as published by the International Code Council, and as adopted under the authority of the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953 and the Utah Administrative Code, R156-56-701.

1.10 International Plumbing Code (IPC), [~~2000~~]2003 edition, as published by the International Code Council, Inc., and as adopted under the authority of the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953 and the Utah Administrative Code, R156-56-701.

1.11 Copies of the above codes are on file in the Office of Administrative Rules and the State Fire Marshal.

R710-4-2. Definitions.

2.1 "Authority Having Jurisdiction (AHJ)" means the State Fire Marshal, his authorized deputies, or the local fire enforcement authority.

2.2 "AWWA" means American Water Works Association.

2.3 "Board" means Utah Fire Prevention Board.

2.4 "Bureau of Fire Prevention or Fire Prevention Bureau" means the AHJ.

2.5 "Fire Chief or Chief of the Department" means the AHJ.

2.6 "Fire Department" means the AHJ.

2.7 "Fire Marshal" means the AHJ.

2.8 "Fire Officer" means the State Fire Marshal, the state fire marshal's deputies, the fire chief or fire marshal of any county, city, or town fire department, the fire officer of any fire district or special service district organized for fire protection purposes is the AHJ.

2.9 "IBC" means International Building Code.

2.10 "ICC" means International Code Council, Inc.

2.11 "IFC" means International Fire Code.

2.12 "IFGC" means International Fuel Gas Code.

2.13 "IMC" means International Mechanical Code.

2.14 "IPC" means International Plumbing Code.

2.15 "LSC" means Life Safety Code.

2.16 "NEC" means National Electric Code.

2.17 "NFPA" means National Fire Protection Association.

2.18 "SFM" means State Fire Marshal.

2.19 "UCA" means Utah State Code Annotated 1953 as amended.

R710-4-3. Amendments and Additions.

3.1 Definitions

3.1.1 IFC, Chapter 2, Section 202, Educational Group E, Day care is amended as follows: On line three delete the word "five" and replace it with the word "four".

3.1.2 IFC, Chapter 2, Section 202, Institutional Group I-1 is amended to add the following:

On line nine add "type 1" in front of the words "assisted living facilities".

3.1.3 IFC, Chapter 2, Section 202, Institutional Group I-2 is amended as follows: On line three delete the word "five" and replace it with the word "three". On line eight after the words "detoxification facilities" delete the rest of the paragraph, and add the following: "ambulatory surgical centers with two or more operating rooms where care is less than 24 hours 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 with at least six and not more than 16 residents shall be classified as a Group I-1 facility.

3.1.4 IFC, Chapter 2, Section 202, Institutional Group I-2, Child care facility is amended as follows: On line two delete the word "five" and replace it with the word "four".

3.1.5 IFC, Chapter 2, Section 202, Institutional Group I-4 day care facilities, Child care facility is amended as follows: On line three delete the word "five" and replace it with the word "four". Also on line two of the Exception delete the word "five" and replace it with the word "four".

3.2 Fire Drills

3.2.1 IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following footnotes:

c. Secondary schools in Group E occupancies shall have a fire drill conducted at least every two months, to a total of four fire drills during the nine-month school year. The first fire drill shall be conducted within the first two weeks of the school year.

d. A-3 occupancies in academic buildings of institutions of higher learning are required to have one fire drill per year, provided the following conditions are met:

1. The building has a fire alarm system in accordance with Section 907.2.

2. The rooms classified as assembly, shall have fire safety floor plans as required in Section 404.3.2(4) posted.

3. The building is not classified a high-rise building.

4. The building does not contain hazardous materials over the allowable quantities by code.

3.[~~1~~]3 Door Closures

3.[~~1~~]3.1 IFC, Chapter 7, Section 703.2. Add the following Exception. In Group E Occupancies, where the corridor serves an occupant load greater than 30 and the building does not have an automatic fire sprinkler system installed, the door closures may be of the friction hold-open type on classrooms doors with a rating of 20 minutes or less only.

~~[3.2 Dumpsters~~

~~3.2.1 IFC, Chapter 3, Section 304.3.3, with reference to Group E Occupancies, is amended to add the following requirement:~~

~~Dumpsters and containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet)(1.15m) or more shall not be stored in buildings or placed within 20 feet of combustible walls, openings or combustible roof eave lines.~~

~~3.3 Fire Alarm Systems~~

~~3.3.1 General Provisions~~

~~3.3.1.1 Fire alarm system designs submitted to the AHJ, shall include complete floor plans showing location of all devices, occupancy use of each room, schematic wiring diagrams, battery calculations, and any other items deemed necessary.~~

~~3.3.2 Required Installations~~

~~3.3.2.1 Fire alarm systems shall be provided as required in IFC, Chapter 9, Section 907, and LSC Chapters as adopted, and in other rules promulgated by the Board.~~

~~3.3.2.2 All state-owned buildings, college and university buildings, other than institutional, with an occupant load of 100 or more, all schools with an occupant load of 50 or more, shall have an approved fire alarm system with the following features:~~

~~3.3.2.2.1 Products of combustion (smoke) detectors installed throughout all corridors and common areas of egress at the maximum prescribed spacing of thirty feet on center, and no more than fifteen feet from the walls.~~

~~3.3.2.2.2 In other than fully sprinklered buildings, automatic detectors shall be installed in each enclosed space, other than corridors, at maximum prescribed spacing as specified in NFPA, Standard 72, or by their listing.~~

~~3.3.2.2.3 Manual fire alarm boxes shall be provided as required. In public and private elementary and secondary schools, manual fire alarm boxes shall be provided in the boiler room, kitchen, and main administrative office of each building, and any other areas as determined by the AHJ.~~

~~3.3.2.2.4 The fire alarm system shall be connected to a proprietary panel, where provided within the complex.~~

~~3.3.3 Main Panel~~

~~3.3.3.1 An approved key plan drawing and operating instructions shall be posted at the main fire alarm panel which displays the location of all alarm zones and if applicable, device addresses.~~

~~3.3.3.2 The main panel shall be located in a normally attended area such as the main office or lobby. Location of the Main Panel other than as stated above, shall require the review and authorization of the SFM. Where location as required above is not possible, an electronically supervised remote annunciator from the main panel shall be located in a supervised area of the building. The remote annunciator shall visually indicate system power status, alarms for each zone, and give both a visual and audible indication of trouble conditions in the system. All indicators on both the main panel and remote annunciator shall be adequately labeled.~~

~~3.3.4 System Wiring~~

~~3.3.4.1 System Wiring shall be in accordance with the following:~~

~~3.3.4.1.1 The Initiating Device circuits (IDC) shall be Style D as defined in NFPA, Standard 72.~~

~~3.3.4.1.2 The Indicating Appliance circuits (IAC) shall be Style Z as defined in NFPA, Standard 72.~~

~~3.3.4.1.3 Signaling line circuits shall be Style 6 or 7 as defined in NFPA, Standard 72.~~

~~3.3.4.2 All junction boxes shall be adequately identified as part of the fire alarm system. Covers for the concealed boxes shall be painted red.~~

~~3.3.5 System Devices~~

~~All equipment and devices shall be listed and/or labeled by a nationally recognized testing laboratory for fire alarm use.~~

~~3.3.6 Fan Shut Down~~

~~3.3.6.1 The fan shut down relay(s) in the air handling equipment shall be normally energized, and connected through and controlled by a normally closed contact in the fire alarm panel, or a normally closed contact of a remote relay under supervision by the main panel. The relays will transfer on alarm, and shall not restore until the panel is reset.~~

~~3.3.6.2 Duct detectors required by the IMC, shall be interconnected, and compatible with the fire alarm system.~~

~~3.3.7 Maintenance and Tests~~

~~The owner/administrator of each building shall insure maintenance and testing as required in IFC, Chapter 9, Section 901.5 and 901.6. A written log, verifying these tests, shall be kept on file for inspection by the AHJ.~~

~~3.4 Fireworks~~

~~3.4.1 IFC, Chapter 33, Section 3301.1.3 is amended to include the additional UCA 53-7-220 and UCA 11-3-1.~~

~~3.5 Health Care Facilities~~

~~3.5.1 LSC Chapters 18, 19, 20 and 21, Sections 18.1.2.4, 19.1.2.4, 20.1.2.2 and 21.1.2.2 (Exiting Through Adjoining Occupancies) exception is deleted.~~

~~3.5.2 LSC Chapter 19, Section 19.3.6.1, (Rooms Allowed open to Corridor) exceptions No. 1, No. 5, No. 6, and No. 8 are deleted.~~

~~3.6 Fire Department Connections~~

~~3.6.1 The fire department connection on automatic fire sprinkler and standpipe systems shall be located a reasonable distance as approved by the AHJ.~~

~~3.7 Fire Sprinklers and Standpipes~~

~~3.7.1 The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow as required in Utah Administrative Code, R156-56-707(41).~~

~~3.7.2 Antifreeze systems shall be protected against backflow as required in Utah Administrative Code, R156-56-707(42).~~

~~3.8 Water Supply Analysis~~

~~3.8.1 For proposed construction in both sprinklered and unsprinklered occupancies, the owner or architect shall provide an engineer's water supply analysis evaluating the available water supply.~~

~~3.8.2 The owner or architect shall provide the water supply analysis during the preliminary design phase of the proposed construction.~~

~~3.8.3 The water analysis shall be representative of the supply that may be available at the time of a fire as required in NFPA, Standard 13, Appendix A-9-2.1.~~

~~3.9 Fire Drills~~

~~3.9.1 IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following footnotes:~~

~~c. Secondary schools in Group E occupancies shall have a fire drill conducted at least every two months, to a total of four fire drills during the nine month school year. The first fire drill shall be conducted within the first two weeks of the school year.~~

~~d. A-3 occupancies in academic buildings of institutions of higher learning are required to have one fire drill per year, provided the following conditions are met:~~

~~1. The building has a fire alarm system in accordance with Section 907.2.~~

~~2. The rooms classified as assembly, shall have fire safety floor plans as required in Section 404.3.2(4) posted.~~

~~3. The building is not classified a high-rise building.~~

~~4. The building does not contain hazardous materials over the allowable quantities by code.~~

~~3.10 Institutional~~

~~3.10.1 IFC, Chapter 2, Section 202, Educational Group E, Day care is amended as follows: On line three delete the word "five" and replace it with the word "four".~~

~~3.10.2 IFC, Chapter 2, Section 202, Institutional Group I-1 is amended to add the following:~~

~~On line nine add "type 1" in front of the words "assisted living facilities".~~

~~3.10.3 IFC, Chapter 2, Section 202, Institutional Group I-2 is amended as follows: On line three delete the word "five" and replace it with the word "three". On line eight after the words "detoxification facilities" delete the rest of the paragraph, and add the following: "ambulatory surgical centers with two or more operating rooms where care is less than 24 hours 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 with at least six and not more than 16 residents shall be classified as a Group I-1 facility.~~

~~3.10.4 IFC, Chapter 2, Section 202, Institutional Group I-2, Child care facility is amended as follows: On line two delete the word "five" and replace it with the word "four".~~

~~3.10.5 IFC, Chapter 2, Section 202, Institutional Group I-4 day care facilities, Child care facility is amended as follows: On line three delete the word "five" and replace it with the word "four". Also on line two of the Exception delete the word "five" and replace it with the word "four".~~

] 3.[~~11~~]4 Automatic Fire Sprinkler Systems and Commercial Cooking Operations

[~~3.11.1 IFC, Chapter 9, Section 903.2.5 is deleted and rewritten as follows: An automatic fire 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.~~]3.4.1 Inspection and Testing of Automatic Fire Sprinkler Systems

The owner or administrator of each building shall insure the inspection and testing of water based fire protection systems as required in IFC, Chapter 9, Section 901.6.

3.[~~11.2~~]4.2 IFC, Chapter 9, Section 903.2.9 is amended to add the following: Exception: [~~Buildings~~]Group R-4 fire areas not more than 4500 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.[

~~3.12 Retroactive Installation of Automatic Fire Alarm Systems~~

~~3.12.1 IFC, Chapter 9, Sections 907.3.1.1, 907.3.1.2, 907.3.1.3, 907.3.1.4 and 907.3.1.9 is deleted.~~

~~3.13 Automatic Fire Sprinkler Systems and Commercial Cooking Operations.~~]

3.[~~13.1~~]4.3 IFC, Chapter 9, Section 903.[~~2.14.2~~]6 is amended to add the following subsection: 903.[~~2.14.2.1~~]6.2 Commercial cooking operation suppression. Automatic fire sprinkler systems protecting commercial kitchen exhaust hood and duct systems with appliances that generate appreciable depth of cooking oils shall be replaced with a UL300 listed system by May 1, 2004.

3.4.4 Water Supply Analysis

3.4.4.1 For proposed construction in both sprinklered and unsprinklered occupancies, the owner or architect shall provide an engineer's water supply analysis evaluating the available water supply.

3.4.4.2 The owner or architect shall provide the water supply analysis during the preliminary design phase of the proposed construction.

3.4.4.3 The water analysis shall be representative of the supply that may be available at the time of a fire as required in NFPA, Standard 13, Appendix A-9-2.1.

3.[~~14~~]5 Alternative Automatic Fire-Extinguishing Systems

3.[~~14.1~~]5.1 IFC, Chapter 9, Section 90[4]3.[~~2.1~~]6 is amended to add the following subsection: 90[4]3.[~~2.1.1~~]6.3 Dry chemical hood system suppression. Existing automatic fire-extinguishing systems using dry chemical that protect commercial kitchen exhaust hood and duct systems shall be removed and replaced with a UL300 listed system by January 1, 2006 or before that date when any of the following occurs: 1) Six year internal maintenance service; 2)

Recharge; 3) Hydrostatic test date as indicated on the manufacturers date of the cylinders; or 4) Reconfiguring of the system piping.

[~~904.2.1.2~~]3.5.2 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.4 Wet chemical hood system suppression. Existing wet chemical fire-extinguishing systems not UL300 listed and protecting commercial kitchen exhaust hood and duct systems shall be removed, replaced or upgraded to a UL300 listed system by January 1, 2006 or before that date when any of the following occurs: 1) Six year internal maintenance service; 2) Recharge; 3) Hydrostatic test date as indicated on the manufacturers date of the cylinder; or 4) Reconfiguration of the system piping.

3.6 Fire Alarm Systems

3.6.1 General Provisions

3.6.1.1 Fire alarm system construction documents submitted to the AHJ shall include those items required in IFC, Chapter 9, Section 907.1.1.

3.6.2 Required Installations

3.6.2.1 Fire alarm systems shall be provided as required in IFC, Chapter 9, Section 907, and LSC Chapters as adopted, and in other rules promulgated by the Board.

3.6.2.2 All state-owned buildings, college and university buildings, other than institutional, with an occupant load of 100 or more, all schools with an occupant load of 50 or more, shall have an approved fire alarm system with the following features:

3.6.2.2.1 Products-of-combustion smoke detectors shall be installed throughout all corridors and spaces open to the corridor at the maximum prescribed spacing of thirty feet on center and no more than fifteen feet from the walls or as required in NFPA, Standard 72, Section 5.3.

3.6.2.2.2 In other than fully sprinklered buildings, automatic detectors shall be installed in each enclosed space, other than corridors, at maximum prescribed spacing as specified in NFPA, Standard 72, or by their listing.

3.6.2.2.3 Manual fire alarm boxes shall be provided as required. In public and private elementary and secondary schools, manual fire alarm boxes shall be provided in the boiler room, kitchen, and main administrative office of each building, and any other areas as determined by the AHJ.

3.6.2.2.4 The fire alarm system shall be connected to a proprietary panel, where provided within the complex.

3.6.3 Main Panel

3.6.3.1 An approved key plan drawing and operating instructions shall be posted at the main fire alarm panel which displays the location of all alarm zones and if applicable, device addresses.

3.6.3.2 The main panel shall be located in a normally attended area such as the main office or lobby. Location of the Main Panel other than as stated above, shall require the review and authorization of the SFM. Where location as required above is not possible, an electronically supervised remote annunciator from the main panel shall be located in a supervised area of the building. The remote annunciator shall visually indicate system power status, alarms for each zone, and give both a visual and audible indication of trouble conditions in the system. All indicators on both the main panel and remote annunciator shall be adequately labeled.

3.6.4 System Wiring

3.6.4.1 System Wiring shall be in accordance with the following:

3.6.4.1.1 The Initiating Device circuits (IDC) shall be Style D as defined in NFPA, Standard 72.

3.6.4.1.2 The Indicating Appliance circuits (IAC) shall be Style Z as defined in NFPA, Standard 72.

3.6.4.1.3 Signaling line circuits shall be Style 6 or 7 as defined in NFPA, Standard 72.

3.6.4.2 All junction boxes shall be adequately identified as part of the fire alarm system. Covers for the concealed boxes shall be painted red.

3.6.5 System Devices

All equipment and devices shall be listed and/or labeled by a nationally recognized testing laboratory for fire alarm use.

3.6.6 Fan Shut Down

3.6.6.1 The fan shut down relay(s) in the air handling equipment shall be normally energized, and connected through and controlled by a normally closed contact in the fire alarm panel, or a normally closed contact of a remote relay under supervision by the main panel. The relays will transfer on alarm, and shall not restore until the panel is reset.

3.6.6.2 Duct detectors required by the IMC, shall be interconnected, and compatible with the fire alarm system.

3.6.7 Inspection and Testing

The owner or administrator of each building shall insure maintenance and testing of fire alarm systems as required in IFC, Chapter 9, Section 901.6. A written log, verifying these tests, shall be kept on file for inspection by the AHJ.

3.7 Retroactive Installation of Automatic Fire Alarm Systems

3.7.1 IFC, Chapter 9, Sections 907.3.1.1, 907.3.1.2, 907.3.1.3, 907.3.1.4 and 907.3.1.9 is deleted.

3.8 Fireworks

3.8.1 IFC, Chapter 33, Section 3301.1.3, Exception 4 is amended to add the following sentence: Fireworks are permitted as allowed in UCA 53-7-220 and UCA 11-3-1.

3.9 Flammable and Combustible Liquids

3.9.1 IFC, Chapter 34, Section 3406.1 is amended to add the following special operation: 8. Sites approved by the AHJ.

3.9.2 IFC, Chapter 34, Section 3406.2 is amended to add the following: On line two after the word "sites" add the words "and sites approved by the AHJ". On line five after the words "borrow pits" add the words "and sites approved by the AHJ".

3.10 Health Care Facilities

3.10.1 LSC Chapters 18, 19, 20 and 21, Sections 18.1.2.4, 19.1.2.4, 20.1.2.2 and 21.1.2.2 (Exiting Through Adjoining Occupancies) exception is deleted.

3.10.2 LSC Chapter 19, Section 19.3.6.1, (Rooms Allowed open to Corridor) exceptions No. 1, No. 5, No. 6, and No. 8 are deleted.

3.11 Time Out and Seclusion Rooms

3.11.1 Time Out and Seclusion Rooms are allowed in occupancies fully protected by an automatic fire sprinkler system and fire alarm system.

3.11.2 A vision panel shall be provided in the room door for observation purposes.

3.11.3 Time Out and Seclusion Room doors may be fitted with a lock which is not releasable from the inside provided the lock automatically releases by the operation of the fire alarm system or power outage.

3.11.4 Time Out and Seclusion Rooms shall be located where a responsible adult can maintain visual monitoring of the person and room.

R710-4-4. Repeal of Conflicting Board Actions.

All former Board actions, or parts thereof, conflicting or inconsistent with the provisions of this Board action or of the codes hereby adopted, are hereby repealed.

R710-4-5. Validity.

The Board hereby declares that should any section, paragraph, sentence, or word of this Board action, or of the codes hereby adopted, be declared, for any reason, to be invalid, it is the intent of the Board that it would have passed all other portions of this Board action, independent of the elimination here from of any such portion as may be declared invalid.

R710-4-6. Conflicts.

In the event where separate requirements pertain to the same situation in the same code, or between different codes as adopted, the more restrictive requirement shall govern, as determined by the AHJ, or his authorized representative.

R710-4-7. Adjudicative Proceedings.

7.1 All adjudicative proceedings performed by the agency shall proceed informally as set forth herein and as authorized by UCA, Sections 63-46b-4 and 63-46b-5.

7.2 A person may request a hearing on a decision made by the AHJ, by filing an appeal to the Board within 20 days after receiving final decision from the AHJ.

7.3 All adjudicative proceedings, other than criminal prosecution, taken by the AHJ to enforce the Utah Fire Prevention and Safety Act, and these rules, shall commence in accordance with UCA, Section 63-46b-3.

7.4 The Board shall act as the hearing authority, and shall convene as an appeals board after timely notice to all parties involved.

7.5 The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63-46b-5(i).

7.6 Reconsideration of the Board's decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63-46b-13.

7.7 Judicial review of all final Board actions resulting from informal adjudicative proceedings is available pursuant to UCA, Section 63-46b-15.

KEY: fire prevention, public buildings
[~~March 18, 2003~~|January 2, 2004
Notice of Continuation June 12, 2002
53-7-204

Public Safety, Fire Marshal
R710-9
Rules Pursuant to the Utah Fire Prevention Law

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26788
FILED: 11/14/2003, 08:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met and proposed that Rule R710-9 be amended. The purpose of the rule amendment is to amend the existing rule to adopt the 2003 edition of the International Fire Code and make a number of amendments and additions to that fire code. The Board also proposes to adopt three new incorporated references to this rule.

SUMMARY OF THE RULE OR CHANGE: The Utah Fire Prevention Board met in a regularly scheduled Board meeting on November 12, 2003, and proposed to amend the rule as follows: 1) In Subsections R710-9-1(1.5), (1.6), and (1.7), the Board proposes to add three new National Fire Protection Association (NFPA) standards as incorporated references; 2) in Subsection R710-9-6(6.1.1), the Board proposes to further define the International Fire Code to establish that automatic fire sprinkler systems are not required to be installed in detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height; 3) in Subsections R710-9-6(6.1.2) and (6.2), the Board proposes to add definitions or redefine definitions to the International Fire Code; 4) in Subsection R710-9-6(6.4), the Board proposes to redefine elevator key access requirements; 5) in Subsection R710-9-6(6.5.1), the Board proposes to adopt and incorporate NFPA 96 as a standard for commercial cooking operations; 6) in Subsection R710-9-6(6.7), the Board proposes to add the requirement that owners or administrators of buildings are responsible to insure the inspection and testing of water-based fire protection systems; 7) in Subsection R710-9-6(6.7.7), the Board proposes to add the amendment that requires that an automatic fire sprinkler system be provided throughout Group A-2 occupancies where indoor pyrotechnics are to be used; 8) in Section R710-9-6, the Board proposes to make several amendments to the International Fire Code to make it consistent with the International Building Code and its amendments and additions; and 9) in Section R710-9-6, the Board proposes to rearrange several sections of this rule to make it consistent with the corresponding chapters of the International Fire Code.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: International Fire Code, 2003 edition, as published by the International Code Council; NFPA, Standard 70, National Electric Code, 2002 edition, as published by the National Fire Protection Association; NFPA, Standard 101, Life Safety Code, 2003 edition, as published by the National Fire Protection Association; NFPA, Standard 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2001 edition, as published by the National Fire Protection Association; and NFPA, Standard 1403, Standard

on Live Fire Training Evolutions, 2002 edition, as published by the National Fire Protection Association

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There would be an anticipated cost of $63 to $71 per volume to purchase the 2003 edition of the International Fire Code. There would also be the anticipated cost of $25 per volume to purchase NFPA, Standard 96. Aggregate impact of the number of the above stated volumes that would be purchased is impossible to predict due to the unknown number of volumes that would be purchased by state agencies.
❖ LOCAL GOVERNMENTS: There would be an anticipated cost of $63 to $71 per volume to purchase the 2003 edition of the International Fire Code. Aggregate impact of the number of volumes of the International Fire Code that would be purchased is impossible to predict due to the unknown number of volumes that would be purchased by local government.
❖ OTHER PERSONS: There is no anticipated cost to other persons because the proposed amendment does not effect them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost for affected persons would be approximately $63 to $100 per affected person or agency to purchase the minimum required standards for use.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses from the enactment of this proposed rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SAFETY
FIRE MARSHAL
Room 302
5272 S COLLEGE DR
MURRAY UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/02/2004

AUTHORIZED BY: Gary A. Wise, State Fire Marshal

R710. Public Safety, Fire Marshal.
R710-9. Rules Pursuant to the Utah Fire Prevention Law.
R710-9-1. Title, Authority, and Adoption of Codes.

1.1 These rules shall be known as the "Rules Pursuant to the Utah Fire Prevention Law", and may be cited as such, and will be hereafter referred to as "these rules".

1.2 These rules are promulgated in accordance with Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, as amended.

1.3 These rules are adopted by the Utah Fire Prevention Board to provide minimum rules for safeguarding life and property from the hazards of fire and explosion, for board meeting conduct, procedures to amend incorporated references, establish several board subcommittees, establish a Fire Service Education Administrator and Fire Education Program Coordinator, enforcement of the rules of the State Fire Marshal, establish rules for the Utah Fire and Rescue Academy, and deputizing Special Deputy State Fire Marshals.

1.4 There is adopted as part of these rules the following code which is incorporated by reference:

1.4.1 International Fire Code (IFC), [~~2000~~]2003 edition, excluding appendices, as promulgated by the International Code Council, Inc., except as amended by provisions listed in R710-9-6, et seq.

1.5 There is further adopted as part of these rules the following codes which are also incorporated by reference and supercede the adopted standards listed in the International Fire Code, [~~2000~~]2003 edition, Chapter 45, Referenced Standards, as follows:

1.5.1 National Fire Protection Association (NFPA), NFPA 10, Standard for Portable Fire Extinguishers, 2002 edition, except as amended by provisions listed in R710-9-6, et seq.[

~~1.5.2 National Fire Protection Association (NFPA), NFPA 12, Standard on Carbon Dioxide Extinguishing Systems, 2000 edition, except as amended by provisions listed in R710-9-6, et seq.~~]

1.5.[~~3~~]2 National Fire Protection Association (NFPA), NFPA 13, Standard for Installation of Sprinkler Systems, 2002 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.[4]3 National Fire Protection Association (NFPA), NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2002 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.[~~5~~]4 National Fire Protection Association (NFPA), NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height, 2002 edition, except as amended by provisions listed in R710-9-6, et seq.

[~~1.5.6 National Fire Protection Association (NFPA), NFPA 58, Liquefied Petroleum Gas Code, 2001 edition, except as amended in provisions listed in R710-9-6, et seq.~~]1.5.5 National Fire Protection Association (NFPA), NFPA 70, National Electric Code, 2002 edition, as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953 and the Utah Administrative Code R156-56-701. Wherever there is a section, figure or table in the International Fire Code (IFC) that references "ICC Electrical Standard", that reference shall be replaced with "National Electric Code".

1.5.[~~7~~]6 National Fire Protection Association (NFPA), NFPA 72, National Fire Alarm Code, 2002 edition, except as amended in provisions listed in R710-9-6, et seq.[

~~1.5.8 National Fire Protection Association (NFPA), NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2001 edition, except as amended by provisions listed in R710-9-6, et seq.~~]

1.5.[~~9~~]7 National Fire Protection Association (NFPA), NFPA 101, Life Safety Code, [~~2000~~]2003 edition, except as amended in provisions listed in R710-9-6, et seq. Wherever there is a section, figure or table in NFPA 101 that references "NFPA 5000 - Building Construction and Safety Code", that reference shall be replaced with the "International Building Code".

1.5.[~~10~~]8 National Fire Protection Association (NFPA), NFPA 160, Standard for Flame Effects Before an Audience, [~~1998~~]2001 edition, except as amended by provisions listed in R710-9-6, et seq.

[~~1.5.11 National Fire Protection Association (NFPA), NFPA 2001, Standard on Clean Agent Fire Extinguishing Systems, 2000 edition, except as amended by provisions listed in R710-9-6, et seq.~~]1.6 National Fire Protection Association (NFPA), NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2001 edition, except as amended by provisions listed in R710-9-6, et seq.

1.7 National Fire Protection Association (NFPA), NFPA 1403, Standard on Live Fire Training Evolutions, 2002 edition, except as amended by provisions in R710-9-6, et seq.

R710-9-6. Amendments and Additions.

The following amendments and additions are hereby adopted by the Board for application statewide:

6.1 Administration

6.1.1 IFC, Chapter, 1, Section 102.4 is amended as follows: On line three after the words "Building Code." add the following sentence: "The design and construction of detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code."

6.1.2 IFC, Chapter 1, Section 109.2 is amended as follows: On line three after the words "is in violation of this code," add the following "or other pertinent laws or ordinances".

6.[~~1~~]2 [~~Institutional~~]Definitions

6.[~~1~~]2.1 IFC, Chapter 2, Section 202, Educational Group E, Day care is amended as follows: On line three delete the word "five" and replace it with the word "four".

6.[~~1~~]2.2 IFC, Chapter 2, Section 202, Institutional Group I, Group I-1 is amended to add the following: [~~On line nine~~] [~~a~~]Add "[~~t~~]Type 1" in front of the words "[~~a~~]Assisted living facilities".

6.[~~1~~]2.3 IFC, Chapter 2 Section 202, Institutional Group I, Group I-2 is amended as follows: On line three delete the word "five" and replace it with the word "three". [~~On line eight after the words~~]After "[~~d~~]Detoxification facilities" delete the rest of the paragraph, and add the following: "[~~a~~]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 [~~t~~]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 with at least six and not more than 16 residents shall be classified as a Group I-1 facility.[

~~6.1.4 IFC, Chapter 2, Section 202, Institutional Group I-2, Child care facility is amended as follows: On line two delete the word "five" and replace it with the word "four".~~]

6.[~~1.5~~]2.4 IFC, Chapter 2, Section 202, Institutional Group I, Group I-4, day care facilities, Child care facility is amended as follows: On line three delete the word "five" and replace it with the word "four". Also on line two of the Exception after Child care facility delete the word "five" and replace it with the word "four".

6.2.5 IFC, Chapter 2, Section 202 General Definitions, Occupancy Classification, Residential Group R-1 is amended to add the following: Exception: Boarding houses accommodating 10 persons or less shall be classified as Residential Group R-3.

6.2.6 IFC, Chapter 2, Section 202 General Definitions, Occupancy Classification, Residential Group R-2 is amended to add the following: Exception: Boarding houses accommodating 10 persons or less shall be classified as Residential Group R-3.

6.3 General Precautions Against Fire

6.3.1 IFC, Chapter 3, Section 304.1.2 is amended to delete the following sentence: "Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the International Urban/Wildland Interface Code."

6.3.2 IFC, Chapter 3, Section 311.1.1 is amended as follows: On line ten delete the words "International Property Maintenance Code and the" from this section.

6.4 Elevator Recall and Maintenance

6.4.1 IFC, Chapter 6, Section 607.3 is deleted and rewritten as follows: Firefighter service keys shall be kept in a "Supra - Stor-a-key" elevator key box or similar box with corresponding key system that is adjacent to the elevator for immediate use by the fire department. The key box shall contain one key for each elevator and one key for lobby control.

6.5 Building Services and Systems

6.5.1 IFC, Chapter 6, Section 610.1 is amended to add the following: On line three after the word "Code" add the words "and NFPA 96".

6.[~~2~~]6 Record Drawings

6.[~~2~~]6.1 IFC, Chapter 9, Section 901.2.1 is amended to add the following: The code official has the authority to request record drawings ("as builts") to verify any modifications to the previously approved construction documents.

6.[~~2~~]6.2 IFC, Chapter 9, Section 902.1 Definitions, RECORD DRAWINGS is deleted and rewritten as follows: Drawings ("as builts") that document all aspects of a fire protection system as installed.

6.[~~3~~]7 [~~Automatic Fire Sprinkler~~]Fire Protection Systems

[~~6.3.1 IFC, Chapter 9, Section 903.2.5 is deleted to include the exception and rewritten as follows: An automatic fire 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.~~]6.7.1 Inspection and Testing of Automatic Fire Sprinkler Systems

The owner or administrator of each building shall insure the inspection and testing of water based fire protection systems as required in IFC, Chapter 9, Section 901.6.

6.7.2 IFC, Chapter 9, Section 903.2.7 Group R, is amended to add the following: Exception: 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.

6.[~~3.2~~]7.3 IFC, Chapter 9, Section 903.2.[~~9~~]7 is amended to add the following: Exception: [~~Buildings~~]Group R-4 fire areas not more

than 4500 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.

6.7.4 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.2 Commercial cooking operation suppression. Automatic fire sprinkler systems protecting commercial kitchen exhaust hood and duct systems with appliances that generate appreciable depth of cooking oils shall be replaced with a UL300 listed system by May 1, 2004.

6.7.5 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.3 Dry chemical hood system suppression. Existing automatic fire-extinguishing systems using dry chemical that protect commercial kitchen exhaust hood and duct systems shall be removed and replaced with a UL300 listed system by January 1, 2006 or before that date when any of the following occurs: 1) Six year internal maintenance service; 2) Recharge; 3) Hydrostatic test date as indicated on the manufacturers date of the cylinders; or 4) Reconfiguration of the system piping.

6.7.6 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.4 Wet chemical hood system suppression. Existing wet chemical fire-extinguishing systems not UL300 listed and protecting commercial kitchen exhaust hood and duct systems shall be removed, replaced or upgraded to a UL300 listed system by January 1, 2006 or before that date when any of the following occurs: 1) Six year internal maintenance service; 2) Recharge; 3) Hydrostatic test date as indicated on the manufacturer date of the cylinder; or 4) Reconfiguration of the system piping.

6.7.7 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.5 Group A-2 occupancies. An automatic fire sprinkler system shall be provided throughout Group A-2 occupancies where indoor pyrotechnics are used.

6.8 Backflow Protection

6.8.1 The potable water supply to automatic fire sprinkler systems and standpipe systems shall be protected against backflow in accordance with the International Plumbing Code as amended in the Utah Administrative Code, R156-56-707.[

~~6.4 Class K Portable Fire Extinguishers~~

~~6.4.1 IFC, Chapter 9, Section 906.4, and NFPA, Standard 10, Section 2-3.2, 1998 edition, is deleted and replaced with the following:~~

~~6.4.1.1 Class K labeled portable fire extinguishers shall be provided for the protection of commercial food heat processing equipment using vegetable or animal oils and fat cooking media. A placard shall be provided and placed above the Class K portable fire extinguisher that states that if a fire protection system exists, it shall be activated prior to use of the Class K portable fire extinguisher.~~

~~6.4.1.2 Those existing sodium or potassium bicarbonate dry-chemical portable fire extinguishers, having a minimum rating of 40-BC, and specifically placed for protection of commercial food heat processing equipment, shall be allowed to remain in use in the kitchen area to provide protection to hazards other than the commercial food heat processing oils and cooking media.~~]

6.[~~5~~]9 Retroactive Installations of Automatic Fire Alarm Systems in Existing Buildings

6.[~~5~~]9.1 IFC, Chapter 9, Sections 907.3.1.1, 907.3.1.2, 907.3.1.3, 907.3.1.4, 907.3.1.5, 907.3.1.6, 907.3.1.7, and 907.3.1.8 [~~and 907.3.1.9~~] are deleted.[

~~6.6 Backflow Protection~~

~~6.6.1 The potable water supply to automatic fire sprinkler systems and standpipe systems shall be protected against backflow as required in Utah Administrative Code, R156-56-707(41).~~]

6.10 Smoke Alarms

6.10.1 IFC, Chapter 9, Section 907.3.2 is amended to add the following: On line three after the word "occupancies" add "and detached one- and two-family dwellings and multiple single-family dwellings (townhouses)".

6.10.2 IFC, Chapter 9, Section 907.3.2.3 is amended to add the following: On line one after the word "occupancies" add "and detached one- and two-family dwellings and multiple single-family dwellings (townhouses)".

6.11 Means of Egress

6.11.1 IFC, Chapter 10, Section 1009.3 is amended as follows: On line six of Exception 5 delete "7.75" and replace it with "8". On line seven of Exception 5 delete "10" and replace it with "9".

6.11.2 IFC, Chapter 10, Section 1009.11, Exception 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.

6.11.3 IFC, Chapter 10, Section 1009.11.3 is amended to add the following: 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 (51mm) down from the top of the crown. Such handrail is required to have an indention 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 (13mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

6.11.4 IFC, Chapter 10, Section 1012.2 is amended to add the following exception: 3. For occupancies in Group R-3 and within individual dwelling units in occupancies in Grouop R-2, as applicable in Section 101.2, guards shall form a protective barrier not less than 36 inches (914mm).

6.11.5 IFC, Chapter 10, Section 1027.2 is amended to add the following: On line five after the word "fire" add the words "and building".[

~~6.7 Exit Signs~~

~~6.7.1 IFC, Chapter 10, Section 1003.2.10 is amended to add the following section: 1003.2.10.1.1 Floor-level exit signs. Where exit signs are required in Section 1003.2.10.1, additional approved exit signs that are internally or externally illuminated, photo luminescent or self-luminous, shall be provided in all corridors serving guest rooms of R-1 occupancies and amusement building exits. The bottom of such signs shall not be less than six inches (152mm) nor more than 8 inches (203mm) above the floor level and shall indicate the path of travel. For exit and access doors, the sign shall be on the door or adjacent to the door with the closest edge of the sign within eight inches (203mm) of the door frame.~~]

6.[~~8~~]12 Fireworks

6.[~~8~~]12.1 IFC, Chapter 33, Section 3301.1.3 is amended to add the following Exception: [~~5.~~]10. The use of fireworks for display and retail sales is allowed as set forth in UCA 53-7-220 and UCA 11-3-1.

6.[~~9~~]13 Flammable and Combustible Liquids

6.[~~9~~]13.1 IFC, Chapter 34, Section 3404.4.3 is amended as follows: Delete 3403.6 on line three and replace it with 3403.4.

6.[~~10~~]14 Liquefied Petroleum Gas

6.[~~10~~]14.1 IFC, Chapter 38, Section 3809.12, is amended as follows: Delete 20 from line three and replace it with 10.[

~~6.11 Automatic Fire Sprinkler Systems and Commercial Cooking Operations~~

~~6.11.1 IFC, Chapter 9, Section 903.2.14.2 is amended to add the following:~~

~~903.2.14.2.1 Commercial cooking operation suppression. Automatic fire sprinkler systems protecting commercial kitchen exhaust hood and duct systems with appliances that generate appreciable depth of cooking oils shall be replaced with a UL300 listed system by May 1, 2004.~~

~~6.12 Alternative Automatic Fire-Extinguishing Systems~~

~~6.12.1 IFC, Chapter 9, Section 904.2.1 is amended to add the following:~~

~~904.2.1.1 Dry chemical hood system suppression. Existing automatic fire-extinguishing systems using dry chemical that protect commercial kitchen exhaust hood and duct systems shall be removed and replaced with a UL300 listed system by January 1, 2006 or before that date when any of the following occurs: 1) Six year internal maintenance service; 2) Recharge; 3) Hydrostatic test date as indicated on the manufacturers date of the cylinders; or 4) Reconfiguration of the system piping.~~

~~904.2.1.2 Wet chemical hood system suppression. Existing wet chemical fire extinguishing systems not UL300 listed and protecting commercial kitchen exhaust hood and duct systems shall be removed, replaced or upgraded to a UL300 listed system by January 1, 2006 or before that date when any of the following occurs: 1) Six year internal maintenance service; 2) Recharge; 3) Hydrostatic test date as indicated on the manufacturer date of the cylinder; or 4) Reconfiguration of the system piping.~~

~~6.13 IFC, Chapter 2, Section 202 General Definitions, Occupancy Classification, Residential Group R-1 is amended to add the following: Exception: Boarding houses accommodating 10 persons or less shall be classified as Residential Group R-3.~~

~~6.14 IFC, Chapter 2, Section 202 General Definitions, Occupancy Classification, Residential Group R-2 is amended to add the following: Exception: Boarding houses accommodating 10 persons or less shall be classified as Residential Group R-3.~~]

R710-9-13. Utah Fire and Rescue Academy.

13.1 The fire service training school shall be known as the Utah Fire and Rescue Academy.

13.2 The Director of the Utah Fire and Rescue Academy shall report to the Administrator the activities of the Academy with regard to completion of the agreed academy contract.

13.3 The Academy Director may recommend to the Administrator or Coordinator new or expanded standards regarding fire suppression, fire prevention, public fire education, safety, certification, and any other items of necessary interest about the Academy.

13.4 The Academy shall receive approval from the Administrator, after being presented to the Standards and Training Council, any substantial changes in Academy training programs that vary from the agreed contract.

13.5 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical summary of those students attending the Academy in the following categories:

13.[~~6~~]5.1 Those participating in the certification process and those who have received certification during the previous contract period.

13.[~~6~~]5.2 Those working towards and those who have received an Associate in Fire Science in the previous contract period.

13.[~~6~~]5.3 Those who have completed other Academy classes during the previous contract period.

13.6 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical comparison of the categories required in Section 13.5, comparing attendance in the previous contract period.

13.7 The Academy Director shall provide to the Coordinator by October 1st of each year, in accepted budgeting practices, a cost analysis of classes provided by the Academy, and the cost per student to the Academy to provide those classes.

13.8 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical summary of those students attending Academy courses in the following categories:

13.8.1 Non-fire service personnel enrolled in college courses.

13.8.2 Volunteer or career fire service personnel enrolled in college credit courses.

13.8.3 Volunteer or career fire service personnel enrolled in non-credit continuing education courses.

13.9 The Academy Director shall present to the Coordinator by January of each year, proposals to be incorporated in the Academy contract for the next fiscal year.

KEY: fire prevention, law
[~~July 2, 2003~~]January 2, 2004
Notice of Continuation June 12,2002
53-7-204

Public Service Commission, Administration
R746-200-6
Termination of Service

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 26780
FILED: 11/12/2003, 16:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to clarify that the "15 days" referred to in Subsection R746-200-6(G)(2) should be "business" days to allow the utility company and the customer time to resolve payment issues before the additional 48-hour notice requirement is triggered.

SUMMARY OF THE RULE OR CHANGE: The word "business" (days) is being added to Subsection R746-200-6(G)(2) to allow the utility company and the customer more time to resolve payment issues before the additional 48-hour notice requirement is triggered.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-3-1, 54-4-1, and 54-4-7

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: No additional costs are anticipated for the state budget as the proposed changes do not require any activity or modification of activity by state agencies.
❖ LOCAL GOVERNMENTS: No additional costs are anticipated for local governments as the proposed changes do not require any activity or modification of activity by local government entities.
❖ OTHER PERSONS: No additional costs are anticipated as the proposed changes do not require any activity or modification of activity.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendment simply clarifies the computation of the existing time period.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendment is suggested by UP and L to clarify the computation. No impact is anticipated.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Barbara Stroud, Paralegal

R746. Public Service Commission, Administration.
R746-200. Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities.
R746-200-6. Termination of Service.

A. Delinquent Account --

1. A residential utility service bill which has remained unpaid beyond the statement due date is a delinquent account.

2. When an account is a delinquent account, a public utility, before termination of service, shall issue a written late notice to inform the account holder of the delinquent status. A late notice or reminder notice must include the following information:

a. A statement that the account is a delinquent account and should be paid promptly;

b. A statement that the account holder should communicate with the public utility's collection department, by calling the company, if he has a question concerning the account;

c. A statement of the delinquent account balance, using a term such as "delinquent account balance."

3. When the account holder responds to a late notice or reminder notice the public utility's collections personnel shall investigate disputed issues and shall try to resolve the issues by negotiation. During this investigation and negotiation no other action shall be taken to disconnect the residential utility service if the account holder pays the undisputed portion of the account subject to the utility's right to terminate utility service pursuant to R746-200-6(F), Termination of Service Without Notice.

4. A copy of the "Statement of Customer Rights and Responsibilities" referred to in Subsection R746-200-1(G) of these rules shall be issued to the account holder with the first notice of impending service disconnection.

B. Reasons for Termination of Service --

1. Residential utility service may be terminated for the following reasons:

a. Nonpayment of a delinquent account;

b. Nonpayment of a deposit when required;

c. Failure to comply with the terms of a deferred payment agreement or Commission order;

d. Unauthorized use of, or diversion of, residential utility service or tampering with wires, pipes, meters, or other equipment;

e. Subterfuge or deliberately furnishing false information; or

f. Failure to provide access to meter during the regular route visit to the premises following proper notification and opportunity to make arrangements in accordance with R746-200-4(B), Estimated Billing, Subsection (2).

2. The following shall be insufficient grounds for termination of service:

a. A delinquent account, accrued before a divorce or separate maintenance action in the courts, in the name of a former spouse, cannot be the basis for termination of the current account holder's service;

b. Cohabitation of a current account holder with a delinquent account holder whose utility service was previously terminated for non-payment, unless the current and delinquent account holders also cohabited while the delinquent account holder received the utility's service, whether the service was received at the current account holder's present address or another address;

c. When the delinquent account balance is less than $25.00, unless no payment has been made for two months;

d. Failure to pay an amount in bona fide dispute before the Commission;

e. Payment delinquency for third party services billed by the regulated utility company, unless prior approval is obtained from the Commission.

C. Restrictions upon Termination of Service During Serious Illness --

1. Residential gas, water, sewer and electric utility service may not be terminated and will be restored if terminated when the termination of service will cause or aggravate a serious illness or infirmity of a person living in the residence. Utility service will be restored or continue for one month or less as stated in Subsection R746-200-6(C)(2).

2. Upon receipt of a physician's statement, either on a form obtained from the utility or on the physician's letterhead stationery, identifying the health infirmity or potential health hazard, a public

utility will continue or restore residential utility service for the period set forth in the physician's statement or one month, whichever is less; however, the person whose health is threatened or illness aggravated may petition the Commission for an extension of time.

3. During the period of continued service, the account holder is liable for the cost of residential utility service. No action to terminate the service may be undertaken, however, until the end of the period of continued service.

D. Restrictions upon Termination of Service to Residences with Life-Supporting Equipment -- No public utility shall terminate service to a residence in which the account holder or a resident is known by the utility to be using an iron lung, respirator, dialysis machine, or other life-supporting equipment, without specific prior approval by the Commission. Account holders eligible for this protection can get it by filing a written notice with the utility. Thereupon, a public utility shall mark and identify applicable meter boxes when this equipment is used.

E. Payments for HEAT, Home Energy Assistance Target, Program -- The Commission approves the provision of the Department of Human Service's standard contract with public utility suppliers in Utah that suppliers will not discontinue utility service to a low-income household for at least 30 days after receipt of utility payment from the state program on behalf of the low-income household.

F. Termination of Service Without Notice -- Any provision contained in these rules notwithstanding, a public utility may terminate residential utility service without notice when, in its judgment, a clear emergency or serious health or safety hazard exists for so long as the conditions exist, or when there is unauthorized use or diversion of residential utility service or tampering with wires, pipes, meters, or other equipment owned by the utility. The utility shall immediately try to notify the customer of the termination of service and the reasons therefor.

G. Notice of Proposed Termination of Service --

1. At least 10 calendar days before a proposed termination of residential utility service, a public utility shall give written notice of disconnection for nonpayment to the account holder. The 10-day time period is computed from the date the bill is postmarked. The notice shall be given by first class mail or delivery to the premises and shall contain a summary of the following information:

a. a Statement of Customer Rights and Responsibilities under existing state law and Commission rules;

b. the Commission-approved policy on termination of service for that utility;

c. the availability of deferred payment agreements and sources of possible financial assistance including but not limited to state and federal energy assistance programs;

d. informal and formal procedures to dispute bills and to appeal adverse decisions, including the Commission's address and telephone number;

e. specific steps, printed in a conspicuous fashion, that may be taken by the consumer to avoid termination of service;

f. the date on which payment arrangements must be made to avoid termination of service; and

g. subject to the provision of Subsection R746-200-1(E), Customer Information, a conspicuous statement, in Spanish, that the notice is a termination of service notice and that the utility has a Spanish edition of its customer information pamphlet and whether it has personnel available during regular business hours to communicate with Spanish-speaking customers.

2. At least 48 hours before termination of service is scheduled, the utility shall make good faith efforts to notify the account holder or an adult member of the household, by mail, by telephone or by a personal visit to the residence. If personal notification has not been made either directly by the utility or by the customer in response to a mailed notice, the utility shall leave a written termination of service notice at the residence. Personal notification, such as a visit to the residence or telephone conversation with the customer, is required only during the winter months, October 1 through March 31. Other months of the year, the mailed 48-hour notice can be the final notice before the termination of service.

If termination of service is not accomplished within 15 business days following the 48-hour notice, the utility company will follow the same procedures for another 48-hour notice.

3. A public utility shall send duplicate copies of 10-day termination of service notices to a third party designated by the account holder and shall make reasonable efforts to personally contact the third party designated by the account holder before termination of service occurs, if the third party resides within its service area. A utility shall inform its account holders of the third-party notification procedure at the time of application for service and at least once each year.

4. In rental property situations where the tenant is not the account holder and that fact is known to the utility, the utility shall post a notice of proposed termination of service on the premises in a conspicuous place and shall make reasonable efforts to give actual notice to the occupants by personal visits or other appropriate means at least five calendar days before the proposed termination of service. The posted notice shall contain the information listed in Subsection R746-200-6(G)(1). This notice provision applies to residential premises when the account holder has requested termination of service or the account holder has a delinquent bill. If nonpayment is the basis for the termination of service, the utility shall also advise the tenants that they may continue to receive utility service for an additional 30 days by paying the charges due for the 30-day period just past.

H. Termination of Service -- Upon expiration of the notice of proposed termination of service, the public utility may terminate residential utility service. Except for service diversion or for safety considerations, utility service shall not be disconnected between Thursday at 4:00 p.m. and Monday at 9:00 a.m. or on legal holidays recognized by Utah, or other times the utility's business offices are not open for business. Service may be disconnected only between the hours of 9:00 a.m. and 4:00 p.m.

I. Customer-Requested Termination of Service --

1. A customer shall advise a public utility at least three days in advance of the day on which he wants service disconnected to his residence. The public utility shall disconnect the service within four working days of the requested disconnect date. The customer shall not be liable for the services rendered to or at the address or location after the four days, unless access to the meter has been delayed by the customer.

2. A customer who is not an occupant at the residence for which termination of service is requested shall advise the public utility at least 10 days in advance of the day on which he wants service disconnected and sign an affidavit that he is not requesting termination of service as a means of evicting his tenants. Alternatively, the customer may sign an affidavit that there are no occupants at the residence for which termination of service is requested and thereupon the disconnection may occur within four days of the requested disconnection date.

J. Restrictions Upon Termination of Service Practices -- A public utility shall not use termination of service practices other than those set forth in these rules. A utility shall have the right to use or pursue legal methods to ensure collections of obligations due it.

K. Policy Statement Regarding Elderly and Handicapped -- The state recognizes that the elderly and handicapped may be seriously affected by termination of utility service. In addition, the risk of inappropriate termination of service may be greater for the elderly and handicapped due to communication barriers which may exist by reason of age or infirmity. Therefore, this section is specifically intended to prevent inappropriate terminations of service which may be hazardous to these individuals. In particular, Subsection R746-200-6(G), requiring adequate notice of impending terminations of service, including notification to third parties upon the request of the account holder, Subsection R746-200-6(C), restricting termination of service when the termination of service will cause or aggravate a serious illness or infirmity of a person living in the residence, and Subsection R746-200-6(D), restricting terminations of service to residences when life-supporting equipment is in use, are intended to meet the special needs of elderly and handicapped persons, as well as those of the public in general.

L. Load Limiter as a Substitute for Termination of Service, Electric Utilities --

1. An electric utility may, but only with the customer's consent, install a load limiter as an alternative to terminating electric service for non-payment of a delinquent account or for failure to comply with the terms of a deferred payment agreement or Commission order. Conditions precedent to the termination of electric service must be met before the installation of a load limiter.

2. Disputes about the level of load limitation are subject to the informal review procedure of Subsection R746-200-7.

3. Electric utilities shall submit load limiter policies and procedures to the Commission for their review before the implementation and use of those policies.

KEY: public utilities, rules, utility service shutoff[~~*~~]
[~~February 15, 2001~~|2004
Notice of Continuation December 6, 2002
54-4-1
54-4-7
54-7-9
54-7-25

▼ ▼

Public Service Commission, Administration

R746-350

Application to Discontinue or Curtail Telecommunications Services

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 26785
FILED: 11/13/2003, 14:08

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide a framework for companies exiting the Utah telecommunications market.

SUMMARY OF THE RULE OR CHANGE: This rule will require companies to provide notice of their intent to curtail services or exit the market. The rule outlines the steps companies must take to inform the Commission, customers, other telecommunications carriers, and the public in general of the change in their operations in Utah's telecommunications services markets.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-3-1, 54-3-3, 54-4-1, and 54-4-4

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Commission and the Division of Public Utilities are already doing much of the activity envisioned to be undertaken by state agencies through the rule. The rule will not result in additional costs for state agencies. By establishing an orderly process for providers to exit service markets, some, but not substantial, savings could be realized through the operation of the rule.

❖ LOCAL GOVERNMENTS: The rule does not require any action from local governments; there should be no costs or savings affect on them.

❖ OTHER PERSONS: Some telecommunications service providers have exited Utah markets without providing notice to their customers. The rule's requirement that notice be given to customers will result in a cost to generate and deliver the notices containing the required information to customers. Total costs will be dependant upon the number of customers to be notified by exiting providers. It is anticipated the compliance with the notice and information requirements would be less than $1 per customer.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The potential compliance costs for exiting providers is considered to be less, at times significantly less, than the economic costs that arise when customers and suppliers face, from their position, the unanticipated, unplanned exit or curtailed services of a telecommunications provider. The Commission believes that compliance costs for this rule would not be substantial, as a well run service provider would be expected to be able to meet the rule's information and notice requirements in its normal and usual customer service and business operations.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule will have some fiscal impact upon exiting providers to the extent that, without the rule, they would not provide any or limited prior notice of the alteration or cessation of their services to customer in Utah. Under the rule, customers of exiting providers will have adequate opportunity to arrange replacement services in an orderly fashion, without the disruption and fiscal consequences of unanticipated and unplanned service disruption. Statutory requirements require the Commission to

consider the economic effects and impacts of the manner in which telecommunications companies provide service in Utah and ensure that service, or the cessation of service, is done in a just and reasonable manner.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud or Sandy Mooy at the above address, by phone at 801-530-6714 or 801-530-6708, by FAX at 801-530-6796 or 801-530-6796, or by Internet E-mail at bstroud@utah.gov or smooy@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Barbara Stroud, Paralegal

R746. Public Service Commission, Administration.
R746-350. Application to Discontinue Telecommunications Service.
R746-350-1. Purpose and Authority.

A. Authorization -- Section 54-4-1 provides that the Public Service Commission shall have the power to regulate utilities and to supervise their business operations. Section 54-3-1 requires that the terms and conditions of the provision of service be just and reasonable.

B. Purpose -- This rule is intended to address situations where a telecommunications corporation has determined to stop providing Basic Telecommunications Service to subscribed customers in a Utah service area. The rule will provide subscribed customers an opportunity to migrate their service to an alternative service or a different provider prior to the Exiting Provider's discontinuance of the subscribed service. No telecommunications corporation may discontinue the provision of Basic Telecommunications Service to existing customers in a service area, or portions thereof, without first complying with this rule or receiving an exemption from the Commission.

R746-350-2. Definitions.

Terms -- The meaning of the terms used in this rule shall be consistent with their general usage in the telecommunications industry, Title 54 of the Utah Code or as defined below:

A. "Basic Telecommunications Service" means the telecommunications services defined as Basic Telecommunications Service in Rule 746-360-2.C.

B. "Commission" means the Public Service Commission of Utah.

C. "Division" means the Division of Public Utilities.

D. "Exiting Provider" means a telecommunications corporation that seeks to stop or eliminate providing Basic Telecommunications Service to subscribed customers in a service area, or portion thereof, located in Utah. It does not include a telecommunications corporation that discontinues telecommunications service as a result of the customer's request or pursuant to the provisions of other rules or orders of the Commission. It does not include a temporary change in the provision of service that may arise from maintenance, repair or failure of a telecommunications corporation's equipment or facilities.

E. "Intended Date of Discontinuance" means the date upon which an Exiting Provider intends to discontinue providing Basic Telecommunications Service pursuant to this rule.

F. "Replacement Provider" means a telecommunications corporation that undertakes providing Basic Telecommunications Service to customers of the Exiting Provider after the Exiting Provider is permitted to discontinue service.

R746-350-3. Application and Notice.

A. Application -- Unless subject to R746-350-4.F for exclusive facilities, an Exiting Provider shall file an application with the Commission and the notices identified hereafter not less than 50 days prior to the Intended Date of Discontinuance.

B. Notices -- An Exiting Provider shall provide written notice to the following:

1. the Division;

2. subscribed customers that will be affected by the discontinuance of service;

3. telecommunications corporations providing the Exiting Provider with resold telecommunications services, essential facilities or services, or unbundled network elements (UNEs), if they are part of or used to provide Basic Telecommunications Service to the Exiting Provider's affected customers; and

4. the national number administrator, when applicable, authorizing the release of all unassigned telephone numbers unless the Exiting Provider establishes a need to retain the telephone numbers.

R746-350-4. Application and Notice Contents.

A. Application -- The application to the Commission required by R746-350-3.A must include:

1. applicant's name, complete mailing address, including street, city, state, and zip code, telephone number, e-mail address, and the names under which the applicant is providing telecommunications service in Utah;

2. name, mailing address, telephone number and e-mail address of a person or persons, designated by the Exiting Provider, to contact for questions about the application;

3. identification of the associated service territory, or portion thereof, proposed for discontinuance;

4. the Intended Date of Discontinuance, which shall not be sooner than 50 days after the date on which the Exiting Provider files the application with the Commission;

5. acknowledgment that by signing the application, the applicant and its successors understand and agree that:

a. filing of the application does not, by itself, constitute authority to discontinue any service;

b. discontinuance shall occur as ordered by the Commission; and

c. the Exiting Provider shall assist in the porting of any assigned telephone numbers to a Replacement Provider.

6. an affidavit signed by an officer or principal of the Exiting Provider attesting under penalty of perjury that the contents of the application are true, accurate, and correct; and

7. a copy of the notices required in this rule.

B. Notice to the Division -- The notice to the Division required in R746-350-3.B.1 shall be a copy of the application submitted to the Commission.

C. Notice to Customers -- The notice to customers required in R746-350-3.B.3 must, at a minimum, include:

1. the Intended Date of Discontinuance on which Basic Telecommunications Service is planned to be discontinued; and

2. information on how to contact the Exiting Provider by telephone in order to obtain information such as how customers may receive a refund on any unused service or how to contact regulatory agencies to obtain information on possible replacement providers. The Exiting Provider shall continue to provide refund information, via a customer service number, for 60 days after the date of discontinuance of service;

D. Notice to Other Companies -- The notice to other companies required in R746-350-3.B.3 must, at a minimum, include:

1. the Intended Date of Discontinuance of Basic Telecommunications Service; and

2. telephone contact information to enable other companies to obtain additional information regarding the discontinuance of service.

3. Until chosen as the Replacement Provider, LECs may not use the information in the notices required in this subsection to initiate marketing efforts unless the information is first made available to other telecommunications corporations for their marketing efforts.

E. Earlier Notice for Exclusive Facilities -- Notwithstanding the requirements set forth in R746-350-3.A and R746-350-4.E, if an Exiting Provider has ownership or control of the only facilities readily available to provide Basic Telecommunications Service to customers so that another telecommunications corporation would either need to acquire control of those facilities or install its own facilities in order to serve the customers of the Exiting Provider, then the following shall be required:

1. The Exiting Provider shall provide notice to the Commission, the Division and to LECs identified in the Commission's list of certificated telecommunications companies at least 120 days prior to its Intended Date of Discontinuance. The notice shall grant other LECs 40 days to respond indicating a LEC's interest in obtaining the facilities and their transfer.

2. The Exiting Provider shall file its application to discontinue service with the Commission at least 75 days prior to the intended date of discontinuance.

3. The Commission shall determine the timing of any further proceedings, including the timing of further notices.

F. Notice to the National Number Administrator -- Unless the Exiting Provider has established a need to retain the telephone numbers, the notice required in R746-350-3.B.4 shall include identification of all telephone numbers assigned to customers, identification of all unassigned or administrative numbers available for reassignment to other providers and the date the unassigned telephone numbers will be available for reassignment.

R746-350-5. Commission Proceedings upon Application to Discontinue Service.

A. Proceeding -- The Commission will act upon an Application to Discontinue Service within the time period ending on the Intended Date of Discontinuance. If an Exiting Provider fails to comply with this rule and customers have not had an adequate opportunity to obtain a replacement telecommunications service or locate a Replacement Provider, if one exists, the Exiting Provider may be required to continue to provide service until the earlier of: the date on which a Replacement Provider is able to provide service, or a date ordered by the Commission. The Commission may use the proceedings on an Exiting Provider's application to resolve disputes between the Exiting Provider and a possible Replacement Provider to facilitate the migration of the Exiting Provider's customers to alternative telecommunications services that may be available. The Commission may use the proceeding to address requirements of R746-349-5, Utah Code Section 54-8b-18, or any other requirements associated with a change in service providers.

B. Liability -- Nothing in this rule, however, shall be construed as shielding the Exiting Provider from any legal liability to its customers or any other person or entity, whether the liability is grounded in contract, tort or otherwise, including any obligation for any interconnection payment required to maintain service to the Exiting Provider's customers.

C. Rates or Terms -- Nothing in this rule shall require the Replacement Provider to provide any service at rates or on terms other than those published in the Replacement Provider's tariffs, price lists, or contract with the customer.

D. Obligation -- Nothing in this rule obligates the Replacement Provider to undertake any obligation of the Exiting Provider. To the contrary, unless expressly agreed in writing or ordered by the Commission, it shall be presumed that the Replacement Provider has not undertaken any obligation of the Exiting Provider.

KEY: exiting provider, replacement provider, telecommunications, services
2004
54-4-1
54-3-1

End of the Notices of Proposed Rules Section

NOTICES OF
CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

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

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

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends December 31, 2003. At its option, the agency may hold public hearings.

From the end of the waiting period through March 30, 2004, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Securities
R164-11-2
Hearings for Certain Exchanges of Securities

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 26481
Filed: 11/14/2003, 09:02

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule incorporates changes suggested during the comment period for the original amendment.

SUMMARY OF THE RULE OR CHANGE: This change clarifies language, adds a definition of "Director," lowers the threshold for qualification as a party, and shortens time frame on notice requirement. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the August 1, 2003, issue of the Utah State Bulletin, on page 17. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-1-11.1

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any cost associated with fairness hearings was contemplated by the legislature in enacting Section 61-1-11.1. This change in proposed rule implements the statute and amends proposed Rule R164-11-2 and will not cost nor save any additional money.
❖ LOCAL GOVERNMENTS: None--Local governments are not involved in the fairness hearings and will not incur nor save any costs.
❖ OTHER PERSONS: None--Cost savings to issuers of securities was contemplated by the legislature in enacting Section 61-1-11.1. Proposed Rule Section R164-11-2 and these subsequent changes do not, by themselves, save the issuers any additional money.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Application for a fairness hearing is voluntary. Cost savings to issuers of securities was contemplated by the legislature in enacting Section 61-1-11.1.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No change from the proposed rule amendment.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
SECURITIES
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:
Paula Faerber at the above address, by phone at 801-530-6976, by FAX at 801-530-6980, or by Internet E-mail at pfaerber@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: Paula Faerber, Staff Attorney

R164. Commerce, Securities.
R164-11. Registration Statement.
R164-11-2. Hearings for Certain Exchanges of Securities.

(A) Authority and purpose.

(1) The Division enacts this rule under authority granted by Sections 61-1-11.1 and 61-1-24.

(2) This rule sets forth the procedure and requirements to be met when seeking a fairness hearing for certain exchanges of securities.

(3) A finding of fairness under Section 61-1-11.1 does not constitute a registration or exemption [~~unless the requirements of~~]except as provided by Paragraph (H)[~~are met~~].

(B) Definitions.

(1) "Director" means the Director of the Division of Securities, Utah Department of Commerce.

[~~(1)~~](2) "Division" means the Division of Securities, Utah Department of Commerce.

[~~(2)~~](3) "Interested person" means any officer, director or security holder of either party involved in the transaction, or any other person[~~s~~] as the Division may permit.

(C) Parties.

The Division will only consider an application under Section 61-1-11.1 for a transaction where:

(1) Either party to the transaction is a domestic business entity formed, organized or incorporated under the laws of Utah;

(2) Either party to the transaction is a business entity whose headquarters or principal place of business is located in Utah; or

(3) [~~Fifty percent~~]Thirty percent (30 %) or more of the persons to whom it is proposed to issue securities or to deliver other consideration in an exchange under Subsection 61-1-11.1(1) are persons who are Utah residents.

(D) Application Requirements.

An application may be made to the Division under Subsections 61-1-11.1(1) and 61-1-11.1(5) by filing with the Division:

(1) Division Form [~~11.1;~~]11--Application for Hearing for Certain Exchanges of Securities;

(2) NASAA Form U-2, Uniform Consent to Service of Process;

(3) A fee as specified in the Division's fee schedule; and

(4) Other documents as the Division may request.

(E) Notice.

(1) At least [~~30~~]twenty (20) calendar days prior to the hearing, the applicant must provide written notice of the hearing, as approved by the Division, to any person to whom it is proposed to issue securities or to deliver other consideration in an exchange under Subsection 61-1-11.1(1). Such notice shall be effective pursuant to Subsection 16-10a-103(5). Such notice period may be waived upon the demonstration of good cause by the applicant.

(2) The [~~Notice~~]notice must contain the following information:

[~~(A)~~](a) A brief statement of the facts [~~which~~]that give rise to the hearing, including an outline of the terms and conditions of the proposed transaction;

[~~(B)~~](b) A statement of the issues to be considered at the hearing, together with the relevant statutes and rules;

[~~(C)~~](c) The time and place of the hearing as specified by the Division;[~~ and~~]

[~~(D)~~](d) The procedures for participating in the hearing by telephone or affidavit as approved by the Division; and

(E) Any other information requested by the Division.

(3) Prior to or at the hearing, the applicant must file an affidavit with the Division stating [~~that in compliance with Subparagraphs (E)(1) and (E)(2), a notice has been sent to all persons to whom it is proposed to issue securities or to deliver other consideration in an exchange under Subsection 61-1-11.1(1), including a description of how the notice was sent.~~]that a notice has been sent, in compliance with Subparagraphs (E)(1) and (E)(2), to all persons to whom it is proposed to issue securities or to deliver other consideration in an exchange under Subsection 61-1-11.1(1), including a description of how and when the notice was sent.

(F) Hearing.

(1) Within a reasonable time after the receipt of [~~the~~]an application meeting the requirements of Section 61-1-11.1 and this rule, the Division may schedule a hearing to be conducted under Subsection 61-1-11.1(2).

(2) A hearing under Section 61-1-11.1 shall be conducted by a hearing officer designated by the Director.

(3) Any interested person may attend a hearing under Section 61-1-11.1.

(4) Any interested person may participate in the hearing by giving written notice to the Division at least two (2) days[~~, within a reasonable time~~] prior to the hearing, [~~of his~~]indicating such person's intention to appear and participate in the hearing. Interested persons may participate:

[~~(A)~~](a) In person;

[~~(B)~~](b) By telephone; or

[~~(C)~~](c) By affidavit.

(5) The hearing shall be recorded electronically and transcribed by the Division. The transcription costs will be assessed to the Applicant. Upon request, the Division will hire a court reporter at the requester's expense.

(G) Findings and Order.

Within a reasonable time after completion of the hearing, the Director shall issue an order pursuant to Subsection 61-1-11.1(3).

(H) Exemptions.

The [~~issuer of securities~~]Issuer may request that the Division determine that the transaction [~~be~~]is exempt from registration under Subsection 61-1-14(2)(s).

KEY: securities regulation
[~~2003~~]2004
Notice of Continuation November 4, 2002
61-1-11(7)(b)

▼ ▼

Environmental Quality, Air Quality
R307-110-28
Regional Haze

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 26616
Filed: 11/14/2003, 09:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendments is to incorporate changes recommended during the public comment period, and to clarify the State Implementation Plan (SIP) provisions.

SUMMARY OF THE RULE OR CHANGE: In Section R307-110-28, change the date of adoption by the Air Quality Board to November 17, 2003. In the State Implementation Plan (SIP) Section XX, Regional Haze, which is incorporated by reference in Section R307-110-28, changes are made to clarify the requirements of the SIP. The chapter on renewable energy and energy conservation has been restructured to improve readability and new material has been added to indicate that Utah consumers are expected to be responsible for generation of approximately 550 megawatts of renewable energy capacity by 2013. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the October 1, 2003, issue of the Utah State Bulletin, on page 17. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: State Implementation Plan, Section XX, Regional Haze

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no changes in costs to the state budget from the original proposal, because the only costs proposed were due to expansion of the smoke management program. These amendments do not change the smoke management program.

❖ LOCAL GOVERNMENTS: No changes are made that affect local governments. Therefore, there is no impact to local government.
❖ OTHER PERSONS: The original proposal was expected to increase costs for owners of large sources of sulfur dioxide emissions and for land managers that use prescribed fire as a resource management tool. No changes affecting costs are made.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The original proposal was expected to increase costs for owners of large sources of sulfur dioxide emissions and for land managers that use prescribed fire as a resource management tool. No changes affecting costs are made.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No changes are made that affect costs to business. Analysis by the Grand Canyon Visibility Transport Commission in the 1990s and more recently by the Western Regional Air Partnership indicates this plan achieves improvements in visibility at a lower cost than other possible reduction methods.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/31/2003

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-28. Regional Haze.

The Utah State Implementation Plan, Section XX, Regional Haze, as most recently amended by the Utah Air Quality Board on [~~December 3~~]November 17, 2003, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, particulate matter, ozone
2003
Notice of Continuation March 27, 2002
19-2-104(3)(e)

▼ ▼

Environmental Quality, Air Quality
R307-150
Emission Inventories

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 26648
Filed: 11/14/2003, 09:43

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to incorporate changes recommended during the public comment period, and to clarify the rule.

SUMMARY OF THE RULE OR CHANGE: Changes are made throughout the rule to clarify the intent and application of the rule. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed repeal and reenactment of the rule that was published in the October 1, 2003, issue of the Utah State Bulletin, on page 18. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed repeal and reenact together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None of the changes affect the cost to state government to implement the rule. Therefore, there is no additional impact to the state budget.
❖ LOCAL GOVERNMENTS: No changes are made that affect local governments. Therefore, there is no additional impact to local government.
❖ OTHER PERSONS: None of the changes in the rule affect the cost to other persons. Therefore, there is no additional impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None of the changes in the rule affect the cost to affected persons. Therefore, there is no additional impact to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No changes are made that affect costs to business.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/31/2003

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-150. Emission Inventories.
R307-150-1. Purpose and General Requirements.

(1) The purpose of R305-150 is:

(a) to establish by rule the time frame, pollutants, and information that sources must include in inventory submittals; and

(b) to establish consistent reporting requirements for stationary sources in Utah to determine whether sulfur dioxide emissions remain below the sulfur dioxide milestones established in the State Implementation Plan for Regional Haze, section XX.E.1.a, incorporated by reference in R307-110-28.

(2) The requirements of R307-150 replace any annual inventory reporting requirements in approval orders or operating permits issued prior to December 4, 2003.

(3) Emission inventories shall be submitted on or before ninety days following the effective date of this rule and thereafter on or before April 15 of each year following the calendar year for which an inventory is required. The inventory shall be submitted in [~~the~~]a format specified by the Division of Air Quality following consultation with each source.

(4) The executive secretary may require at any time a full or partial year inventory upon reasonable notice to affected sources when it is determined that the inventory is necessary to develop a state implementation plan, to assess whether there is a threat to public health or safety or the environment, or to determine whether the source is in compliance with R307.

(5) Recordkeeping Requirements.

(a) Each owner or operator of a stationary source subject to this rule shall maintain a copy of the emission inventory submitted to the Division of Air Quality and records indicating how the information submitted in the inventory was determined, including any calculations, data, measurements, and estimates used. The records under R307-150-4 shall be kept for ten years. Other records shall be kept for a period of at least five years from the due date of each inventory.

(b) The owner or operator of the stationary source shall make these records available for inspection by any representative of the Division of Air Quality during normal business hours.

R307-150-2. Definitions.

The following additional definitions apply to R307-150.

"Acute Contaminant" means any noncarcinogenic air contaminant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.

"Carcinogenic Contaminant" means any air contaminant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.

"Chronic Contaminant" means any noncarcinogenic air contaminant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.

"Dioxins" and "Furans" mean total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.

"Emissions unit" means emissions unit as defined in R307-415-3.

"Large Major Source" means a major source that emits or has the potential to emit 2500 tons or more per year of oxides of sulfur, oxides of nitrogen, or carbon monoxide, or that emits or has the potential to emit 250 tons or more per year of PM10, PM2.5, volatile organic compounds, or ammonia.

"Lead" means elemental lead and the portion of its compounds measured as elemental lead.

"Major Source" means major source as defined in R307-415-3.

R307-150-3. Applicability.

(1) R307-150-4 applies to all stationary sources with actual emissions of 100 tons or more per year of sulfur dioxide in calendar year 2000 or any subsequent year unless exempted in (a) below. Sources subject to R307-150-4 may be subject to other sections of R307-150.

(a) A stationary source that meets the requirements of R307-150-3(1) that has permanently ceased operation is exempt from the requirements of R307-150-4 for all years during which the source did not operate at any time during the year.

(b) Except as provided in (a) above, any source that meets the criteria of R307-150-3(1) and that emits less than 100 tons per year of sulfur dioxide in any subsequent year shall remain subject to the requirements of R307-150-4 until 2018 or until the first control period under the Western Backstop Sulfur Dioxide Trading Program as established in R307-250-12(1)(a), whichever is earlier.

(2) R307-150-5 applies to large major sources.

(3) R307-150-6 applies to:

(a) each major source that is not a large major source;

(b) each source with the potential to emit 5 tons or more per year of lead; and

(c) each source not included in (2) or (3)(a) or (3)(b) above that is located in Davis, Salt Lake, Utah, or Weber Counties and that has the potential to emit 25 tons or more per year of any combination of oxides of nitrogen, oxides of sulfur and PM10, or the potential to emit 10 tons or more per year of volatile organic compounds.

(4) R307-150-7 applies to Part 70 sources not included in (2) or (3) above.

R307-150-4. Sulfur Dioxide Milestone Inventory Requirements.

(1) Annual Sulfur Dioxide Emission Report.

(a) Sources identified in R307-150-3(1) shall submit an annual inventory of sulfur dioxide emissions beginning with calendar year

2003 for all emissions units including fugitive emissions[~~ and emissions listed in R307-415-5e(2)~~].

(b) The inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution,[~~ composition of air contaminant,~~] type and efficiency of the air pollution control equipment, percent of sulfur content in fuel and how the percent is calculated, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(2) Each source subject to R307-150-4 that is also subject to 40 CFR Part 75 reporting requirements shall submit a summary report of annual sulfur dioxide emissions that were reported to the Environmental Protection Agency under 40 CFR Part 75 in liew of the reporting requirements in (1) above.

(3) Changes in Emission Measurement Techniques.

(a) Each source subject to R307-150-4 that is also subject to 40 CFR Part 75 and that uses 40 CFR Part 60, Appendix A, Test Methods 2F, 2G, or 2H to measure stack flow rate shall adjust reported sulfur dioxide emissions to ensure that the reported sulfur dioxide emissions are comparable to 1999 emissions. The calculations that are used to make this adjustment shall be included with the annual emission report. The adjustment shall be calculated using one of the methods in (i) through (iii) below:

(i) Directly determine the difference in flow rate through a side-by-side comparison of data collected with the new and old flow reference methods required during a relative accuracy test audit (RATA) test under 40 CFR Part 75.

(ii) Compare the annual average heat rate using heat input data from the federal acid rain program (million Btu) and total generation (megawatt (MW) Hrs) as reported to the federal Energy Information Administration. The flow adjustment will be calculated by using the following ratio: (Heat input/MW for first full year of data using new flow rate method) divided by (Heat input/MW for last full year of data using old flow rate method).

(iii) Compare the cubic feet per minute per MW before and after the new flow reference method based on continuous emission monitoring data submitted in the federal acid rain program, using the following equation: (Standard cubic feet (SCF)/Unit of generation for first full year of data using new flow rate method) divided by (SCF/unit of generation for last full year of data using old flow rate method).

(b) Each source subject to R307-150-4 that uses a different emission monitoring or calculation method than was used to report their sulfur dioxide emissions in 1998 under R307-150 or 1999 under 40 CFR Part 75 shall adjust their reported emissions to be comparable to the emission monitoring or calculation method that was used in 1998 or 1999, as applicable. The calculations that are used to make this adjustment shall be included with the annual emission report.

R307-150-5. Sources Identified in R307-150-3(2), Large Major Source Inventory Requirements.

(1) Each large major source shall submit an emission inventory annually beginning with calendar year 2002. The inventory shall include PM10, PM2.5, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, and ammonia for all emissions units including fugitive emissions[~~ and emissions listed in R307-415-5e(2)~~].

(2) For every third year beginning with 2005, the inventory shall also include all other chargeable pollutants and hazardous air pollutants not exempted in R307-150-8.

(3) For each pollutant specified in (1) or (2) above, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, composition of air contaminant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

R307-150-6. Sources Identified in R307-150-3(3).

(1) Each source identified in R307-150-3(3) shall submit an inventory every third year beginning with calendar year 2002 for all emissions units including fugitive emissions[~~ and emissions listed in R307-415-5e(2)~~].

(a) The inventory shall include PM10, PM2.5, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, ammonia, other chargeable pollutants, and hazardous air pollutants not exempted in R307-150-8.

(b) For each pollutant, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit which is the source of the air pollution, composition of air contaminant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(2) Sources identified in R307-150-3(3) shall submit an inventory for each year after 2002 in which the total amount of PM10, oxides of sulfur, oxides of nitrogen, carbon monoxide, [~~and~~]or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory. For each pollutant, the inventory shall [~~include~~]meet the requirements of R307-150-6(1)(a) and (b).

R307-150-7. Sources Identified in R307-150-3(4), Other Part 70 Sources.

(1) Sources identified in R307-150-3(4) shall submit the following emissions inventory every third year beginning with calendar year 2002 for all emission units including fugitive emissions[~~ and emissions listed in R307-415-5e(2)~~].

(2) Sources identified in R307-150-3(4) shall submit an inventory for each year after 2002 in which the total amount of PM10, oxides of sulfur, oxides of nitrogen, carbon monoxide, [~~and~~]or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory.

(3) The emission inventory shall include individual pollutant totals of all chargeable pollutants [~~and all hazardous air pollutants~~]not exempted in R307-150-8.

R307-150-8. Exempted Hazardous Air Pollutants.

(1) The following air pollutants are exempt from this rule if they are emitted in an amount less than that listed in Table 1.

TABLE 1

CONTAMINANT	Pounds/year
Arsenic	0.21
Benzene	33.90
Beryllium	0.04
Ethylene oxide	38.23
Formaldehyde	5.83

(2) [~~Other chargeable air pollutants that are not PM10, oxides of sulfur, oxides of nitrogen, carbon monoxide, PM2.5, ozone, volatile organic compounds,~~]Hazardous air pollutants, except for dioxins[~~,~~] or furans, are exempt from being reported if they are emitted in an amount less than the smaller of the following:

(a) 500 pounds per year; or

(b) for acute contaminants, the applicable TLV-C expressed in milligrams per cubic meter and multiplied by 15.81 to obtain the pounds-per-year threshold; or

(c) for chronic contaminants, the applicable TLV-TWA expressed in milligrams per cubic meter and multiplied by 21.22 to obtain the pounds-per-year threshold; or

(d) for carcinogenic contaminants, the applicable TLV-C or TLV-TWA expressed in milligrams per cubic meter and multiplied by 7.07 to obtain the pounds-per-year threshold.

KEY: air pollution, reports, inventories
2003
19-2-104(1)(c)

Environmental Quality, Air Quality
R307-204
Emission Standards: Smoke Management

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 26617
Filed: 11/14/2003, 09:43

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendment is to incorporate changes recommended during the public comment period.

SUMMARY OF THE RULE OR CHANGE: This change amends Subsection R307-204-4(4) as follows: "The annual emission goal shall be developed in cooperation with states, federal land management agencies and private entities, to control prescribed fire emissions increases to the maximum feasible extent." This change is consistent with 40 CFR 51.309(d)(6)(v) and the recommendations of the Grand Canyon Visibility Transport Commission, recognizing that use of prescribed fire will increase to meet land management goals. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the October 1, 2003, issue of the Utah State Bulletin, on page 26. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The change does not affect the cost to state government to implement the rule from those reported for the proposed amendment.
❖ LOCAL GOVERNMENTS: No change is made that affects local governments.
❖ OTHER PERSONS: The change does not affect the cost to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The change does not affect the cost to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The change does not affect costs to business that were reported for the proposed amendment.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/31/2003

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-204. Emission Standards: Smoke Management.

. . . . . .

R307-204-4. General Requirements.

(1) Management of On-Going Fires. If, after consultation with the land manager, the executive secretary determines that a prescribed fire, wildland fire used for resource benefits, wildland fire, or any smoke transported from other locations, is degrading air quality to levels that could violate the National Ambient Air Quality Standards or burn plan conditions, the land manager shall promptly stop igniting additional prescribed fires.

(2) Emissions Calculations. In calculating emissions information required under R307-204, each land manager shall use emission factors approved by the executive secretary.

(3) Non-burning Alternatives to Fire. Beginning in 2004 and annually thereafter, each land manager shall submit to the executive secretary by March 15 a list of areas treated using non-burning alternatives to fire during the previous calendar year, including the number of acres, the specific types of alternatives used, and the location of these areas.

(4) Annual Emissions Goal. The executive secretary shall provide an opportunity for an annual meeting with land managers for the purpose of evaluation and adoption of the annual emission goal. The annual emission goal shall be developed in cooperation with states, federal land management agencies and private entities, to control prescribed fire emissions increases to the maximum feasible extent.

(5) Long-term Fire Projections. Each land manager shall provide to the executive secretary by March 15 annually long-term projections of future prescribed fire and wildland fire used for resource benefits activity for annual assessment of visibility impairment.

. . . . . .

KEY: air quality, fire, smoke, land manager
2003
19-2-104(1)(a)

Environmental Quality, Air Quality
R307-250
Western Backstop Sulfur Dioxide Trading Program

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 26615
Filed: 11/14/2003, 09:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendments is to incorporate changes recommended during the public comment period, and to clarify the rule.

SUMMARY OF THE RULE OR CHANGE: Changes are made throughout the rule to clarify the intent and application of the rule. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2003, issue of the Utah State Bulletin, on page 29. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 19-2-104(1)(a) and 19-2-104(3)(e)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None of the changes affect the cost to state government to implement the rule; therefore, there is no change from the original proposal in the cost to the state.
❖ LOCAL GOVERNMENTS: No changes are made that affect local governments; therefore, there is no change from the original proposal in the cost to local government.
❖ OTHER PERSONS: None of the changes in the rule affect the cost to other persons; therefore, there is no change from the original proposal in the cost to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None of the changes in the rule affect the cost to affected persons; therefore, there is no change from the original proposal in the cost to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No changes are made that affect costs to business; therefore, there is no change from the original proposal in the cost to businesses.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at janmiller@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/31/2003

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-250. Western Backstop Sulfur Dioxide Trading Program.
R307-250-1. Purpose.

This rule implements the Western Backstop (WEB) Sulfur Dioxide Trading Program provisions in accordance with the federal Regional Haze Rule, 40 CFR 51.309, and Section XX.E of the State Implementation Plan for Regional Haze, titled "Sulfur Dioxide Milestones and Backstop Trading Program," incorporated under R307-110-28.

R307-250-2. Definitions.

The following additional definitions apply to R307-250:

"Account Certificate of Representation" or "Certificate" means the completed and signed submission required to designate an

Account Representative for a WEB source or an Account Representative for a general account. "Account Representative" means the individual who is authorized through an Account Certificate of Representation to represent owners and operators of the WEB source with regard to matters under the WEB Trading Program or, for a general account, who is authorized through an Account Certificate of Representation to represent the persons having an ownership interest in allowances in the general account with regard to matters concerning the general account.

"Actual Emissions" means total annual sulfur dioxide emissions determined in accordance with R307-250-9 or determined in accordance with the Sulfur Dioxide Milestone Inventory requirements of R307-150 for sources that are not subject to R307-250-9.

"Allocate" means to assign allowances to a WEB source in accordance with SIP [~~s~~]Section XX.E.3.a through c.

"Allowance" means the limited authorization under the WEB Trading Program to emit one ton of sulfur dioxide during a specified control period or any control period thereafter subject to the terms and conditions for use of unused allowances as established by R307-250.

"Allowance Limitation" means the tonnage of sulfur dioxide emissions authorized by the allowances available for compliance deduction for a WEB source [~~for a control period~~]under R307-250-12 on the allowance transfer deadline for [~~that~~]each control period.

"Allowance Tracking System" means the system where allowances under the WEB Trading Program are recorded, held, transferred and deducted.

"Allowance Tracking System account" means an account in the allowance tracking system established for purposes of recording, holding, transferring, and deducting allowances.

"Allowance Transfer Deadline" means the deadline established in R307-250-10(2) when allowance[~~s~~] transfers must be submitted for recording in a WEB source's compliance account in order to demonstrate compliance for that control period.

"Compliance Account" means an account established in the allowance tracking system under R307-250-8(1) for the purpose of recording allowances that a WEB source might hold to demonstrate compliance with its allowance limitation.

"Compliance Certification" means a submission to the executive secretary by the Account Representative as required under R307-250-12(2) to report a WEB source's compliance or noncompliance with R307-250.

"Control Period" means the period beginning January 1 of each year and ending on December 31 of the same year, inclusive.

"Emissions Tracking Database" means the central database where sulfur dioxide emissions for WEB sources as recorded and reported in accordance with R307-250 are tracked to determine compliance with allowance limitations.

"Existing Source" means a stationary source that commenced operation before the Program Trigger Date.

"General Account" means an account established in the allowance tracking system under R307-250-8 for the purpose of recording allowances held by a person that are not to be used to show compliance with an allowance limitation.

"Milestone" means the maximum level of stationary source regional sulfur dioxide emissions for each year from 2003 to 2018, established according to the procedures in SIP Section XX.E.1.

"New WEB Source" means a WEB source that commenced operation on or after the program trigger date.

"New Source Set-aside" means a pool of allowances that are available for allocation to new sources in accordance with the provisions of SIP Section XX.E.3.c.

"Program trigger date" means the date that the executive secretary determines that the WEB Trading Program has been triggered in accordance with the provisions of SIP Section XX.E.1.[~~b~~]c.

"Program trigger years" means the years shown in SIP Section XX.E.1.a, Table [~~1~~]3, column 3 for the applicable milestone if the WEB Trading Program is triggered as described in SIP Section XX.E.1.

"Retired source" means a WEB source that has received a retired source exemption as provided in R307-250-4(4).

"Serial number" means, when referring to allowances, the unique identification number assigned to each allowance by the Tracking Systems Administrator, in accordance with R307-250-7(2).

"SIP Section XX.E" means Section XX[~~.~~], Part E of the State Implementation Plan, titled "Sulfur Dioxide Milestones and Backstop Trading Program." SIP Section XX, Regional Haze, is incorporated by reference under R307-110-28.

"Special Reserve Compliance Account" means an account established in the allowance tracking system under R307-250-8(1) for the purpose of recording allowances that a WEB source might hold to demonstrate compliance with its allowance limitation for emission units that are monitored for sulfur dioxide in accordance with R307-250-9(1)(b).

"[~~SO_2~~]Sulfur Dioxide emitting unit" means any equipment that is located at a WEB source and that emits [~~SO_2~~]sulfur dioxide.

"Submit" means sent to the executive secretary or the [~~t~~]Tracking [~~s~~]system [~~a~~]Administrator under the signature of the Account Representative. For purposes of determining when something is submitted, an official U.S. Postal Service postmark, or equivalent electronic time stamp, shall establish the date of submittal.

"Ton" means 2000 pounds and[~~, for any control period,~~] any fraction of a ton equaling 1000 pounds or more shall be treated as one ton and any fraction of a ton equaling less than 1000 pounds shall be treated as zero tons.

"Tracking System Administrator" or "TSA" means the person designated by the executive secretary as the administrator of the allowance tracking system and the emission tracking database.

"WEB Source" means a stationary source that meets the applicability requirements of R307-250-4.

"WEB Trading Program" means R307-250, the Western Backstop Trading Program, triggered as a backstop in accordance with the provisions in SIP Section XX.E, if necessary, to ensure that regional sulfur dioxide emissions are reduced.

R307-250-3. WEB Trading Program Trigger.

(1) Except as provided in (2) below, R307-250 shall become effective on the program trigger date that is established in accordance with the procedures in SIP Section XX.E.1.c.

(2) Special Penalty Provisions for the Year 2018, R307-250-13, shall become effective on January 1, 2018, and shall remain effective until the requirements of R307-250-13 have been met.

R307-250-4. WEB Trading Program Applicability.

(1) General Applicability. R307-250 applies to any stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties and that are under the control of

the same person or persons under common control, belonging to the same industrial grouping, and that are described in paragraphs (a) through (c) of this subsection. A stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

(a) All BART-eligible sources as defined in 40 CFR 51.301 that are BART-eligible due to sulfur dioxide emissions.

(b) All stationary sources not meeting the criteria of (a) that have actual sulfur dioxide emissions of 100 tons or more per year in the program trigger years or any subsequent year. The fugitive emissions of a stationary source shall not be considered in determining whether it is subject to R307-250 unless the source belongs to one of the following categories of stationary source:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(xxvii) Any other stationary source category, which as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

(c) A new source that begins operation after the program trigger date and has the potential to emit 100 tons or more of sulfur dioxide per year.

(2) The executive secretary may determine on a case-by-case basis, with concurrence from the EPA Administrator, that a stationary source defined in (1)(b) above that has not previously met the applicability requirements of (1) is not subject to R307-250 if the stationary source had actual sulfur dioxide emissions of 100 tons or more in a single year and in each of the previous five years had actual sulfur dioxide emissions of less than 100 tons per year, and:

(a)(i) the emissions increase was due to a temporary emission increase that was caused by a sudden, infrequent failure of air pollution control equipment, or process equipment, or a failure to operate in a normal or usual manner, and

(ii) [~~the stationary source took timely and reasonable action to minimize the failure of air pollution control equipment, process equipment, or process and temporary emissions increase; and~~

~~(iii)~~]the stationary source has corrected the failure of air pollution equipment, process equipment, or process by the time of the executive secretary's determination; or

(b) the stationary source had to switch fuels or feedstocks on a temporary basis and as a result of an emergency situation or unique and unusual circumstances besides the cost of such fuels or feedstocks.

(3) Duration of Applicability. Except as provided for in (4) below, once a stationary source is subject to R307-250, it will remain subject to the rule every year thereafter.

(4) Retired Source Exemption.

(a) Application. Any WEB source that is permanently retired shall apply for a retired source exemption. The WEB source may be considered permanently retired only if all sulfur dioxide emitting units at the source are permanently retired. The application shall contain the following information:

(i) identification of the WEB source, including the plant name and an appropriate identification code in a format specified by the executive secretary;

(ii) name of account representative;

(iii) description of the status of the WEB source, including the date that the WEB source was permanently retired;

(iv) signed certification that the WEB source is permanently retired and will comply with the requirements of[-] R307-250-4(4); and

(v) verification that the WEB source has a general account where any unused allowances or future allocations will be recorded.

(b) Notice. The retired source exemption becomes effective when the executive secretary notifies the WEB source that the retired source exemption has been granted.

(c) Responsibilities of Retired Sources.

(i) A retired source shall be exempt from R307-250-9 and R307-250-12, except as provided below.

(ii) A retired source shall not emit any sulfur dioxide after the date the retired source exemption is issued.

(iii) A WEB source shall submit sulfur dioxide emissions reports, as required by R307-250-9, for any time period the source was operating prior to the effective date of the retired source exemption. The retired source shall be subject to the compliance provisions of R307-250-12, including the requirement to hold allowances in the source's compliance account to cover all sulfur dioxide emissions prior to the date the source was permanently retired.

(iv) A retired source that is still in existence but no longer emitting sulfur dioxide shall, for a period of five years from the date the records are created, retain records demonstrating that the source is permanently retired for purposes of this rule.

(d) Resumption of Operations.

(i) Before resuming operation, the retired source must submit registration materials as follows:

(A) If the source is required to obtain an approval order under R307-401 or an operating permit under R307-415 prior to resuming operation, then registration information as described in R307-250-6(1) and a copy of the retired source exemption must be submitted with the notice of intent under R307-401 or the operating permit application required under R307-415;

(B) If the source does not meet the criteria of (A), then registration information as described in R307-250-6(1) and a copy of the retired source exemption must be submitted to the executive secretary at least ninety days prior to resumption of operation.

(ii) The retired source exemption shall automatically expire on the day the retired source resumes operation.

(e) Loss of Future Allowances. A WEB source that is permanently retired and that does not apply to the executive secretary for a retired source exemption within ninety days of the date that the source is permanently retired shall forfeit any unused and future allowances. The abandoned allowances shall be retired by the [~~tracking system administrator~~]TSA.

R307-250-5. Account Representative for WEB Sources.

(1) Each WEB source must identify one account representative and may also identify an alternate [~~A~~]account [~~R~~]representative who may act on behalf of the account representative. Any representation, action, inaction or submission by the alternate account representative will be deemed to be a representation, action, inaction or submission by the account representative.

(2) Identification and Certification of an [~~A~~]account [~~R~~]representative.

(a) The account representative and any alternate account representative shall be appointed by an agreement that makes the representations, actions, inactions or submissions of the account representative and any alternate binding on the owners and operators of the WEB source.

(b) The account representative shall submit to the executive secretary and the TSA a signed and dated [~~account~~]certificate [~~of representation~~]that contains the following elements:

(i) identification of the WEB source by plant name and an appropriate identification code in a format specified by the executive secretary;

(ii) the name, address, e-mail (if available), telephone and facsimile number of the [~~A~~]account [~~R~~]representative and any alternate;

(iii) a list of owners and operators of the WEB source;

(iv) information to be part of the emission tracking system database that is established in accordance with [~~the State Implementation Plan~~]SIP Section XX.E.3.i. The specific data elements shall be as specified by the the executive secretary to be consistent with the data system structure, and may include basic facility information that may appear in other reports and notices submitted by the WEB source, such as county location, industrial classification codes, and similar general facility information.

(v) The following certification statement: "I certify that I was selected as the account representative or alternate account representative, as applicable, by an agreement binding on the owners and operators of the WEB source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the WEB Trading Program on behalf of the owners and operators of the WEB source and that the owner and operator each shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the executive secretary regarding the WEB Trading Program."

(c) Upon receipt by the executive secretary of the complete [~~account~~]certificate[~~ of representation~~], the account representative and any alternate account representative represents and, by his or her representations, actions, inactions, or submissions, legally binds each owner and operator of the WEB source in all matters pertaining to the WEB Trading Program. Each owner and operator shall be bound by any decision or order issued by the executive secretary regarding the WEB Trading Program.

(d) No WEB allowance tracking system account shall be established for the WEB source until the TSA has received a complete Certificate. Once the account is established, all submissions concerning the account, including the deduction or transfer of allowances, shall be made by the account representative.

(3) [~~Requirements and~~]Responsibilities.

(a) The responsibilities of the account representative include, but are not limited to, the transferring of allowances[~~,~~] and the submission of monitoring plans, registrations, certification applications, sulfur dioxide emissions data and compliance reports as required by R307-250, and representing the source in all matters pertaining to the WEB Trading Program.

(b) Each submission under this program shall be signed and certified by the account representative for the WEB source. Each submission shall include the following truth and accuracy certification statement by the account representative:[~~–~~] "I am authorized to make this submission on behalf of the owners and operators of the WEB source for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(4) Changing the Account Representative or Owners and Operators.

(a) Changing the Account Representative or the alternate Account Representative. The [~~A~~]account [~~R~~]representative or alternate account representative may be changed at any time by sending a complete superseding [~~account~~]certificate [~~of representation~~]to the executive secretary and the TSA under R307-250-5(2)[~~(c)~~]. The change will be effective upon receipt of such [~~account~~]certificate [~~of representation~~]by the TSA. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous account representative or alternate prior to the time and date when the TSA receives the superseding certificate shall be binding on the new account representative and the owners and operators of the WEB source.

(b) Changes in Owner and Operator.

(i) Within thirty days of any change in the owners and operators of the WEB source, including the addition of a new owner or operator, the account representative shall submit a revised [~~C~~]certificate amending the list of owners and operators to include such change.

(ii) In the event a new owner or operator of a WEB source is not included in the list of owners and operators submitted in the certificate, such new owner or operator shall be deemed to be subject to and bound by the certificate, the representations, actions, inactions, and submissions of the account representative of the WEB source, and the decisions, orders, actions, and inactions of the executive secretary as if the new owner or operator were included in the list.

R307-250-6. Registration.

(1) Deadlines.

(a) Each source that is a WEB source on or before the program trigger date shall register by submitting the initial certificate required in R307-250-5(2) to the executive secretary no later than 180 days after the program trigger date.

(b) Any existing source that becomes a WEB source after the program trigger date shall register by submitting the initial certificate required in R307-250-5(2) to the executive secretary no later than September 30 of the year following the inventory year in which the source exceeded the emission threshold.

(c) Any new WEB source shall register by submitting the initial certificate required in R307-250-5(2) to the executive secretary prior to commencing operation.

(2) [~~(a)~~]Any allocation, transfer or deduction of allowances to or from the source's compliance account shall not require a revision of the WEB source's operating permit under R307-415.[

~~(b) Whether or not a WEB source is required to have an approval order or permit under R307-401 or R307-415 at any time after this Rule becomes effective, it must at all times possess an approval order or permit that includes the requirements of R307-250. If it does not possess a Title V permit under R307-415, it may satisfy this paragraph's requirements by obtaining or modifying an approval order under R307-401 to incorporate the requirements of R307-250. The source must at all times possess a permit that includes the requirements of R307-250.~~]

R307-250-7. Allowance Allocations.

(1) The TSA will record the allowances for each WEB source in the source's compliance account once the allowances are allocated by the executive secretary under SIP Section XX.E.3.a through c. If applicable, the TSA will record a portion of the [~~SO_2~~]sulfur dioxide allowances for a WEB source in a special reserve compliance account to account for any allowances to be held by the source that conducts monitoring in accordance with R307-250-9(1)(b).

(2) The TSA will assign a serial number to each allowance in accordance with SIP Section XX.E.3.f.

(3) All allowances shall be allocated, recorded, transferred, or used as whole allowances. To determine the number of whole allowances, the number of allowances shall be rounded down for decimals less than 0.50 and rounded up for decimals of 0.50 or greater.

(4) An allowance is not a property right, and is a limited authorization to emit one ton of sulfur dioxide valid only for the purpose of meeting the requirements of R307-250. No provision of the WEB Trading Program or other law should be construed to limit the authority of the executive secretary to terminate or limit such authorization.

(5) Early Reduction Bonus Allocation. Any non-utility WEB source that installs new control technology and that reduces its permitted annual sulfur dioxide emissions to a level that is below the floor level allocation established for that source in SIP Section XX.E.3.a(1)(b)(i) or any utility that reduces its permitted annual sulfur dioxide emissions to a level that is below best available control technology [~~(BACT)~~]may apply to the executive secretary for an early reduction bonus allocation. The bonus allocation shall be available for reductions that occur between 2003 and the program trigger year. The application must be submitted no later than [~~ninety~~]90 days after the program trigger date. Any WEB source that applies and receives early reduction bonus allocations must retain the records referenced in this section for a minimum of five years after the early reduction bonus allowance is certified in accordance with SIP Section XX.E.3.a(c). The application for an early reduction bonus allocation must contain the following information:

(a) [~~C~~]copies of all approval orders, operating permits or other enforceable documents that include annual sulfur dioxide emissions limits for the WEB source during the period the WEB source [~~was generating the early reductions~~]qualifies for an early reduction credit. Approval orders, permits, or enforceable documents must contain monitoring requirements for sulfur dioxide emissions that meet the specifications in R307-250-9.

(b) [~~D~~]demonstration that the floor level established for the source in SIP Section XX.E.3.a(1)(b)(i) for non-utilities or best available control technology for utilities was calculated using data that are consistent with monitoring methods specified in R307-250-9(1)(a). If needed, the demonstration shall include a new floor level calculation that is consistent with the monitoring methodology in R307-250-9.

(6) Request for Allowances for New WEB Sources or Modified WEB Sources.

(a) A new WEB source may apply to the executive secretary for an allocation from the new source set-aside, as outlined in SIP [~~s~~]Section XX.E.3.c. A new WEB source is eligible for an annual floor allocation equal to the lower of the permitted annual sulfur dioxide emission limit for that source, or sulfur dioxide annual emissions calculated based on a level of control equivalent to best available control technology (BACT) and assuming 100 percent utilization of the WEB source, beginning with the first full calendar year of operation[~~ after the source has commenced operation~~].

(b) An existing WEB source that has increased production capacity through a new approval order issued under R307-401 may apply to the executive secretary for an allocation from the new source set-aside, as outlined in SIP [~~s~~]Section XX.E.3.c. An existing WEB source is eligible for an annual allocation equal to:

(i) the permitted annual sulfur dioxide emission limit for a new unit; or

(ii) the permitted annual sulfur dioxide emission increase for the WEB source due to the replacement of an existing unit with a new unit or the modification of an existing unit that increased production capacity of the WEB source.

(c) A source that has received a retired source exemption under R307-250-4(4) is not eligible for an allocation from the new source set-aside.

(d) The application for an allocation from the new source set-aside must contain the following:[

~~(i) for an existing WEB source, documentation of the production capacity of the source before and after the new permit;~~

~~(ii) for a new WEB source, documentation of the actual date of the commencement of operation and a copy of the permit.~~]

(i) for a new WEB source or a new unit under R307-250-7(6)(b)(i), documentation of the actual date of the commencement of operation and a copy of the approval order issued under R307-401;

(ii) for an existing WEB source under R307-250-7(6)(b)(ii), documentation of the production capacity of the source before and after the new permit.

R307-250-8. Establishment of Accounts.

(1) Allowance Tracking System Accounts. All WEB sources are required to open a compliance account. Any person may open a general account for the purpose of holding and transferring allowances. In addition, if a WEB source conducts monitoring under R307-250-9(1)(b), the WEB source shall open a special reserve

compliance account for allowances associated with units monitored under those provisions. [~~Allowances may not be transferred out of the special reserve account by the WEB source or account representative, but may be used for compliance at those units, and any unused allowances will be cancelled and may not be traded or used in a future control period.~~]To open any type of account, an application that contains the following information must be submitted to the TSA:

(a) the name, mailing address, e-mail address, telephone number, and facsimile number of the [~~A~~]account [~~R~~]representative. For a compliance account, the application shall include a copy of the [~~account~~]certificate[~~ of representation of~~]for the account representative and any alternate as required in R307-250-5(2)(b). For a general account, the application shall include the [~~account~~]certificate [~~of representation of~~]for the account representative and any alternate as required in (3)(b) below.

(b) the WEB source or organization name;

(c) the type of account to be opened; [~~and~~]

(d) identification of the specific units that are monitoring under R307-250-9(1)(b) and that must demonstrate compliance with the allowance limitation in the special reserve compliance account; and

(e) a signed certification of truth and accuracy by the account representative according to R307-250-5(3)(b) for compliance accounts and for general accounts, certification of truth and accuracy by the account representative according to (4) below.

(2) Account Representative for General Accounts. For a general account, one account representative must be identified and an alternate account representative may be identified and may act on behalf of the account representative. Any representation, action, inaction or submission by the alternate account representative will be deemed to be a representation, action, inaction or submission by the account representative.

(3) Identification and Certification of an Account Representative for General Accounts.

(a) The account representative shall be appointed by an agreement that makes the representations, actions, inactions or submissions of the account representative binding on all persons who have an ownership interest with respect to allowances held in the general account.

(b) The account representative shall submit to the TSA a signed and dated [~~account~~]certificate[~~ of representation~~] that contains the following elements:

(i) the name, address, e-mail (if available), telephone and facsimile number of the account representative and any alternate;

(ii) the organization name, if applicable;

(iii) the following certification statement: "I certify that I was selected as the account representative or alternate account representative, as applicable, by an agreement binding on all persons who have an ownership interest in allowances in the general account with regard to matters concerning the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the WEB Trading Program on behalf of said persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions[~~ and by any decision or order issued to me by the executive secretary regarding the general account~~]."

(c) Upon receipt by the TSA of the complete [~~account~~]certificate[~~ of representation~~], the [~~A~~]account [~~R~~]representative represents and, by his or her representations, actions, inactions, or submissions, legally binds each person who has an ownership interest in allowances held in the general account with regard to all matters concerning the general account. Such persons shall be bound by any decision or order issued by the executive secretary.

(d) A WEB Allowance Tracking System general account shall not be established until the TSA has received a complete certificate. Once the account is established, the account representative shall make all submissions concerning the account, including the deduction or transfer of allowances.

(4) Requirements and Responsibilities for General Accounts. Each submission for the general account shall be signed and certified by the account representative for the general account. Each submission shall include the following truth and accuracy certification statement by the account representative: "I am authorized to make this submission on behalf of all person who have an ownership interest in allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(5) Changing the Account Representative for General Accounts. The account representative or alternate account representative may be changed at any time by sending a complete superseding [~~account~~]certificate[~~ of representation~~] to the executive secretary and the TSA under (3)(b) above. The change will take effect upon the receipt of the [~~account~~]certificate[~~ of representation~~] by the TSA. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous account representative or alternate prior to the time and date when the TSA receives the superseding certificate shall be binding on the new account representative and all persons having ownership interest with respect to allowances held in the general account.

(6) Changes to the Account. Any change to the information required in the application for an existing account under (1) above shall require a revision of the application.

R307-250-9. Monitoring, Recordkeeping and Reporting.

(1) General Requirements on Monitoring Methods.

(a) For each [~~SO_2~~]sulfur dioxide emitting unit at a WEB source the WEB source shall comply with the following, as applicable, to monitor and record [~~SO_2~~]sulfur dioxide mass emissions.

(i) If a unit is subject to 40 CFR Part 75 under a requirement separate from the WEB Trading Program, the unit shall meet the requirements contained in Part 75 with respect to monitoring, recording and reporting [~~SO_2~~]sulfur dioxide mass emissions.

(ii) If a unit is not subject to 40 CFR Part 75 under a requirement separate from the WEB Trading Program, a unit shall use one of the following monitoring methods, as applicable:

(A) a continuous emission monitoring system (CEMS) for [~~SO_2~~]sulfur dioxide and flow that complies with all applicable monitoring provisions in 40 CFR Part 75;

(B) if the unit is a gas- or oil-fired combustion device, the excepted monitoring methodology in Appendix D to 40 CFR Part 75, or, if applicable, the low mass emissions (LME) provisions (with respect to [~~SO_2~~]sulfur dioxide mass emissions only) of 40 CFR 75.19;

(C) one of the optional WEB protocols, if applicable, in Appendix E of State Implementation Plan Section XX, Regional Haze; or

(D) a petition for site-specific monitoring that the source submits for approval by the executive secretary[~~,~~] and approval by the U.S. Environmental Protection Agency in accordance with R307-250-9(9).

(iii) A permanently retired unit shall not be required to monitor under this section if such unit was permanently retired and had no emissions for the entire control period [~~for which the WEB source implements the paragraph (iii) -~~]and the account representative certifies in accordance with R307-250-12(2) that these conditions were met.

(b) Notwithstanding (a) above, a WEB source with a unit that meets one of the conditions of [~~-~~](i) below may [~~elect~~]submit a request to the executive secretary to have the provisions of this subsection (b) [~~below -~~]apply to that unit.

(i) Any of the following units may implement this subsection (b):

(A) any smelting operation where all of the emissions from the operation are not ducted to a stack; or

(B) any flare, except to the extent such flares are used as a fuel gas combustion device at a petroleum refinery; or

(C) any other type of unit without add-on [~~SO_2~~]sulfur dioxide control equipment, if the unit belongs to one of the following source categories: cement kilns, pulp and paper recovery furnaces, lime kilns, or glass manufacturing[~~no control level was assumed for the WEB source in establishing the floor level (and reducible allocation) provided in State Implementation Plan Subsection XX.E.3.a~~].

(ii) For each unit covered by this subsection (b), the account representative shall submit a notice to request that this subsection (b) apply to one or more [~~SO_2~~]sulfur dioxide emitting units at a WEB source. The notice shall be submitted in accordance with the deadlines specified in R307-250-9(6)(a), and shall include the following information (in a format specified by the executive secretary with such additional, related information as may be requested):

(A) a [~~notice~~]list of all units at the [~~applicable~~]WEB source that identifies[~~, specifying which of~~] the units that are to be covered by this subsection (b);

(B) [~~consistent with the emission estimation methodology used to determine the floor level (and reducible allocation) for the source in accordance with State Implementation Plan Subsection XX.E.3.a, the portion of the WEB source's overall allowance allocation that is attributable to any unit(s) covered by this paragraph; and~~

~~(C) -~~]an identification of any such units that are permanently retired.

(iii) For each new unit at an existing WEB source for which the WEB source seeks to comply with this paragraph (b) and for which the account representative applies for an allocation under the new source set-aside provisions of R307-250-7(6), the account representative shall submit a modified notice under (ii) above that includes such new [~~SO_2~~]sulfur dioxide emitting units. The modified [~~notice~~]request shall be submitted in accordance with the deadlines in R307-250-9(6)(a), but no later than the date on which a request is submitted under R307-250-7(6) for allocations from the set-aside.

(iv) [~~The executive secretary shall evaluate the information submitted by the WEB source in (ii) and (iii) above, and may issue a notice to the source to exclude any units that do not qualify under this subsection (b) or to adjust the portion of allowances attributable to units that do qualify to be consistent with the emission estimation methodology used to establish the floor level and reducible allocation for the source.~~

~~(v) Allowances equal to the adjusted portion of the WEB source's allowances under (ii) - (iv) above shall be held by the source in a special reserve account as established above.~~

~~(vi) -~~]The account representative for a WEB source shall submit an annual emissions statement for each unit under this subsection (b) pursuant to R307-250-9(8). The WEB source shall maintain operating records sufficient to estimate annual sulfur dioxide emissions in a manner consistent with the emission inventory submitted by the source for calendar year 1998[~~emission estimation methodology used to establish the floor level (and reducible allocation) for the source~~]. In addition, if the estimated emissions from all such units at the WEB source are greater than the allowances for the current control year held in the special reserve compliance account [~~under (v) above -~~]for the WEB source, the account representative [~~will~~]shall report the extra amount as part of the annual report for the WEB source under R307-250-12 and [~~be required to~~]shall obtain and transfer allowances into the special reserve compliance account to account for such emissions.

(v[~~ii~~]) [~~The remaining provisions of -~~]R307-250-9(2) - (10) shall not apply to units covered by this paragraph except where otherwise noted.

(vi[~~ii~~]) A WEB source may opt to modify the monitoring for a[~~n SO_2~~] sulfur dioxide emitting unit to use monitoring under (a) above, but any such monitoring change must take effect on January 1 of the next compliance year. In addition, the account representative must submit an initial monitoring plan at least 180 days prior to the date on which the new monitoring will take effect and a detailed monitoring plan in accordance with (2) below. The account representative shall also submit a revised notice under [~~(2) below~~]R307-250-9(1)(b)(ii) at the same time that the initial monitoring plan is submitted.

(c) For any monitoring method that the WEB source uses under R307-250-9 including (b) above, the WEB source shall install, certify, and operate the [~~method~~]equipment in accordance with this section, and record and report the data from the method as required in this section. In addition, the WEB source may not:

(i) except for an alternative approved by the EPA Administrator for a WEB source that implements monitoring under (a) above, use an alternative monitoring system, alternative reference method or another alternative for the required monitoring method without having obtained prior written approval in accordance with [~~(8)(e)~~](9) below[~~-~~];

(ii) operate a[~~n SO_2~~] sulfur dioxide emitting unit so as to discharge, or allow to be discharged, [~~SO_2~~]sulfur dioxide emissions to the atmosphere without accounting for these emissions in accordance with the applicable provisions of this section;

(iii) [~~D~~]disrupt the approved monitoring method or any portion thereof, and thereby avoid monitoring and recording [~~SO_2~~]sulfur dioxide mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing or maintenance is performed in accordance with the applicable provisions of this [~~S~~]section; or

(iv) [~~R~~]retire or permanently discontinue use of an approved monitoring method, except under one of the following circumstances:

(A) [~~D~~]during a period when the unit is exempt from the requirements of this Section, including retirement of a unit as addressed in (a)(iii) above;

(B) [T]the WEB source is monitoring emissions from the unit with another certified monitoring method approved under this [s]Section for use at the unit that provides data for the same parameter as the retired or discontinued monitoring method; or

(C) [T]the account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with this [s]Section, and the WEB source recertifies thereafter a replacement monitoring system in accordance with the applicable provisions of this [s]Section.

(2) Monitoring Plan.

(a) General Provisions. The WEB source with a[~~n SO_2~~] sulfur dioxide emitting unit that uses a monitoring method under (1)(a)([~~2~~]ii) above shall meet the following requirements.

(i) Prepare and submit to the executive secretary an initial monitoring plan for each monitoring method that the WEB source uses to comply with this [s]Section. In accordance with (c) below, the plan shall contain sufficient information on the units involved, the applicable method, and the use of data derived from that method to demonstrate that all unit [~~SO_2~~]sulfur dioxide emissions are monitored and reported. The plan shall be submitted in accordance with the deadlines specified in (6) below.

(ii) Prepare, maintain and submit to the executive secretary a detailed monitoring plan [~~at least 45 days prior to the first day of certification testing~~]in accordance with the deadlines specified in (6) below. The plan will contain the applicable information required by [~~(iv)~~](d) below. The executive secretary may require that the monitoring plan or portions of it be submitted electronically. The executive secretary may also require that the plan be submitted on an ongoing basis in electronic format as part of the quarterly report submitted under (8)(a) below or resubmitted separately within 30 days after any change is made to the plan in accordance with (iii) below.

(iii) Whenever the WEB source makes a replacement, modification, or change in one of the systems or methodologies provided for in (1)(a)(ii) above, including a change in the automated data acquisition and handling system or in the flue gas handling system, that affects information reported in the monitoring plan, such as a change to serial number for a component of a monitoring system, then the WEB source shall update the monitoring plan.

(b) The WEB source with a[~~n SO_2~~] sulfur dioxide emitting unit that uses a method under (1)(a)(i) above shall meet the requirements of (a) - (f) by preparing, maintaining and submitting a monitoring plan in accordance with the requirements of 40 CFR Part 75[~~, provided that~~]. If requested, the [~~WEB~~]WEB source also shall submit the entire monitoring plan to the executive secretary[~~ upon request~~].

(c) Initial Monitoring Plan. The account representative shall submit an initial monitoring plan for each [~~SO_2~~]sulfur dioxide emitting unit or group of units sharing a common methodology that, except as otherwise specified in an applicable provision in Appendix E of State Implementation Plan Section XX, contains the following information:

(i) For all [~~SO_2~~]sulfur dioxide emitting units[~~ involved in the monitoring plan~~]:

(A) plant name and location;

(B) plant and unit identification numbers assigned by the executive secretary;

(C) type of unit, or units for a group of units using a common monitoring methodology;

(D) identification of all stacks or pipes associated with the monitoring plan;

(E) types of fuels fired or sulfur containing process materials used in the [~~SO_2~~]sulfur dioxide emitting unit, and the fuel classification of the unit if combusting more than one type of fuel and using a 40 CFR Part 75 methodology;

(F) types of emissions controls for [~~SO_2~~]sulfur dioxide installed or to be installed, including specifications of whether such controls are pre-combustion, post-combustion, or integral to the combustion process;

(G) maximum hourly heat input capacity, or process throughput capacity, if applicable;

(H) identification of all units using a common stack; and

(I) indicator of whether any stack identified in the plan is a bypass stack.

(ii) For each unit and parameter required to be monitored, identification of monitoring methodology information, consisting of monitoring methodology, monitor locations, substitute data approach for the methodology, and general identification of quality assurance procedures. If the proposed methodology is a specific methodology submitted pursuant to (1)(a)([~~2~~]ii)(D) above, the description under this paragraph shall describe fully all aspects of the monitoring equipment, installation locations, operating characteristics, certification testing, ongoing quality assurance and maintenance procedures, and substitute data procedures.

(iii) If the WEB source intends to petition for a change to any specific monitoring requirement otherwise required under this [s]Section, such petition may be submitted as part of the initial monitoring plan.

(iv) The executive secretary may issue a notice of approval or disapproval of the initial monitoring plan based on the compliance of the proposed methodology with the requirements for monitoring in this [s]Section.

(d) Detailed Monitoring Plan. The account representative shall submit a detailed monitoring plan that, except as otherwise specified in an applicable provision in Appendix E of State Implementation Plan Section XX, the Regional Haze SIP, shall contain the following information:

(i) Identification and description of each monitoring component (including each monitor and its identifiable components, such as analyzer or probe) in a continuous emissions monitoring system (e.g., [~~SO_2~~]sulfur dioxide pollutant concentration monitor, flow monitor, moisture monitor), a 40 CFR Part 75, Appendix D monitoring system (e.g., fuel flowmeter, data acquisition and handling system), or a protocol in [~~the~~]Appendix B of SIP Section XX, including:

(A) manufacturer, model number and serial number;

(B) component and system identification code assigned by the facility to each identifiable monitoring component, such as the analyzer and/or probe;

(C) designation of the component type and method of sample acquisition or operation such as in situ pollutant concentration monitor or thermal flow monitor;

(D) designation of the system as a primary or backup system;

(E) first and last dates the system reported data;

(F) status of the monitoring component; and

(G) parameter monitored.

(ii) Identification and description of all major hardware and software components of the automated data acquisition and handling system, including:

(A) hardware components that perform emission calculations or store data for quarterly reporting purposes, including the manufacturer and model number; and

(B) identification of the provider and model or version number of the software components.

(iii) Explicit formulas for each measured emissions parameter, using component or system identification codes for the monitoring system used to measure the parameter that links the system observations with the reported concentrations and mass emissions. The formulas must contain all constants and factors required to derive mass emissions from component or system code observations and an indication of whether the formula is being added, corrected, deleted, or is unchanged. The WEB source with a low mass emissions unit for which the WEB source is using the optional low mass emissions excepted methodology in 40 CFR Part 75.19(c) is not required to report such formulas.

(iv) [~~f~~]For units with flow monitors[~~,~~] only, [~~include~~]the inside cross-sectional area in square feet at the flow monitoring location.

(v) If using CEMS for [~~SO_2~~]sulfur dioxide and flow, for each parameter monitored, include the scale, maximum potential concentration and method of calculation, maximum expected concentration, if applicable, and method of calculation, maximum potential flow rate and method of calculations, span value, full-scale range, daily calibration units of measure, span effective date and hour, span inactivation date and hour, indication of whether dual spans are required, default high range value, flow rate span, and flow rate span value and full scale value in standard cubic feet per hour [~~(scfh)~~]for each unit or stack using [~~SO_2~~]sulfur dioxide or flow component monitors.

(vi) If the monitoring system or excepted methodology provides for use of a constant, assumed, or default value for a parameter under specific circumstances, then include the following information for each value of such parameter:

(A) identification of the parameter;

(B) default, maximum, minimum, or constant value, and units of measure for the value;

(C) purpose of the value;

(D) indicator of use during controlled and uncontrolled hours;

(E) types of fuel;

(F) source of the value;

(G) value effective date and hour;

(H) date and hour value is no longer effective, if applicable; and

(I) for units using the excepted methodology under 40 CFR 75.19, the applicable [~~SO_2~~]sulfur dioxide emission factor.

(vii) Unless otherwise specified in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, for each unit or common stack on which continuous emissions monitoring system hardware are installed:

(A) the upper and lower boundaries of the range of operation as defined in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, or thousand of pounds per hour (lb/hr) of steam, or feet per second (ft/sec), as applicable;

(B) the load or operating level(s) designated as normal in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, or thousands of lb/hr of steam, or ft/sec, as applicable;

(C) the two load or operating levels (i.e., low, mid, or high) identified in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75 as the most frequently used;

(D) the date of the data analysis used to determine the normal load (or operating) level(s) and the two most frequently-used load or operating levels; and

(E) activation and deactivation dates when the normal load or operating levels change and are updated.

([~~8~~]viii) For each unit that is complying with 40 CFR Part 75 for which the optional fuel flow-to-load test in subsection 2.1.7 of [~~a~~]Appendix D to 40 CFR Part 75 is used:

(A) the upper and lower boundaries of the range of operation as defined in subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, expressed in thousand of lb/hr of steam;

(B) the load level designated as normal, pursuant to subsection 6.5.2.1 of Appendix A to 40 CFR Part 75, expressed in thousands of lb/hr of steam; and

(C) the date of the load analysis used to determine the normal load level.

(ix) Information related to quality assurance testing, including, as applicable: identification of the test strategy; protocol for the relative accuracy test audit; other relevant test information; calibration gas levels expressed as percent of span for the calibration error test and linearity check; calculations for determining maximum potential concentration, maximum expected concentration if applicable, maximum potential flow rate, and span;

(x) If applicable, apportionment strategies under sections 75.10 through 75.18 of 40 CFR Part 75.

(xi) Description of site locations for each monitoring component in a monitoring system, including schematic diagrams and engineering drawings and any other documentation that demonstrates each monitor location meets the appropriate siting criteria. For units monitored by a continuous emission monitoring system, diagrams shall include:

(A) a schematic diagram identifying entire gas handling system from unit to stack for all units, using identification numbers for units, monitor components, and stacks corresponding to the identification numbers provided in the initial monitoring plan and (i) and (iii) above. The schematic diagram must depict the height of any monitor locations. Comprehensive and/or separate schematic diagrams shall be used to describe groups of units using a common stack; and

(B) stack and duct engineering diagrams showing the dimensions and locations of fans, turning vanes, air preheaters, monitor components, probes, reference method sampling ports, and other equipment that affects the monitoring system location, performance, or quality control checks.

(xii) A data flow diagram denoting the complete information handling path from output signals of CEMS components to final reports.

(e) In addition to supplying the information in (c) and (d) above, the WEB source with a[~~n SO_2~~] sulfur dioxide emitting unit using either of the methodologies in (1)(a)(ii)(B) above shall include the following information in its monitoring plan for the specific situations described:

(i) For each gas-fired or oil-fired [~~SO_2~~]sulfur dioxide emitting unit for which the WEB source uses the optional protocol in [~~a~~]Appendix D to 40 CFR Part 75 for [~~SO_2~~]sulfur dioxide mass emissions, the Account Representative shall include the following information in the monitoring plan:

(A) parameter monitored;

(B) type of fuel measured, maximum fuel flow rate, units of measure, and basis of maximum fuel flow rate expressed as the upper range value or unit maximum for each fuel flowmeter;

(C) test method used to check the accuracy of each fuel flowmeter;

(D) submission status of the data;

(E) monitoring system identification code;

(F) the method used to demonstrate that the unit qualifies for monthly gross calorific value (GCV) sampling or for daily or annual fuel sampling for sulfur content, as applicable;

(G) a schematic diagram identifying the relationship between the unit, all fuel supply lines, the fuel flowmeters, and the stacks. The schematic diagram must depict the installation location of each fuel flowmeter and the fuel sampling locations. Comprehensive or separate schematic diagrams shall be used to describe groups of units using a common pipe;

(H) for units using the optional default [~~SO_2~~]sulfur dioxide emission rate for "pipeline natural gas" or "natural gas" in appendix D to 40 CFR Part 75, the information on the sulfur content of the gaseous fuel used to demonstrate compliance with either subsection 2.3.1.4 or 2.3.2.4 of [~~a~~]Appendix D to 40 CFR Part 75;

(I) for units using the 720 hour test under subsection 2.3.6 of [~~a~~]Appendix D to 40 CFR Part 75 to determine the required sulfur sampling requirements, report the procedures and results of the test; and

(J) for units using the 720 hour test under subsection 2.3.5 of [~~a~~]Appendix D to 40 CFR Part 75 to determine the appropriate fuel GCV sampling frequency, report the procedures used and the results of the test.

(ii) For each [~~SO_2~~]sulfur dioxide emitting unit for which the WEB source uses the low mass emission excepted methodology of [~~s~~]Section 75.19 to 40 CFR Part 75, the WEB source shall include the following information in the monitoring plan that accompanies the initial certification application:

(A) the results of the analysis performed to qualify as a low mass emissions unit under [~~s~~]Section 75.19(c) to 40 CFR Part 75. This report will include either the previous three years' actual or projected emissions. The report will include the current calendar year of application; the type of qualification; years one, two, and three; annual measured, estimated or projected [~~SO_2~~]sulfur dioxide mass emissions for years one, two, and three; and annual operating hours for years one, two, and three.

(B) a schematic diagram identifying the relationship between the unit, all fuel supply lines and tanks, any fuel flowmeters, and the stacks. Comprehensive or separate schematic diagrams shall be used to describe groups of units using a common pipe;

(C) for units which use the long term fuel flow methodology under subsection 75.19(c)(3) to 40 CFR Part 75, a diagram of the fuel flow to each unit or group of units and a detailed description of the procedures used to determine the long term fuel flow for a unit or group of units for each fuel combusted by the unit or group of units;

(D) a statement that the unit burns only gaseous fuels or fuel oil and a list of the fuels that are burned or a statement that the unit is projected to burn only gaseous fuels or fuel oil and a list of the fuels that are projected to be burned;

(E) a statement that the unit meets the applicability requirements in sections 75.19(a) and (b) to 40 CFR Part 75 with respect to [~~SO_2~~]sulfur dioxide emissions; and

(F) any unit historical actual, estimated and projected [~~SO_2~~]sulfur dioxide emissions data and calculated [~~SO_2~~]sulfur dioxide emissions data demonstrating that the unit qualifies as a low mass emissions unit under sections 75.19(a) and (b) to 40 CFR Part 75.

([~~3~~]iii) For each gas-fired unit, the [~~A~~]account [~~R~~]representative shall include the following in the monitoring plan: current calendar year, fuel usage data as specified in the definition of gas-fired in 40 CFR 72.2, and an indication of whether the data are actual or projected data.

(f) The specific elements of a monitoring plan under this section shall not be part of a WEB source's operating permit issued under R307-415, [-]and modifications to the elements of the plan shall not require a permit modification.

(3) Certification and Recertification.

(a) All monitoring systems are subject to initial certification and recertification testing as specified in 40 CFR Part 75 or Appendix E of State Implementation Plan Section XX, as applicable. Certification or recertification of a monitoring system by the U.S. EPA for a WEB source that is subject to 40 CFR Part 75 under a requirement separate from this Rule shall constitute certification under the WEB Trading Program.

(b) The WEB source with a[~~n SO_2~~] sulfur dioxide emitting unit not otherwise subject to 40 CFR Part 75 that monitors [~~SO_2~~]sulfur dioxide mass emissions in accordance with 40 CFR Part 75 to satisfy the requirements of this section shall perform all of the tests required by that regulation and shall submit the following to the executive secretary:

(i) [~~A~~] a test notice, not later than 21 days before the certification testing of the monitoring system, provided that the executive secretary may establish additional requirements for adjusting test dates after this notice as part of the approval of the initial monitoring plan under (2)(c) above; and

(ii) an initial certification application within 45 days after testing is complete.

(c) A monitoring system will be considered provisionally certified while the application is pending.

(d) Upon receipt of a disapproval of the certification of a monitoring system or component, the certification is revoked. The data measured and recorded shall not be considered valid quality-assured data from the date of issuance of the notification of revocation until the WEB source completes a subsequently-approved certification or re-certification test in accordance with the procedures in this rule. The WEB source shall apply the substitute data procedures in this rule to replace all of the invalid data for each disapproved system or component.

(4) Ongoing Quality Assurance and Quality Control. The WEB source shall satisfy the applicable quality assurance and quality control requirements of 40 CFR Part 75 or, if the WEB source is subject to a WEB protocol in Appendix E of State Implementation Plan Section XX, the applicable quality assurance and quality control requirements in Appendix E of State Implementation Plan Section XX on and after the date that certification testing commences.

(5) Substitute Data Procedures.

(a) For any period after certification testing is complete in which quality assured, valid data are not being recorded by a monitoring system certified and operating in accordance with R307-250, missing or invalid data shall be replaced with substitute data in accordance with 40 CFR Part 75 or, if the WEB source is subject to a WEB protocol in Appendix E of State Implementation Plan Section XX, with substitute data in accordance with that Appendix.

(b) For a[~~n SO_2~~] sulfur dioxide emitting unit that does not have a certified or provisionally certified monitoring system in place as of the beginning of the first control period for which the unit is subject to the WEB Trading Program, the WEB source shall use one of the following procedures.

(i) If the WEB source will use a continuous emissions monitoring system to comply with this Section, substitute the

maximum potential concentration of [~~SO_2~~]sulfur dioxide for the unit and the maximum potential flow rate, as determined in accordance with 40 CFR Part 75. The procedures for conditional data validation under section 75.20(b)(3) may be used for any monitoring system under this Rule that uses these 40 CFR Part 75 procedures, as applicable.

(ii) If the WEB source will use the 40 CFR Part 75 Appendix D methodology, substitute the maximum potential sulfur content, density or gross calorific value for the fuel and the maximum potential fuel flow rate, in accordance with section 2.4 of Appendix D to 40 CFR Part 75.

(iii) If the WEB source will use the 40 CFR Part 75 methodology for low mass emissions units, substitute the [~~SO_2~~]sulfur dioxide emission factor required for the unit as specified in 40 CFR 75.19 and the maximum rated hourly heat input, as defined in 40 CFR 72.2.

(iv) If using a protocol in Appendix E of State Implementation Plan Section XX, follow the procedures in the applicable protocol.

(6) Deadlines.

(a) The initial monitoring plan required under R307-250-9(2)(a)(i) shall be submitted by the following dates:

(i) for each source that is a WEB source on or before the program trigger date, the monitoring plan shall be submitted 180 days after such program trigger date.

(ii) for any existing source that becomes a WEB source after the program trigger date, the monitoring plan shall be submitted by September 30 of the year following the inventory year in which the source exceeded the emissions threshold.

(iii) for any new WEB source, the monitoring plan shall be included with the notice of intent required by R307-401.

(b) [~~A~~]The detailed monitoring plan required under R307-250-9(2)(a)(i) shall be submitted no later than 45 days prior to commencing certification testing in accordance with (c) below.

(c) Emission monitoring systems shall be installed, operational and shall have met all of the certification testing requirements of [~~this section~~]R307-250-9(3), including any referenced in Appendix E of State Implementation Plan Section XX, by the following dates:

(i) for each source that is a WEB source on or before the program trigger date, two years prior to the start of the first control period as described in R307-250-12.

(ii) for any existing source that becomes a WEB source after the program trigger date[~~, e~~], one year after the due date for the monitoring plan under [~~(1)(c)~~](6)(a)(ii) above.

(iii) for any new WEB source or any new unit at a WEB source, the earlier of 90 unit operating days or 180 calendar days after the date the new source commences operation.

(d) The WEB source shall submit test notices and certification applications in accordance with the deadlines set forth in [~~this rule~~]R307-250-9(3)(b).

(e) For each control period, the WEB source shall submit each quarterly report no later than 30 days after the end of each calendar quarter, and shall submit each annual report no later than 60 days after the end of each calendar year.

(7) Recordkeeping.

(a) Except as provided in (b) below, the WEB source shall keep copies of all reports, registration materials, compliance certifications, sulfur dioxide emissions data, quality assurance data, and other submissions under this Rule for a period of five years. In addition, the WEB source shall keep a copy of all [~~account~~]certificates [~~of representation~~]for the duration of the WEB Trading Program. Unless otherwise requested by the WEB source and approved by the executive secretary, the copies shall be kept on site.

(b) The WEB source shall keep records of all operating hours, quality assurance activities, fuel sampling measurements, hourly averages for [~~SO_2~~]sulfur dioxide, stack flow, fuel flow, or other continuous measurements, as applicable, and any other applicable data elements specified in this section or in Appendix E of State Implementation Plan Section XX. The WEB source shall maintain the applicable records specified in 40 CFR Part 75 for any [~~SO_2~~]sulfur dioxide emitting unit that uses a Part 75 monitoring method to meet the requirements of this Section.

(8) Reporting.

(a) Quarterly Reports. For each [~~SO_2~~]sulfur dioxide emitting unit, the [~~A~~]account [~~R~~]representative shall submit a quarterly report within thirty days after the end of each calendar quarter. The report shall be in a format specified by the executive secretary, including hourly and quality assurance activity information, and shall be submitted in a manner compatible with the emissions tracking database designed for the WEB Trading Program. If the WEB source submits a quarterly report under 40 CFR Part 75 to the U.S. EPA Administrator, no additional report under this paragraph (a) shall be required[~~, provided, however, that t~~]The executive secretary may require that a copy of that report or a separate statement of quarterly and cumulative annual [~~SO_2~~]sulfur dioxide mass emissions be submitted separately.

(b) Annual Report. Based on the quarterly reports, each WEB source shall submit an annual statement of total annual [~~SO_2~~]sulfur dioxide emissions for all [~~SO_2~~]sulfur dioxide emitting units at the source. The annual report shall identify total emissions for all units monitored in accordance with (1)(a) above and the total emissions for all units with emissions estimated in accordance with (1)(b) above. The annual report shall be submitted within 60 days after the end of a control period.

(c) If directed by the executive secretary, [~~directs that any~~]monitoring plans, reports, certifications or recertifications, or emissions data required to be submitted under this section also shall be submitted to the TSA.

(d) If the executive secretary rejects any report submitted under this subsection that contains errors or fails to satisfy the requirements of this section, the account representative shall resubmit the report to correct any deficiencies.

(9) Petitions. A WEB source may petition for an alternative to any requirement specified in (1)(a)(ii) above. The petition shall require approval of the executive secretary and the Administrator. Any petition submitted under this paragraph shall include sufficient information for the evaluation of the petition, including, at a minimum, the following information:

(a) identification of the WEB source and applicable [~~SO_2~~]sulfur dioxide emitting unit(s);

(b) a detailed explanation of why the proposed alternative is being suggested in lieu of the requirement;

(c) a description and diagram of any equipment and procedures used in the proposed alternative, if applicable; and

(d) a demonstration that the proposed alternative is consistent with the purposes of the requirement for which the alternative is proposed, [~~and~~]is consistent with the purposes of R307-250, and that any adverse effect of approving such alternative will be de minimis; and

(e) any other relevant information that the executive secretary may require.

(10) For any monitoring plans, reports, or other information submitted under this Rule, the [~~A~~]account [~~R~~]representative shall ensure that, where applicable, identifying information is consistent with the identifying information provided in the most recent certificate [~~of representation~~]for the WEB source submitted under R307-250-5.

R307-250-10. Allowance Transfers.

(1) Procedure. To transfer allowances, the account representative shall submit the following information to the TSA:

(a) the number or numbers identifying the transferor account;

(b) the number or numbers identifying the transferee account;

(c) the serial number of each allowance to be transferred; and

(d) the transferor's account representative's name, signature, and the date of submission.

(2) Allowance Transfer Deadline. The allowance transfer deadline is midnight Pacific Standard Time on March 1 of each year, or, if this date is not a business day, midnight of the first business day thereafter, following the end of the control period. By this time, the transfer of the allowances into the WEB source's compliance account must be correctly submitted to the TSA in order to demonstrate compliance under R307-250-12 for that control period.

(3) Retirement of Allowances. To permanently retire allowances, the transferor's account representative shall submit the following information to the TSA:

(a) the transfer account number identifying the transferor account;

(b) the serial number of each allowance to be retired; and

(c) the transferor's account representative's name, signature, and the date of submission accompanied by a signed statement acknowledging that each retired allowance is no longer available for future transfers from or to any account.

(4) Special Reserve Compliance Accounts. Allowances shall not be transferred out of special reserve compliance accounts. Allowances may be transferred into special reserve compliance accounts in accordance with the procedures in paragraph (1) above.

R307-250-11. Use of Allowances from a Previous Year.

(1) Any allowance that is held in a compliance account or general account will remain in the account until the allowance is either deducted in conjunction with the compliance process, or transferred to another account.

(2) In order to demonstrate compliance under R307-250-12(1) for a control period, WEB sources shall only use allowances allocated for that control period or any previous year.

(3) If flow control procedures for the current control period have been triggered as outlined in SIP Section XX.E.3.h(2), then the use of allowances that were allocated for any previous year will be limited in the following ways.

(a) The number of allowances that are held in each compliance account and general account as of the allowance transfer deadline for the immediately previous year and that were allocated for any previous year will be determined.

(b) The number determined in (a) above will be multiplied by the flow control ratio established in accordance with SIP Section XX.E.3.h to determine the number of allowances that were allocated for a previous year that can be used without restriction for the current control period.

(c) Allowances that were allocated for a previous year in excess of the number determined in (b) above may also be used for the current control period. If such allowances are used to make a deduction, two allowances must be deducted for each deduction of one allowance required under R307-250-12.

(4) Special provisions for the year 2018. After compliance with the 2017 allowance limitation has been determined in accordance with R307-250-12(1), allowances allocated for any year prior to 2018 shall not be used for determining compliance with the 2018 allowance limitation or any future allowance limitation.

(5) Special Reserve Compliance Accounts. Unused allowances in any special reserve compliance account will be retired after the compliance deductions under R307-250-12 have been completed for each control period, and shall not be available for use in any future control period.

R307-250-12. Compliance.

(1) Compliance with Allowance Limitations.

(a) The WEB source must hold allowances, in accordance with (b) below[~~ and R307-250-11~~], as of the allowance transfer deadline in the WEB source's compliance account, except as provided in (d) below for units monitored according to R307-250-9(1)(b), in an amount not less than the total sulfur dioxide emissions for the control period from the WEB source, as determined under the monitoring and reporting requirements of R307-250-9.

(i) For each source that is a WEB source on or before the program trigger date, the first control period is the calendar year that is six years following the calendar year for which sulfur dioxide emissions exceeded the milestone as determined in accordance with SIP Section XX.E.1.

(ii) For any existing source that becomes a WEB source after the program trigger date, the first control period is the calendar year that is four years following the inventory year in which the source became a WEB source.

(iii) For any new WEB source after the program trigger date, the first control period is the first full calendar year that the source is in operation.

(iv) If the WEB Trading Program is triggered in accordance with the 2013 review procedures in SIP Section XX.E.1.d, the first control period for each source that is a WEB source on or before the program trigger date is the year 2018.

(b) An allowance may only be deducted from the WEB source's compliance account if:

(i) the allowance was allocated for the current control period or meets the requirements in R307-250-11 for use of allowances from a previous control period, and

(ii) the allowance was held in the WEB source's compliance account as of the allowance transfer deadline for the current control period, or was transferred into the compliance account by an allowance transfer correctly submitted for recording by the allowance transfer deadline for the current control period.

(c) Compliance with allowance limitations shall be determined by comparing the following numbers:

(i) the monitored sulfur dioxide emissions data reported by the source to the executive secretary, in accordance with R307-250-9, and recorded in the emissions tracking database[~~ either in a compliance account or a special reserve account~~], and

(ii) the allowance allocations and transfers recorded in the allowance tracking system, either in a compliance account or a special reserve account, adjusted in accordance with R307-250-11(c).

(d) Deduction of Allowances.

(i) WEB [~~s~~]Sources [~~m~~]Monitoring [~~a~~]According to R307-250-9(1)(a). To the extent consistent with R307-250-11, allowances

shall be deducted for a WEB source for compliance with the allowance limitation as directed by the WEB source's account representative. Deduction of any other allowances as necessary for compliance with the allowance limitation shall be on a first-in, first-out accounting basis in the order of the date and time of their recording in the WEB source's compliance account, beginning with the allowances allocated to the WEB source and continuing with the allowances transferred to the WEB source's compliance account from another compliance account or general account.

(ii) WEB [~~s~~]Sources [~~m~~]Monitoring [~~a~~]According to R307-250-9(1)(b). The total emissions recorded in the emissions tracking database shall be compared to the allowances held in the source's special reserve compliance account as of the allowance transfer deadline of the current control period. If the emissions are less than or equal to the number of allowances, the allowances shall be retired.

(2) Certification of Compliance.

(a) For each control period in which a WEB source is subject to the allowance limitation, the account representative of the source shall submit to the executive secretary a compliance certification report for the source.

(b) The compliance certification report shall be submitted no later than the allowance transfer deadline of each control period, and shall contain the following:

(i) identification of each WEB source;

(ii) at the [~~A~~]account [~~R~~]representative's option, the serial numbers of the allowances that are to be deducted from a source's compliance account or special reserve compliance account for compliance with the allowance limitation; and

(iii) the compliance certification report according to (c) below.

(c) In the compliance certification report, the account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the WEB source in compliance with the WEB Trading Program, whether the WEB source for which the compliance certification is submitted was operated in compliance with the requirements of the WEB Trading Program applicable to the source during the control period covered by the report, including:

(i) whether the WEB source operated in compliance with the sulfur dioxide allowance limitation;

(ii) whether sulfur dioxide emissions data was submitted to the executive secretary in accordance with R307-250-9(8) and other applicable requirements for review, revision as necessary, and finalization;

(iii) whether the monitoring plan for the WEB source has been maintained to reflect the actual operation and monitoring of the source, and contains all information necessary to attribute sulfur dioxide emissions to the source, in accordance with R307-250-9(1);

(iv) whether all the sulfur dioxide emissions from the WEB source if applicable, were monitored or accounted for either through the applicable monitoring or through application of the appropriate missing data procedures;

(v) if applicable, whether any [~~SO_2~~]sulfur dioxide emitting unit for which the WEB source is not required to monitor in accordance with R307-250-9(1)(a)(iii) of this rule remained permanently retired and had no emissions for the entire applicable period; and

(vi) whether there were any changes in the method of operating or monitoring the WEB source that required monitor recertification. If there were any such changes, the report must specify the nature, reason, and date of the change, the method to determine compliance status subsequent to the change, and specifically, the method to determine sulfur dioxide emissions.

(3) Penalties for Any WEB Source Exceeding Its Allowance Limitations.

(a) Allowance Deduction Penalties.

(i) An allowance deduction penalty will be assessed equal to two times the number of the WEB source's tons of sulfur dioxide emissions in excess of its allowance limitation for a control period, determined in accordance with R307-250-12(1). Allowances allocated for [~~that~~]the following control period in the amount of the allowance deduction penalty will be deducted from the source's compliance account. If the compliance account does not have sufficient allowances allocated for that control period, the required number of allowances will be deducted from the WEB source's compliance account regardless of the control period for which they were allocated, once allowances are recorded in the account.

(ii) Any allowance deduction required under R307-250-12(1)(c) shall not affect the liability of the owners and operators of the WEB source for any fine, penalty or assessment or their obligation to comply with any other remedy, for the same violation, as ordered under the Clean Air Act, implementing regulations or Utah Code 19-2. Accordingly, a violation can be assessed each day of the control period for each ton of sulfur dioxide emissions in excess of its allowance limitation, or for each other violation of R307-250.

(b) Financial penalties. The penalty sought for emissions of [~~SO_2~~]sulfur dioxide by a source in excess of its emission limitation for a control period shall be $5,000 per ton.

(4) Liability.

(a) WEB Source liability for non-compliance. Separate and regardless of any [~~automatic penalties assessed for~~]allowance deduction penalty [~~and~~]or financial penalty, a WEB source that violates any requirement of this Rule is subject to civil and criminal penalties under Utah Code 19-2[~~ and the Clean Air Act~~]. Each day of the control period is a separate violation, and each ton of sulfur dioxide emissions in excess of a source's allowance limitation is a separate violation.

(b) General Liability.

(i) Any provision of the WEB Trading Program that applies to a source or an account representative shall apply also to the owners and operators of such source.

(ii) Any person who violates any requirement or prohibition of the WEB Trading Program will be subject to enforcement pursuant to Utah Code 19-2.

(iii) Any person who knowingly makes a false material statement in any record, submission, or report under this WEB Trading Program shall be subject to criminal enforcement pursuant to the Utah Code[~~ 19-2~~].

R307-250-13. Special Penalty Provisions for the[~~Year~~] 2018 Milestone.

(1) If the WEB Trading Program is triggered as outlined in SIP Section XX.E.1, and the first control period will not occur until after the year 2018, the following provisions shall apply for the 2018 emissions year.

(a) All WEB sources shall register, and shall open a compliance account within 180 days after the program trigger date, in accordance with R307-250-6(1) and R307-250-8.

(b) The TSA will record the allowances for the 2018 control period for each WEB source in the source's compliance account

once the executive secretary allocates the 2018 allowances under SIP Section XX.E.3.a and XX.E.4.

(c) The allowance transfer deadline is midnight Pacific Standard Time on May 30, 2021. WEB sources may transfer allowances as provided in R307-250-10(1) until the allowance transfer deadline.

(d) A WEB source must hold allowances allocated for 2018, including those transferred into the compliance account or a special reserve account by an allowance transfer correctly submitted by the allowance transfer deadline, in an amount not less than the WEB source's total [~~SO_2~~]sulfur dioxide emissions for 2018. Emissions will be determined using the pre-trigger monitoring provisions in SIP Section XX.E.2, and R307-150

(e) An allowance deduction penalty and financial penalty shall be assessed and levied in accordance with R307-250-11(4), R307-250-12(1)(d) and R307-250-12(3), except that sulfur dioxide emissions shall be determined under R307-250-13(1)(d).

(2) The provisions in R307-250-13 shall continue to apply for each year after the 2018 emission year until:

(a) the first control period under the WEB trading program; or

(b) the executive secretary determine[~~d~~]s, in accordance with [~~section~~]SIP Section XX.E.1.c(10), that the 2018 sulfur dioxide milestone has been met.

(3) If the special penalty provisions continue after the year 2018 as outlined in (2) above, the deadlines listed in (1)(a) through (d) above will be adjusted forward by one year for each additional year that the special penalty provisions are assessed.

R307-250-14 Integration into Permits.

[~~Any WEB source that is not subject to R307-415 at any time after R307-250e becomes effective must obtain a permit under R307-401 or modify an existing permit issued under R307-401 that incorporates the requirements of R307-250.~~](1) Initial Permitting. Each source that is a WEB source on or before the program trigger date shall follow the procedures outlined in R307-415 to incorporate all of the applicable requirements of this rule into the permit issued to it under R307-415.

(2) Post Trigger Permitting.

(a) New WEB Source. Any existing source that becomes a WEB source after the program trigger date shall submit a Notice of Intent pursuant to R307-401 to incorporate all of the requirements of this rule into an approval order issued under R307-401 within 90 days of the date the source became a WEB source, and shall follow the procedures of R307-415 to obtain an operating permit.

(b) WEB Sources No Longer Subject to Permitting Under R307-415. If a WEB source's permit issued under R307-415 ceases to be effective or required, the WEB source must submit a Notice of Intent pursuant to R307-401 to incorporate all of the requirements of this rule into an approval order issued under R307-401 within 90 days of the date the permit issued under R307-415 ceased to be effective or required.

KEY: air pollution, sulfur dioxide, market trading program 2003
19-2-104(1)(a)
19-2-104(3)(e)

▼ ▼

End of the Notices of Changes in 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.

Public Safety, Driver License
R708-2
Commercial Driver Training Schools

NOTICE OF 120-DAY (EMERGENCY) RULE
DAR FILE NO.: 26775
FILED: 11/05/2003, 16:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The propose of this rule change is to clarify the formula specified in Subsection R708-2-6(g) pertaining to surety bond requirements. The new language will allow the division to enter into an agreement with commercial driver training schools to lower the surety bond amount required, but also ensure that all enrolled students are protected from loss if the school licenses are revoked and the school is unable to provide services paid for by the students. The agreement would limit the number of students a school may enroll in order to stay within the specified bond amounts. Without this emergency rule change, some schools will not be able to continue functioning leaving the schools and the students without a recourse.

SUMMARY OF THE RULE OR CHANGE: We need an emergency rule to allow the division to enter into an agreement that will enable the school to obtain a lesser surety bond amount by limiting the number of students that the school may enroll monthly. The proposed language also clarifies that a testing only school that is authorized to conduct behind-the-wheel training is also required to maintain a surety bond and that a school that does not charge tuition for the driver education course is not required to maintain a surety bond. It is critical we make this change because all of the school's licenses will expire December 31, 2003. If we don't make the changes immediately, some driving training schools will not be able to renew their licenses when they expire and they will not be able to provide driver training which will effect the welfare of the public and the welfare of the schools. Some individuals who want to start a smaller driver training school cannot because of the existing requirement. The proposed rule changes also clarify that the permanent record book must be updated upon course completion for each student. Clarification was also made regarding change of address and officers which will require that notification be made to the division regarding employees in addition to officers and directors as already required.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-505

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The proposed changes made to this rule will not result in any additional responsibilities to the state and will not have any costs associated.
❖ LOCAL GOVERNMENTS: There is no cost or savings to local governments because they are not involved in regulating commercial driver training schools.
❖ OTHER PERSONS: There are no additional costs to the commercial driver training schools because of these changes. The proposed changes will actually allow a savings for some schools due to the fact that they will be authorized to purchase a surety bond for a lesser amount. Commercial driver training schools will be able to make money because of the rule changes that will allow them to continue to provide services and charge a fee.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to individuals because of the rule changes. The rule changes will allow an individual to make an income by starting a small commercial driver training school. The proposed changes will actually allow a savings for some

individuals due to the fact that they will be authorized to purchase a surety bond for a lesser amount.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on business because of this rule change.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare.
If we don't make the changes immediately, some commercial driver training schools will not be able to renew their licenses which will expire in December 2003 and they will not be able to provide driver training which will effect the welfare of the public and the welfare of the schools. Some individuals who want to start a smaller driver training school cannot because of the existing requirement.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY UT 84119-5595, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Vinn Roos at the above address, by phone at 801-965-4456, by FAX at 801-964-4482, or by Internet E-mail at vroos@utah.gov

THIS RULE IS EFFECTIVE ON: 11/05/2003

AUTHORIZED BY: Judy Hamaker Mann, Director

R708. Public Safety, Driver License.
R708-2. Commercial Driver Training Schools.
R708-2-6. Application for a Commercial Driver Training School License or a Testing Only School License.

(1) Application for an original or renewal commercial driver training school license or a testing only school license must be made on forms provided by the division, signed by the applicant, and notarized. In the case of a partnership, the application must be signed by all partners. In the case of a corporation, the application must be signed by an officer of the corporation. Applications must be submitted at least 30 days prior to licensing. An appointment should be made when the application is filed to have the school inspected by a division representative.

(2) Every application must be accompanied by the following supplementary documents:

(a) in the case of a corporation, a certified copy of a certificate of incorporation;

(b) samples of all forms and receipts to be used by the school;

(c) a schedule of fees for all services to be performed by the school;

(d) a fingerprint record for each applicant, partner or corporate officers. A Bureau of Criminal Identification check will be done by the division on all applicants, partners, and corporate officers. Fingerprints may be taken by any law enforcement agency. The division may require renewal applicants to submit new fingerprint records;

(e) a certificate of insurance for each vehicle used for driver training or testing purposes;

(f) a copy of all tests and criteria which the school requires in order for a student to satisfactorily complete the driver training course all of which are subject to approval of the division; including copies of translations; and

(g) evidence that a surety bond has been obtained by the school. The amount of the surety bond will be determined by the division with the use of a formula that incorporates the number of students that the school is capable of instructing over a period of three months based on its facility, equipment, personnel, and the tuition that would be collected from each student, with a minimum requirement of $10,000.00 coverage and a maximum requirement of $60,000.00 coverage. If, at any time, there is a change in the number of instructors, the number of vehicles, or the size of the classroom facility, the required surety bond amount will be reevaluated by the division and adjusted accordingly. Cancellation of the surety bond is grounds for revocation, probation, or refusal to issue or renew the school license. A school designated by the department as a testing only school will not be required to obtain a surety bond unless it has been authorized by the division to conduct behind-the-wheel training. A school may enter into an agreement with the division that will outline a method for determining the amount of the required surety bond in lieu of the formula specified in this section. Noncompliance with the terms of the agreement may result in the revocation of school, operator, and or instructor licenses issued by the division for use by the school or its employees. A school that does not charge tuition for driver education is not required to maintain a surety bond.

(3) The division may require that a credit check be performed for each applicant. Based on the results of the credit check, the division may deny certification.

R708-2-21. Records.

(1) Every commercial driver training school shall maintain the following records:

(a) A permanent record book, defined as: a permanently bound book, with pages consecutively numbered, setting forth the name, address, date of birth, enrollment date, and completion date of every person receiving lessons, lectures, tutoring, instruction of any kind or any other services relating to instruction in the operation of motor vehicles. The permanent record book must be updated upon both enrollment and course completion of each student. The division must approve the format of the permanent record book.

(b) A student record book, defined as: a book or other record showing the name and date of birth for each student; and the date, type, time of day, and duration of all lessons, lectures, tutoring, instructions or other services relating to instruction in the operation of motor vehicles. It will also contain the names of the instructors giving such lessons or instructions and identification of the vehicle in which any behind-the-wheel instruction is given. The student record book must be updated within 24 hours of the time that instruction is conducted for each student. The division must approve the format of the student record book.

(c) Computerized files may be substituted for the permanently bound book and student record book if the format to be used has been approved by the division. It is a violation of this rule to

maintain computerized files that have not been approved by the division.

(d) Each school shall maintain accurate, up to date records. Failure to do so is a violation of this rule.

(2) The division shall review the records of all schools at least annually and may observe the instruction given both in the classroom and behind the wheel. The division shall have the right to review the operation of the schools whenever the division deems it necessary to insure compliance with this rule.

(3) The loss, mutilation or destruction of any records which a school is required to maintain, must be immediately reported by the school to the division by affidavit stating:

(a) The date such records were lost, mutilated or destroyed; and

(b) The circumstances involving such loss, mutilation or destruction.

(4) All records must be retained by the schools for three years, with the exception of the permanently bound book or computerized file there of, which is to be kept permanently, during which time they shall be subject to inspection by the division during reasonable business hours. In the event that the school closes permanently, the permanent record book will be submitted by the school to the division.

(5) When deemed necessary by the division, the school records will be removed from the school location for the purpose of conducting an audit.

(a) When records are removed from the school location, a receipt will be provided to the school operator which will include the name of the school, location of the school, date of removal of records from the school location, information that specifies all records removed from the school location, the signature of the school operator, and the signature of a division representative.

(b) Upon return of the school records, the receipt will be updated to reflect the date that the records were returned to the school, the signature of the school operator, and the signature of the division designate returning the records.

(c) Records will be held by the division for the minimum amount of time necessary so that an audit can occur without creating an unnecessary hardship or inconvenience to the school.

(d) All records, including computerized records, must be provided to the division when requested for the purpose of an audit or review of the school's records. Failure to provide all records as requested by the division is a violation of this rule. In the event that a hearing occurs subsequent to an audit, records not provided by the school at the time of the audit may not be considered as evidence during the hearing.

R708-2-23. Change of Address and Officers.

(1) The commercial driver training school or testing only school shall immediately notify the division in writing if there is a change in the residence or business address of any individual owner, partner, officer or employee of the school.

(2) The commercial driver training school or testing only school shall immediately notify the division in writing of any change in officers, [~~or~~]directors or employess, and shall provide the same information that would be required on an original application by the corporation.

(3) Failure to notify the division of a change of address, or of a change in the officers, directors, employees or controlling stockholders of any corporation, or change in the members of a partnership, may be considered grounds for the revocation of the school license.

KEY: driver education, schools, rules and procedures
November 5, 2003
Notice of Continuation November 25, 2002
53-3-505

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, Fleet Operations, Surplus Property

R28-3

Utah State Agency for Surplus Property Adjudicative Proceedings

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26771
FILED: 11/04/2003, 15:16

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: Sections 63-46b-4 and 63-46b-5 permit agencies to issue rules designating that adjudicatory proceedings are informal.

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 comment has been received since it was last reviewed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule provides procedures for the commencement, review, and disposition of informal adjudicative proceedings before the Utah State Agency for Surplus Property. Therefore, this rule should be continued. The department has received no comments in opposition to the rule.

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

ADMINISTRATIVE SERVICES
FLEET OPERATIONS, SURPLUS PROPERTY
Room 4120 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:
Sal Petilos at the above address, by phone at 801-538-3091, by FAX at 801-538-3844, or by Internet E-mail at spetilos@utah.gov

AUTHORIZED BY: Steve Saltzgiver, Director

EFFECTIVE: 11/04/2003

Insurance, Administration

R590-161

Disability Income Policy Disclosure

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26789
FILED: 11/14/2003, 08:57

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3) gives the commissioner the authority to write rules to implement Title 31A of the Insurance Code. The rule requires insurers of disability policies to clearly explain in their policies, group certificates, or outline of coverage form, if the policy limits are to be reduced as a result of other coverage.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received in the past five years by the department regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule sets standards for the reduction of benefits in disability income policies. Without this rule, insurers would not be required to include wording in their policies that the policy benefit could be reduced as a

result of other coverage the insured might have and insureds would receive less than they anticipate and their policy limits would indicate. Therefore, the rule should be continued.

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 11/14/2003

Insurance, Administration
R590-162
Actuarial Opinion and Memorandum Rule

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26790
FILED: 11/14/2003, 09:04

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: This rule sets standards and the wording to be used in an actuarial opinion and memorandum as required in Section 31A-17-503. The opinion and memorandum are to be filed by all life and fraternal insurance companies with their annual statements.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Actuarial Opinion and Memorandum rule is required by Section 31A-17-503. As long as this statute is in place, the rule is required and should be continued. The rule establishes requirements for the actuarial opinion which is required by the statute. The actuarial opinion is an integral part of financial solvency monitoring by the department.

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 11/14/2003

Transportation, Administration
R907-40
Informing Citizens, Government Agencies, Nondiscrimination

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 26770
FILED: 11/04/2003, 14:50

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Section 72-1-201 which allows the department to issue rules that are necessary for its duties. A federal law, i.e., the National Environmental Policy Act (NEPA) requires state transportation agencies to actively involve the public and inform the public about transportation decisions and processes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The department has a statutory obligation to involve the public in its activities and a rule setting forth its commitment to meet this obligation is necessary. Therefore, this rule should be continued.

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

TRANSPORTATION
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

James Beadles at the above address, by phone at 801-965-4168, by FAX at 801-965-4796, or by Internet E-mail at jbeadles@utah.gov

AUTHORIZED BY: John R. Njord, Executive Director

EFFECTIVE: 11/04/2003

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (*Utah Code* Section 63-46a-9 (1996)). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules. The extension permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed extensions for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date. The five-year review extension is governed by *Utah Code* Subsection 63-46a-9(4) and (5) (1996).

Human Services

Child and Family Services

No. 26774 (filed 11/05/2003 at 11:46 a.m.): R512-3. Procedures for Establishing Policy.
Enacted or Last Five-Year Review: 11/05/98 (No. 21466, NEW, filed 09/15/98 at 1:00 p.m., published 10/01/98)
Extended Due Date: 03/04/2004

End of the Notices of Five-Year Review Extensions 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
No. 26604 (AMD): R156-1-109. Presiding Officers.
Published: October 1, 2003
Effective: November 3, 2003

No. 26605 (AMD): R156-46b. Division Utah Administrative Procedures Act Rules.
Published: October 1, 2003
Effective: November 3, 2003

Education
Administration
No. 26654 (NEW): R277-487. Charter School Revolving Loan Fund.
Published: October 1, 2003
Effective: November 6, 2003

Environmental Quality
Water Quality
No. 26579 (AMD): R317-1-4. Utilization and Isolation of Domestic Wastewater Treatment Works Effluent.
Published: September 15, 2003
Effective: November 12, 2003

Human Services
Services for People with Disabilities
No. 26063 (Second CPR): R539-1. Eligibility.
Published: October 1, 2003
Effective: November 13, 2003

No. 26439 (CPR): R539-1-5. Graduated Fee Schedule.
Published: September 15, 2003
Effective: November 13, 2003

Insurance
Administration
No. 26655 (AMD): R590-102. Insurance Department Fee Payment Rule.
Published: October 1, 2003
Effective: November 6, 2003

Labor Commission
Safety
No. 26643 (AMD): R616-3-14. Remodeled Elevators.
Published: October 1, 2003
Effective: November 3, 2003

Natural Resources
Parks and Recreation
No. 26608 (AMD): R651-401. Off-Highway Vehicle and Registration Stickers.
Published: October 1, 2003
Effective: November 1, 2003

No. 26611 (REP): R651-402. Registration Expiration.
Published: October 1, 2003
Effective: November 1, 2003

No. 26609 (REP): R651-403. Dealer Registration.
Published: October 1, 2003
Effective: November 1, 2003

No. 26612 (REP): R651-404. Temporary Registration.
Published: October 1, 2003
Effective: November 1, 2003

No. 26610 (AMD): R651-405. Off-Highway Implement of Husbandry Sticker Fee.
Published: October 1, 2003
Effective: November 1, 2003

No. 26607 (AMD): R651-606-10. Quiet Hours.
Published: October 1, 2003
Effective: November 1, 2003

No. 26613 (AMD): R651-633-2. Special Closures or Restrictions.
Published: October 1, 2003
Effective: November 1, 2003

No. 26606 (AMD): R651-633-2. Special Closures or Restrictions.
Published: October 1, 2003
Effective: November 1, 2003

Public Service Commission
Administration
No. 26551 (AMD): R746-360-4. Application of Fund Surcharges to Customer Billings.
Published: September 1, 2003
Effective: December 1, 2003

RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2003, including notices of effective date received through November 14, 2003, the effective dates of which are no later than December 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/).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
Administration					
R13-1	Public Petitions for Declaratory Orders	26614	5YR	09/10/2003	2003-19/67
Facilities Construction and Management					
R23-3	Authorization of Programs for Capital Development Projects	25639	R&R	01/02/2003	2002-23/3
R23-3	Planning and Programming for Capital Projects	25989	AMD	03/24/2003	2003-4/4
R23-4	Contract Performance Review Committee and Suspension/Debarment From Consideration for Award of State Contracts	25964	5YR	01/15/2003	2003-3/62
R23-4	Contract Performance Review Committee and Suspension/Debarment From Consideration for Award of State Contracts	25783	AMD	02/04/2003	2003-1/3
R23-5	Contingency Funds	25955	5YR	01/15/2003	2003-3/62
R23-6	Value Engineering and Life Cycle Costing of State-Owned Facilities Rules and Regulations	25956	5YR	01/15/2003	2003-3/63

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R23-7	Utah State Building Board Policy Statement Master Planning	25770	REP	02/04/2003	2003-1/5
R23-7	Utah State Building Board Policy Statement Master Planning (5YR EXTENSION)	25984	NSC	02/04/2003	Not Printed
R23-8	Planning Fund Use	25640	REP	01/02/2003	2002-23/5
R23-9	Building Board State/Local Cooperation Policy	25957	5YR	01/15/2003	2003-3/63
R23-9	Building Board State/Local Cooperation Policy	25988	R&R	03/24/2003	2003-4/5
R23-10	Naming of State Buildings	25962	5YR	01/15/2003	2003-3/64
R23-10	Naming of State Buildings	25784	AMD	02/04/2003	2003-1/5
R23-11	Facilities Allocation and Sales Procedures (5YR EXTENSION)	25986	NSC	02/04/2003	Not Printed
R23-11	Facilities Allocation and Sale Procedures	25771	REP	02/04/2003	2003-1/7
R23-13	State of Utah Parking Rules for Facilities Managed by the Division of Facilities Construction and Management	26117	5YR	03/25/2003	2003-8/44
R23-14	Management of Roofs on State Buildings	26115	NEW	05/16/2003	2003-8/7
R23-21	Division of Facilities Construction and Management Lease Procedures	25959	5YR	01/15/2003	2003-3/64
R23-24	Capital Projects Utilizing Non-appropriated Funds	25960	5YR	01/15/2003	2003-3/65
Finance					
R25-5	Payment of Per Diem to Boards	26717	5YR	10/22/2003	2003-22/54
R25-6	Relocation Reimbursement	26206	5YR	05/01/2003	2003-10/146
R25-6	Relocation Reimbursement	26205	NSC	06/01/2003	Not Printed
R25-7	Travel-Related Reimbursements for State Employees	26203	5YR	05/01/2003	2003-10/146
R25-7	Travel-Related Reimbursements for State Employees	26204	AMD	07/01/2003	2003-10/4
R25-8	Meal Allowance	26716	5YR	10/22/2003	2003-22/54
Fleet Operations					
R27-3	Vehicle Use Standards	25879	AMD	05/15/2003	2003-2/5
R27-3	Vehicle Use Standards	26459	AMD	09/17/2003	2003-15/4
R27-7	Safety and Loss Prevention of State Vehicles	26191	AMD	07/08/2003	2003-10/6
Fleet Operations, Surplus Property					
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	26771	5YR	11/04/2003	2003-23/107
Purchasing and General Services					
R33-2-102	Authority to Make Small Purchases	26136	AMD	05/27/2003	2003-8/8
R33-3	Source Selection and Contract Formation	26138	AMD	05/27/2003	2003-8/9
R33-5	Construction and Architect - Engineer Selection	26139	AMD	05/27/2003	2003-8/15
R33-6	Modification and Termination of Contracts for Supplies and Services	26680	5YR	10/03/2003	2003-21/92
R33-7	Cost Principles	26681	5YR	10/03/2003	2003-21/92
R33-9	Insurance Procurement	26679	5YR	10/03/2003	2003-21/93
Agriculture and Food					
Administration					
R51-5	Grazing Advisory Boards	26515	5YR	07/30/2003	2003-/16
Marketing and Conservation					
R65-2	Utah Cherry Marketing Order	26383	5YR	06/13/2003	2003-13/62
R65-5	Utah Red Tart and Sour Cherry Marketing Order	26386	5YR	06/13/2003	2003-13/62
R65-7	Horse Racing	26083	AMD	06/09/2003	2003-7/5

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Plant Industry					
R68-5	Grain Inspection	26385	5YR	06/13/2003	2003-13/63
R68-9	Utah Noxious Weed Act	26387	5YR	06/13/2003	2003-13/63
R68-14	Quarantine Pertaining to Gypsy Moth - Lymantria Dispar	26388	5YR	06/13/2003	2003-13/64
R68-16	Quarantine Pertaining to Pine Shoot Beetle, Tomicus piniperda	26389	5YR	06/13/2003	2003-13/64
R68-17	Quarantine Pertaining to Necrotic Strain of the Potato Virus Y	26390	5YR	06/13/2003	2003-13/65
Alcoholic Beverage Control					
Administration					
R81-1	Scope, Definitions, and General Provisions	26322	AMD	08/01/2003	2003-12/4
R81-1-17	Advertising	25886	AMD	02/26/2003	2003-2/5
R81-3	Package Agencies	26323	AMD	08/01/2003	2003-12/16
R81-4A	Restaurants	26324	AMD	08/01/2003	2003-12/18
R81-4B	Airport Lounges	26325	AMD	08/01/2003	2003-12/20
R81-4C	Limited Restaurant Licenses	26326	NEW	08/01/2003	2003-12/21
R81-4D	On-Premise Banquet License	26327	NEW	08/01/2003	2003-12/23
R81-5	Private Clubs	26328	AMD	08/01/2003	2003-12/26
R81-5-5	Advertising	25887	AMD	02/26/2003	2003-2/8
R81-5-15	Minors in Lounge or Bar Areas	26496	NSC	08/01/2003	Not Printed
R81-6-4	Public Service Permittee Operating Guidelines	26329	AMD	08/01/2003	2003-12/29
R81-7	Single Event Permits	26330	AMD	08/01/2003	2003-12/30
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RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

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	26408	R151-33-102	NSC	08/01/2003	Not Printed
	26260	R151-33-102	AMD	07/23/2003	2003-11/6
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	26017	R414-304	5YR	01/31/2003	2003-4/55
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	25411	R156-56	AMD	01/01/2003	2002-20/3
	26153	R156-56	AMD	07/17/2003	2003-9/33
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	25962	R23-10	5YR	01/15/2003	2003-3/64
	25784	R23-10	AMD	02/04/2003	2003-1/5
	25986	R23-11	NSC	02/04/2003	Not Printed
	25771	R23-11	REP	02/04/2003	2003-1/7
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Human Services, Aging and Adult Services	25557	R510-401	CPR	04/16/2003	2003-5/28
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	25726	R277-470	AMD	01/15/2003	2002-24/12
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	26654	R277-487	NEW	11/06/2003	2003-19/7
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	26478	R512-200	NEW	09/03/2003	2003-15/36
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	26252	R512-300	EMR	05/06/2003	2003-11/84
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	25427	R986-700-703	AMD	01/01/2003	2002-20/117
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	25572	R986-700-710	AMD	01/01/2003	2002-22/52
	26486	R986-700-715	NSC	08/01/2003	Not Printed
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	26448	R430-50	5YR	07/07/2003	2003-15/78
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	26076	R527-305	5YR	03/10/2003	2003-7/91
	25980	R527-430	5YR	01/21/2003	2003-4/57
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	26258	R512-100	EMR	05/06/2003	2003-11/76
	26471	R512-100	NEW	09/03/2003	2003-15/34
	26256	R512-200	EMR	05/06/2003	2003-11/78
	26478	R512-200	NEW	09/03/2003	2003-15/36
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	26473	R512-300	NEW	09/03/2003	2003-15/42
	26252	R512-300	EMR	05/06/2003	2003-11/84
	26253	R512-301	EMR	05/06/2003	2003-11/86
	26475	R512-301	NEW	09/03/2003	2003-15/44
	26474	R512-302	NEW	09/03/2003	2003-15/47
	26250	R512-302	EMR	05/06/2003	2003-11/89
	26257	R512-305	EMR	05/06/2003	2003-11/91
	26476	R512-305	NEW	09/03/2003	2003-15/49
	26251	R512-500	EMR	05/06/2003	2003-11/93
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	26262	R645-301-500	NSC	06/01/2003	Not Printed
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Human Services, Mental Health, State Hospital	26304	R525-7	5YR	05/20/2003	2003-12/74
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Human Services, Aging and Adult Services	26548	R510-104-9	AMD	10/02/2003	2003-17/51
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	25964	R23-4	5YR	01/15/2003	2003-3/62
	25988	R23-9	R&R	03/24/2003	2003-4/5
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	26260	R151-33-102	AMD	07/23/2003	2003-11/6
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	26338	R156-55a-301	NSC	07/01/2003	Not Printed
	26153	R156-56	AMD	07/17/2003	2003-9/33
	25411	R156-56	AMD	01/01/2003	2002-20/3
	26154	R156-56	AMD	07/01/2003	2003-9/7
	25821	R156-56	NSC	01/01/2003	Not Printed
	26153	R156-56	CPR	07/17/2003	2003-12/52
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Commerce, Corporations and Commercial Code	26761	R154-100	5YR	10/29/2003	2003-22/55
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Natural Resources, Wildlife Resources	26571	R657-10	AMD	10/02/2003	2003-17/57
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Commerce, Occupational and Professional Licensing	26284	R156-60c	AMD	07/03/2003	2003-11/7
	26470	R156-60c-302b	NSC	08/01/2003	Not Printed
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Natural Resources, Parks and Recreation	26173	R651-227	5YR	04/15/2003	2003-9/134
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	26768	R495-879	5YR	10/31/2003	2003-22/56
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Environmental Quality, Air Quality	26533	R307-335	5YR	08/05/2003	2003-17/84
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	26063	R539-1	AMD	11/13/2003	2003-6/10
	26063	R539-1	CPR	11/13/2003	2003-19/60
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	26439	R539-1-5	AMD	11/13/2003	2003-14/30
	26439	R539-1-5	CPR	11/13/2003	2003-18/45
	26508	R539-1-6	EMR	07/28/2003	2003-16/48
	25975	R539-3	AMD	05/05/2003	2003-3/16
	26247	R539-3	NSC	05/29/2003	Not Printed
	26062	R539-3-2	AMD	05/20/2003	2003-6/13
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	26229	R477-14	AMD	07/01/2003	2003-10/101
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Tax Commission, Administration	26514	R861-1A-16	AMD	09/25/2003	2003-/16
	25823	R861-1A-20	AMD	03/11/2003	2003-1/39
	26517	R861-1A-21	AMD	09/25/2003	2003-/16

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Commerce, Occupational and Professional Licensing	26549	R156-1	AMD	10/02/2003	2003-17/4
	26604	R156-1-109	AMD	11/03/2003	2003-19/3
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Health, Health Systems Improvement, Emergency Medical Services	25864	R426-100	AMD	03/14/2003	2003-2/24
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Commerce, Consumer Protection	25724	R152-25a	NEW	01/15/2003	2002-24/9
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Human Services, Child and Family Services	26478	R512-200	NEW	09/03/2003	2003-15/36
	26256	R512-200	EMR	05/06/2003	2003-11/78
	26255	R512-201	EMR	05/06/2003	2003-11/80
	26472	R512-201	NEW	09/03/2003	2003-15/38
	26254	R512-202	EMR	05/06/2003	2003-11/82
	26480	R512-202	NEW	09/03/2003	2003-15/40
	26473	R512-300	NEW	09/03/2003	2003-15/42
	26252	R512-300	EMR	05/06/2003	2003-11/84
	26253	R512-301	EMR	05/06/2003	2003-11/86
	26475	R512-301	NEW	09/03/2003	2003-15/44
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Environmental Quality, Drinking Water	26392	R309-352	5YR	06/16/2003	2003-13/69
	26171	R309-405	AMD	06/17/2003	2003-9/64
	26505	R309-535	AMD	11/01/2003	2003-/16
	26503	R309-535	EMR	08/01/2003	2003-/16
	26507	R309-545	EMR	08/01/2003	2003-16/47
	26506	R309-545	AMD	11/01/2003	2003-/16
	26585	R309-600	AMD	10/29/2003	2003-18/12
	25863	R309-710	REP	03/05/2003	2003-2/10
driver education					
Education, Administration	26089	R277-746	5YR	03/12/2003	2003-7/74
	26090	R277-747	5YR	03/12/2003	2003-7/74
Public Safety, Driver License	26775	R708-2	EMR	11/05/2003	2003-23/104
	26287	R708-2	AMD	08/18/2003	2003-11/53
driver eduction					
Public Safety, Driver License	26287	R708-2	CPR	08/18/2003	2003-/14
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Human Resource Management, Administration	26229	R477-14	AMD	07/01/2003	2003-10/101
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Health, Community and Family Health Services, Children with Special Health Care Needs	26348	R398-10	NEW	08/06/2003	2003-/13
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Education, Administration	25726	R277-470	AMD	01/15/2003	2002-24/12
	26767	R277-470	5YR	10/31/2003	2003-22/55
	26602	R277-470	AMD	10/22/2003	2003-18/9
	26030	R277-521	NSC	03/01/2003	Not Printed
	25937	R277-709	5YR	01/14/2003	2003-3/70
	25938	R277-718	5YR	01/14/2003	2003-3/71
	25939	R277-730	5YR	01/14/2003	2003-3/72
Health, Community and Family Health Services, Children with Special Health Care Needs	26348	R398-10	NEW	08/06/2003	2003-/13
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	25712	R765-171	NSC	03/31/2003	Not Printed
education finances					
Education, Administration	26436	R277-419	AMD	08/15/2003	2003-14/3
education reform					
Education, Administration	26438	R277-454	AMD	08/15/2003	2003-14/8
educational facilities					
Education, Administration	26438	R277-454	AMD	08/15/2003	2003-14/8
educational savings trust					
Regents (Board Of), Administration	26085	R765-685	AMD	05/20/2003	2003-7/55
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Education, Administration	25936	R277-702	5YR	01/14/2003	2003-3/70
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Human Resource Management, Administration	26224	R477-10	AMD	07/01/2003	2003-10/95
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Professional Practices Advisory Commission, Administration	26082	R686-104	NSC	04/01/2003	Not Printed
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Environmental Quality, Water Quality	25636	R317-1	AMD	01/30/2003	2002-23/17
	26579	R317-1-4	AMD	11/12/2003	2003-18/20

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	26259	R510-100-2	EMR	05/15/2003	2003-11/74
	26467	R510-100-2	AMD	09/11/2003	2003-15/25
	26548	R510-104-9	AMD	10/02/2003	2003-17/51
	26046	R510-106	AMD	06/30/2003	2003-5/6
	26046	R510-106	CPR	06/30/2003	2003-10/139
	25557	R510-401	CPR	04/16/2003	2003-5/28
electric utility industries					
Public Service Commission, Administration	26419	R746-210	5YR	06/25/2003	2003-14/97
	26489	R746-310	AMD	09/15/2003	2003-15/60
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Commerce, Corporations and Commercial Code	25553	R154-10	AMD	03/14/2003	2002-22/9
	26691	R154-10	5YR	10/08/2003	2003-21/93
electronic communication					
Commerce, Corporations and Commercial Code	25553	R154-10	AMD	03/14/2003	2002-22/9
	26691	R154-10	5YR	10/08/2003	2003-21/93
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Labor Commission, Safety	26109	R616-3-3	AMD	05/08/2003	2003-7/53
	26643	R616-3-14	AMD	11/03/2003	2003-19/48
eligibility					
Health, Health Care Financing, Coverage and Reimbursement Policy	26349	R414-307	AMD	09/09/2003	2003-13/48
	26020	R414-307	5YR	01/31/2003	2003-4/56
emergency medical services					
Health, Health Systems Improvement, Emergency Medical Services	26350	R426-11	AMD	08/22/2003	2003-/13
	25864	R426-100	AMD	03/14/2003	2003-2/24
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Public Safety, Criminal Investigations and Technical Services, Criminal Identification	25684	R722-340	NSC	01/28/2003	Not Printed
emergency vehicles					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	25996	R722-340	5YR	01/28/2003	2003-4/60
emission controls					
Environmental Quality, Air Quality	26525	R307-325	5YR	08/01/2003	2003-/16
	26534	R307-340	5YR	08/05/2003	2003-17/84
	26535	R307-341	5YR	08/05/2003	2003-17/85
emission testing					
Environmental Quality, Air Quality	26359	R307-165	5YR	06/11/2003	2003-13/68
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employer					
Labor Commission, Industrial Accidents	26317	R612-5	5YR	05/28/2003	2003-12/76
	26365	R612-5-4	NSC	07/01/2003	Not Printed
employment					
Human Resource Management, Administration	26217	R477-4	AMD	07/01/2003	2003-10/75
	26219	R477-5	AMD	07/01/2003	2003-10/79
	26411	R982-401	REP	08/28/2003	2003-14/40
	26416	R982-401	NSC	08/28/2003	Not Printed
	26417	R982-501	NSC	08/28/2003	Not Printed
	26412	R982-501	REP	08/28/2003	2003-14/47
Workforce Services, Workforce Information and Payment Services	26309	R994-202	5YR	05/23/2003	2003-12/79
	26308	R994-600	5YR	05/23/2003	2003-12/80
	26413	R994-600	REP	08/28/2003	2003-14/50
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Workforce Services, Employment Development	26487	R986-100	AMD	09/12/2003	2003-15/68
	26232	R986-100	AMD	07/01/2003	2003-10/118
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Lieutenant Governor, Administration	26698	R622-1	5YR	10/15/2003	2003-21/94
	26035	R907-1	AMD	04/23/2003	2003-5/17
engineering					
Education, Administration	26087	R277-717	AMD	05/02/2003	2003-7/7
engineers					
Commerce, Occupational and Professional Licensing	25922	R156-22	5YR	01/13/2003	2003-3/65
	25763	R156-22	CPR	04/03/2003	2003-5/27
	25763	R156-22	AMD	04/03/2003	2003-1/10
	25727	R156-22-303	NSC	01/01/2003	Not Printed
English proficiency					
Regents (Board Of), Administration	26034	R765-136	NEW	05/29/2003	2003-5/14
enrollment					
Education, Administration	25966	R277-485	NEW	03/07/2003	2003-3/7
enterprise					
Tax Commission, Auditing	25829	R865-9I-26	AMD	03/11/2003	2003-1/40
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Tax Commission, Auditing	26527	R865-9I-3	AMD	09/25/2003	2003-/16
	26522	R865-9I-16	AMD	09/25/2003	2003-/16
	26566	R865-9I-41	AMD	10/07/2003	2003-17/68
	26567	R865-9I-46	AMD	10/07/2003	2003-17/69
	26521	R865-9I-48	AMD	09/25/2003	2003-/16
	26565	R865-9I-49	AMD	10/07/2003	2003-17/70
environment					
Tax Commission, Auditing	26601	R865-13G-16	AMD	10/29/2003	2003-18/31
environmental health					
Environmental Quality, Drinking Water	26585	R309-600	AMD	10/29/2003	2003-18/12
	25863	R309-710	REP	03/05/2003	2003-2/10
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Environmental Quality, Drinking Water	26171	R309-405	AMD	06/17/2003	2003-9/64
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Commerce, Corporations and Commercial Code	25549	R154-2	AMD	03/14/2003	2002-22/7
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Pardons (Board Of), Administration	26633	R671-517	5YR	09/11/2003	2003-19/72
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Environmental Quality, Air Quality	26367	R307-107	5YR	06/12/2003	2003-13/67
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Pardons (Board Of), Administration	26628	R671-512	5YR	09/11/2003	2003-19/70
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Environmental Quality, Air Quality	26524	R307-413	5YR	08/01/2003	2003-16/52
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Environmental Quality, Radiation Control	25785	R313-12-3	AMD	03/14/2003	2003-1/22
	26074	R313-19-100	AMD	05/09/2003	2003-7/10
expelled					
Education, Administration	25965	R277-483	NEW	03/07/2003	2003-3/5
extended area service					
Public Service Commission, Administration	25578	R746-347	NEW	03/10/2003	2002-22/44
	26197	R746-347-5	AMD	06/30/2003	2003-10/116
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Public Safety, Fire Marshal	25954	R710-1	AMD	03/06/2003	2003-3/29

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Education, Administration	26652	R277-487	EMR	09/15/2003	2003-19/63
	26654	R277-487	NEW	11/06/2003	2003-19/7
fair employment practices					
Human Resource Management, Administration	26208	R477-2	AMD	07/01/2003	2003-10/71
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family employment program					
Workforce Services, Employment Development	26210	R986-200	AMD	07/01/2003	2003-10/124
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Environmental Quality, Air Quality	26550	R307-414	5YR	08/14/2003	2003-17/89
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
Natural Resources, Parks and Recreation	26173	R651-227	5YR	04/15/2003	2003-9/134
	26730	R651-610	5YR	10/23/2003	2003-22/62
	25837	R651-611	AMD	03/31/2003	2003-2/38
	26170	R651-611-2	AMD	06/03/2003	2003-9/93
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Commerce, Corporations and Commercial Code	25549	R154-2	AMD	03/14/2003	2002-22/7
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Administrative Services, Finance	26206	R25-6	5YR	05/01/2003	2003-10/146
	26205	R25-6	NSC	06/01/2003	Not Printed
	26716	R25-8	5YR	10/22/2003	2003-22/54
financial aid					
Regents (Board Of), Administration	26432	R765-605	5YR	06/30/2003	2003-14/99
	26002	R765-605	NSC	05/01/2003	Not Printed
	26443	R765-607	5YR	07/03/2003	2003-15/83
	26134	R765-660	5YR	04/01/2003	2003-8/44
	25713	R765-660	NSC	04/01/2003	Not Printed
financial disclosure					
Health, Health Care Financing, Coverage and Reimbursement Policy	26202	R414-304	AMD	07/01/2003	2003-10/55
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	26536	R331-25	NEW	10/15/2003	2003-17/49
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Environmental Quality, Environmental Response and Remediation	25161	R311-207	CPR	02/04/2003	2003-1/46
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Environmental Quality, Air Quality	26368	R307-202	5YR	06/12/2003	2003-13/69
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Public Safety, Fire Marshal	25954	R710-1	AMD	03/06/2003	2003-3/29
	26006	R710-4	AMD	03/18/2003	2003-4/28
	25961	R710-7	AMD	03/06/2003	2003-3/36
	26001	R710-7	AMD	03/18/2003	2003-4/32
	26269	R710-8-3	AMD	07/02/2003	2003-11/68
	26289	R710-9	AMD	07/02/2003	2003-11/69
	26003	R710-9	AMD	03/18/2003	2003-4/38
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Environmental Quality, Air Quality	26360	R307-201	5YR	06/11/2003	2003-13/68
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Environmental Quality, Air Quality	26402	R307-302	5YR	06/19/2003	2003-14/95
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Natural Resources, Parks and Recreation	26040	R651-301	5YR	02/13/2003	2003-5/40
	26127	R651-301	AMD	05/19/2003	2003-8/36
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Natural Resources, Wildlife Resources	25360	R657-13	AMD	01/01/2003	2002-20/92
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Workforce Services, Employment Development	25574	R986-900-902	AMD	01/01/2003	2002-22/53
	26230	R986-900-902	AMD	09/12/2003	2003-10/133
	26488	R986-900-902	NSC	08/01/2003	Not Printed
	26211	R986-900-902	AMD	07/01/2003	2003-10/132
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Education, Administration	25933	R277-615	5YR	01/14/2003	2003-3/69
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Human Services, Administration, Administrative Services, Licensing	25644	R501-12	AMD	01/30/2003	2002-23/82
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	26257	R512-305	EMR	05/06/2003	2003-11/91
	26476	R512-305	NEW	09/03/2003	2003-15/49

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	25838	R151-14	NSC	02/01/2003	Not Printed
	26198	R151-35	AMD	06/17/2003	2003-10/10
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Tax Commission, Auditing	25826	R865-9I-28	AMD	03/11/2003	2003-1/42
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Natural Resources, Parks and Recreation	26041	R651-102-4	NSC	03/01/2003	Not Printed
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Tax Commission, Auditing	26519	R865-4D-23	AMD	09/25/2003	2003-/16
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Environmental Quality, Air Quality	26398	R307-203	5YR	06/19/2003	2003-14/93
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Environmental Quality, Air Quality	26398	R307-203	5YR	06/19/2003	2003-14/93
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Administrative Services, Facilities Construction and Management	25960	R23-24	5YR	01/15/2003	2003-3/65
Environmental Quality, Drinking Water	26392	R309-352	5YR	06/16/2003	2003-13/69
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Human Services, Aging and Adult Services	26052	R510-100	AMD	05/21/2003	2003-6/6
	26259	R510-100-2	EMR	05/15/2003	2003-11/74
	26467	R510-100-2	AMD	09/11/2003	2003-15/25
funeral industries					
Commerce, Occupational and Professional Licensing	26451	R156-9	AMD	09/04/2003	2003-15/6
	26469	R156-58	REP	09/04/2003	2003-15/12
funeral service					
Commerce, Occupational and Professional Licensing	26451	R156-9	AMD	09/04/2003	2003-15/6
furbearers					
Natural Resources, Wildlife Resources	26575	R657-11	AMD	10/02/2003	2003-17/58
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Natural Resources, Wildlife Resources	25720	R657-5	AMD	01/15/2003	2002-24/29
	26241	R657-5	AMD	06/17/2003	2003-10/111
	26689	R657-5-13	EMR	10/06/2003	2003-21/90
	26165	R657-5-70	AMD	06/03/2003	2003-9/103
	26571	R657-10	AMD	10/02/2003	2003-17/57
	26575	R657-11	AMD	10/02/2003	2003-17/58
	25721	R657-17	AMD	01/15/2003	2002-24/46
	26576	R657-19	5YR	08/15/2003	2003-17/89
	26573	R657-19	AMD	10/02/2003	2003-17/63
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	26272	R657-34	AMD	07/02/2003	2003-11/41
	26274	R657-34	5YR	05/14/2003	2003-11/95
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Education, Administration	26341	R277-436	5YR	06/04/2003	2003-13/65
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Environmental Quality, Air Quality	26526	R307-326	5YR	08/01/2003	2003-/16
	26528	R307-327	5YR	08/01/2003	2003-16/51
	26532	R307-332	5YR	08/05/2003	2003-17/83
Tax Commission, Auditing	26601	R865-13G-16	AMD	10/29/2003	2003-18/31
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Environmental Quality, Air Quality	26531	R307-328	5YR	08/05/2003	2003-17/83
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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
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Pardons (Board Of), Administration	26629	R671-515	5YR	09/11/2003	2003-19/71
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Natural Resources, Parks and Recreation	26041	R651-102-4	NSC	03/01/2003	Not Printed
government ethics					
Human Resource Management, Administration	26223	R477-9	NSC	05/01/2003	Not Printed
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Commerce, Administration	25822	R151-46b	AMD	02/18/2003	2003-1/8
Commerce, Occupational and Professional Licensing	26605	R156-46b	AMD	11/03/2003	2003-19/5
	25435	R156-46b-403	NSC	01/01/2003	Not Printed
Financial Institutions, Administration	26582	R331-20	5YR	08/27/2003	2003-18/47
	26225	R477-11	AMD	07/01/2003	2003-10/97
	26050	R671-403	5YR	02/18/2003	2003-6/18
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Administrative Services, Purchasing and General Services	26680	R33-6	5YR	10/03/2003	2003-21/92
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Administrative Services, Purchasing and General Services	26136	R33-2-102	AMD	05/27/2003	2003-8/8
	26138	R33-3	AMD	05/27/2003	2003-8/9
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Regents (Board Of), University of Utah, Administration	26394	R805-2	NSC	07/23/2003	Not Printed

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School and Institutional Trust Lands, Administration	26658	R850-61	NEW	11/17/2003	2003-20/36
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Agriculture and Food, Administration	26515	R51-5	5YR	07/30/2003	2003-/16
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Human Services, Child and Family Services	26673	R512-31-5	AMD	11/19/2003	2003-20/23
	26578	R512-31-5	AMD	11/19/2003	2003-18/27
	26465	R512-70	REP	11/25/2003	2003-15/26
	26466	R512-75-1	AMD	11/18/2003	2003-15/28
	26464	R512-75-3	AMD	11/18/2003	2003-15/29
	26462	R512-75-5	AMD	11/18/2003	2003-15/30
	26461	R512-75-6	AMD	11/18/2003	2003-15/31
	26485	R512-75-7	AMD	11/18/2003	2003-15/32
	26463	R512-75-8	AMD	11/18/2003	2003-15/33
Tax Commission, Administration	26514	R861-1A-16	AMD	09/25/2003	2003-/16
	25823	R861-1A-20	AMD	03/11/2003	2003-1/39
	26517	R861-1A-21	AMD	09/25/2003	2003-/16
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Human Resource Management, Administration	26209	R477-3	NSC	05/01/2003	Not Printed
	26225	R477-11	AMD	07/01/2003	2003-10/97
	26227	R477-12	AMD	07/01/2003	2003-10/99
ground water					
Environmental Quality, Water Quality	25632	R317-6-6	AMD	01/30/2003	2002-23/25
hardship grants					
Environmental Quality, Drinking Water	26172	R309-700	AMD	07/01/2003	2003-9/66
Hatch Act					
Human Resource Management, Administration	26223	R477-9	NSC	05/01/2003	Not Printed
hazardous air pollutant					
Environmental Quality, Air Quality	26468	R307-214-2	AMD	10/01/2003	2003-15/18
	25825	R307-214-2	CPR	06/17/2003	2003-10/137
	25825	R307-214-2	AMD	06/17/2003	2003-1/16
	26263	R307-214-2	NSC	07/01/2003	Not Printed
	26547	R307-410	5YR	08/11/2003	2003-17/88
hazardous waste					
Environmental Quality, Solid and Hazardous Waste	26370	R315-1-2	AMD	09/15/2003	2003-13/8
	25910	R315-2	NSC	03/01/2003	Not Printed
	26376	R315-2	AMD	09/15/2003	2003-13/9
	26057	R315-2-2	NSC	03/01/2003	Not Printed
	25915	R315-3	NSC	03/01/2003	Not Printed

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	25913	R315-7	NSC	03/01/2003	Not Printed
	26374	R315-7-22	AMD	09/15/2003	2003-13/39
	25911	R315-8	NSC	03/01/2003	Not Printed
	26058	R315-8-15	NSC	03/01/2003	Not Printed
	26375	R315-8-15	AMD	09/15/2003	2003-13/40
	25914	R315-12	NSC	03/01/2003	Not Printed
	26369	R315-13-1	AMD	09/15/2003	2003-13/43
	25918	R315-14	NSC	03/01/2003	Not Printed
	26373	R315-14-7	AMD	09/15/2003	2003-13/44
	26064	R315-15	5YR	03/03/2003	2003-7/76
	25916	R315-16	NSC	03/01/2003	Not Printed
	26371	R315-50	AMD	09/15/2003	2003-13/45
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Public Safety, Highway Patrol	26121	R714-220	R&R	06/26/2003	2003-8/41
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Health, Center for Health Data, Health Care Statistics	26080	R428-11	5YR	03/10/2003	2003-7/88
	26079	R428-13	5YR	03/10/2003	2003-7/89
Insurance, Administration	26599	R590-209	REP	10/23/2003	2003-18/30
health care facilities					
Health, Health Systems Improvement, Licensing	26450	R432-35	5YR	07/07/2003	2003-15/79
health facilities					
Health, Health Systems Improvement, Licensing	25868	R432-3	AMD	03/13/2003	2003-2/29
	25452	R432-5	AMD	01/15/2003	2002-21/92
	25791	R432-13	AMD	03/13/2003	2003-1/32
	25792	R432-14	AMD	03/13/2003	2003-1/34
	26038	R432-16	5YR	02/12/2003	2003-5/39
	25866	R432-35	AMD	03/13/2003	2003-2/30
	26125	R432-40	NSC	04/01/2003	Not Printed
	25867	R432-100-38	AMD	03/13/2003	2003-2/33
	26122	R432-102	NSC	04/01/2003	Not Printed
	26123	R432-200	NSC	04/01/2003	Not Printed
	26124	R432-600	NSC	04/01/2003	Not Printed
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Human Services, Administration	26196	R495-881	NEW	06/24/2003	2003-10/104
health insurance					
Human Services, Recovery Services	25869	R527-201	AMD	03/05/2003	2003-2/34
Insurance, Administration	26667	R590-172-4	AMD	11/21/2003	2003-20/24
	26285	R590-176	R&R	09/25/2003	2003-11/31
	26502	R590-176	AMD	11/20/2003	2003-/16
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	25919	R590-215	NSC	03/01/2003	Not Printed
	26133	R590-215	AMD	05/20/2003	2003-8/34
	25963	R590-215-5	NSC	03/01/2003	Not Printed
health planning					
Health, Center for Health Data, Health Care Statistics	26080	R428-11	5YR	03/10/2003	2003-7/88
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health policy					
Health, Center for Health Data, Health Care Statistics	26079	R428-13	5YR	03/10/2003	2003-7/89
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Commerce, Occupational and Professional Licensing	25987	R156-46a	AMD	03/18/2003	2003-4/7
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Environmental Quality, Water Quality	25633	R317-9	NEW	02/05/2003	2002-23/74
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	26631	R671-516	5YR	09/11/2003	2003-19/72
	26666	R671-516	AMD	11/19/2003	2003-20/33
	26633	R671-517	5YR	09/11/2003	2003-19/72
	26636	R671-519	5YR	09/11/2003	2003-19/73
	26638	R671-520	5YR	09/11/2003	2003-19/73
	26639	R671-521	REP	11/19/2003	2003-19/57
	26640	R671-522	5YR	09/11/2003	2003-19/74
	26664	R671-522	AMD	11/19/2003	2003-20/35
	26032	R686-100	5YR	02/07/2003	2003-5/41
higher education					
Money Management Council, Administration	26493	R628-2	AMD	09/03/2003	2003-15/53
	26034	R765-136	NEW	05/29/2003	2003-5/14
	26432	R765-605	5YR	06/30/2003	2003-14/99
	26002	R765-605	NSC	05/01/2003	Not Printed
	26443	R765-607	5YR	07/03/2003	2003-15/83
	26134	R765-660	5YR	04/01/2003	2003-8/44
	25713	R765-660	NSC	04/01/2003	Not Printed
	26085	R765-685	AMD	05/20/2003	2003-7/55
Regents (Board Of), University of Utah, Administration	26394	R805-2	NSC	07/23/2003	Not Printed
	26499	R805-2	5YR	07/23/2003	2003-16/54
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Health, Administration	26162	R380-250	NEW	06/09/2003	2003-9/72
	26161	R380-250	EMR	04/14/2003	2003-9/130
	26160	R495-881	EMR	04/14/2003	2003-9/132
	26196	R495-881	NEW	06/24/2003	2003-10/104
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Human Resource Management, Administration	26217	R477-4	AMD	07/01/2003	2003-10/75
historic preservation					
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	26522	R865-9I-16	AMD	09/25/2003	2003-/16
	25829	R865-9I-26	AMD	03/11/2003	2003-1/40
	25828	R865-9I-27	AMD	03/11/2003	2003-1/41
	25819	R865-9I-29	AMD	03/11/2003	2003-1/43
	26078	R865-9I-39	AMD	06/10/2003	2003-7/61
	26566	R865-9I-41	AMD	10/07/2003	2003-17/68
	26567	R865-9I-46	AMD	10/07/2003	2003-17/69
	26521	R865-9I-48	AMD	09/25/2003	2003-/16
	26565	R865-9I-49	AMD	10/07/2003	2003-17/70
HMO insurance					
Insurance, Administration	26059	R590-76-9	NSC	03/01/2003	Not Printed
HMO insurance					
Insurance, Administration	25870	R590-76	AMD	02/26/2003	2003-2/35
	26066	R590-76-9	NSC	04/01/2003	Not Printed
holidays					
Human Resource Management, Administration	26221	R477-7	AMD	07/01/2003	2003-10/80
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Human Services, Aging and Adult Services	26548	R510-104-9	AMD	10/02/2003	2003-17/51
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Agriculture and Food, Marketing and Conservation	26083	R65-7	AMD	06/09/2003	2003-7/5
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Health, Health Care Financing, Coverage and Reimbursement Policy	25948	R414-5	EMR	01/15/2003	2003-3/52
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Health, Center for Health Data, Health Care Statistics	26080	R428-11	5YR	03/10/2003	2003-7/88
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	26071	R501-2	AMD	05/06/2003	2003-7/20
	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
	25660	R501-11	AMD	01/30/2003	2002-24/25
	25644	R501-12	AMD	01/30/2003	2002-23/82
	26055	R501-16	5YR	02/26/2003	2003-6/17
	25703	R501-16	NSC	02/26/2003	Not Printed
	26084	R501-17	5YR	03/11/2003	2003-7/89
	26343	R501-18	5YR	06/05/2003	2003-13/72
hunter education					
Natural Resources, Wildlife Resources	25890	R657-23	AMD	02/16/2003	2003-2/41
hunting					
Natural Resources, Wildlife Resources	25722	R657-38	AMD	01/15/2003	2002-24/48
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Natural Resources, Wildlife Resources	25721	R657-17	AMD	01/15/2003	2002-24/46
hunting closures					
Natural Resources, Wildlife Resources	26274	R657-34	5YR	05/14/2003	2003-11/95
	26272	R657-34	AMD	07/02/2003	2003-11/41
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Health, Community and Family Health Services, Immunization	26187	R396-100	5YR	04/24/2003	2003-10/148
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Labor Commission, Industrial Accidents	26314	R612-7	5YR	05/28/2003	2003-12/77
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Natural Resources, Wildlife Resources	26166	R657-3	AMD	06/03/2003	2003-9/94
	26167	R657-3	5YR	04/15/2003	2003-9/135
	26168	R657-53	NEW	06/03/2003	2003-9/107
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Public Safety, Peace Officer Standards and Training	26694	R728-501	5YR	10/10/2003	2003-21/95
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	26445	R728-502	NSC	07/03/2003	Not Printed
	26070	R728-504	NSC	07/03/2003	Not Printed
	26446	R728-504	NSC	07/03/2003	Not Printed
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	26012	R414-303	5YR	01/31/2003	2003-4/54
	26017	R414-304	5YR	01/31/2003	2003-4/55
	26202	R414-304	AMD	07/01/2003	2003-10/55
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Tax Commission, Auditing	26527	R865-9I-3	AMD	09/25/2003	2003-/16
	26522	R865-9I-16	AMD	09/25/2003	2003-/16
	25829	R865-9I-26	AMD	03/11/2003	2003-1/40
	25828	R865-9I-27	AMD	03/11/2003	2003-1/41
	25819	R865-9I-29	AMD	03/11/2003	2003-1/43
	26078	R865-9I-39	AMD	06/10/2003	2003-7/61
	26566	R865-9I-41	AMD	10/07/2003	2003-17/68
	26567	R865-9I-46	AMD	10/07/2003	2003-17/69
	26521	R865-9I-48	AMD	09/25/2003	2003-/16
	26565	R865-9I-49	AMD	10/07/2003	2003-17/70
industrial					
Community and Economic Development, Community Development, Energy Services	25370	R203-3	REP	01/01/2003	2002-20/39
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Environmental Quality, Water Quality	25636	R317-1	AMD	01/30/2003	2002-23/17
	26579	R317-1-4	AMD	11/12/2003	2003-18/20
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Environmental Quality, Air Quality	26399	R307-222	5YR	06/19/2003	2003-14/94
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Pardons (Board Of), Administration	26120	R671-201	AMD	05/16/2003	2003-8/39
	25350	R671-202	AMD	02/12/2003	2002-20/104
	25394	R671-308	AMD	02/12/2003	2002-20/110
	25398	R671-311	AMD	02/12/2003	2002-20/112
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Administrative Services, Facilities Construction and Management	25957	R23-9	5YR	01/15/2003	2003-3/63
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Agriculture and Food, Plant Industry	26385	R68-5	5YR	06/13/2003	2003-13/63
Environmental Quality, Radiation Control	25785	R313-12-3	AMD	03/14/2003	2003-1/22
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Education, Administration	26157	R277-469	5YR	04/04/2003	2003-9/134
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Public Safety, Peace Officer Standards and Training	26445	R728-502	NSC	07/03/2003	Not Printed
	26069	R728-502	NSC	07/03/2003	Not Printed
	26446	R728-504	NSC	07/03/2003	Not Printed

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	26132	R590-147	AMD	06/13/2003	2003-8/30
	26283	R590-152	AMD	07/16/2003	2003-11/30
	26482	R590-152-4	NSC	08/01/2003	Not Printed
	26181	R590-154	5YR	04/17/2003	2003-10/149
	26077	R590-154-5	NSC	04/01/2003	Not Printed
	25993	R590-155	5YR	01/24/2003	2003-4/59
	26033	R590-157	5YR	02/10/2003	2003-5/39
	25643	R590-160	AMD	01/09/2003	2002-23/86
	26808	R590-160	5YR	11/25/2003	Not Printed
	26789	R590-161	5YR	11/14/2003	2003-23/107
	26790	R590-162	5YR	11/14/2003	2003-23/108
	26807	R590-163	5YR	11/25/2003	Not Printed
	25626	R590-172	AMD	01/09/2003	2002-23/91
	25908	R590-183	NSC	01/02/2003	Not Printed
	26592	R590-186	5YR	08/29/2003	2003-18/49
	26597	R590-187	5YR	09/02/2003	2003-18/49
	25628	R590-199	AMD	03/14/2003	2002-23/92
	26599	R590-209	REP	10/23/2003	2003-18/30
	25670	R590-218	NEW	03/21/2003	2002-24/28
	25958	R590-219	NEW	06/13/2003	2003-3/23
	25958	R590-219	CPR	06/13/2003	2003-9/127
	26194	R590-222	NEW	06/24/2003	2003-10/105
	26410	R590-222-14	NSC	07/01/2003	Not Printed
Labor Commission, Industrial Accidents	26317	R612-5	5YR	05/28/2003	2003-12/76
	26365	R612-5-4	NSC	07/01/2003	Not Printed
insurance companies					
Insurance, Administration	25990	R590-124	5YR	01/24/2003	2003-4/58
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Insurance, Administration	26131	R590-157	CPR	10/23/2003	2003-16/44
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	26129	R590-85	AMD	06/13/2003	2003-8/26
	26182	R590-94	5YR	04/17/2003	2003-10/148
	26513	R590-119	REP	10/23/2003	2003-/16
	26159	R590-192	AMD	06/24/2003	2003-9/84
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Education, Applied Technology Education (Board for), Rehabilitation	25646	R280-203	AMD	01/03/2003	2002-23/16
interstate					
Human Services, Recovery Services	26076	R527-305	5YR	03/10/2003	2003-7/91
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Public Safety, Peace Officer Standards and Training	26072	R728-409	EMR	03/07/2003	2003-7/63
	26179	R728-409-3	AMD	06/26/2003	2003-10/113
iron and manganese control					
Environmental Quality, Drinking Water	26503	R309-535	EMR	08/01/2003	2003-/16
	26505	R309-535	AMD	11/01/2003	2003-/16
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Human Resource Management, Administration	26209	R477-3	NSC	05/01/2003	Not Printed
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Workforce Services, Workforce Information and Payment Services	25946	R994-406-311	AMD	03/04/2003	2003-3/46
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Human Services, Youth Corrections	26460	R547-10	AMD	11/18/2003	2003-15/52
juvenile courts					
Education, Administration	25937	R277-709	5YR	01/14/2003	2003-3/70
K-9 training					
Public Safety, Peace Officer Standards and Training	26337	R728-505	5YR	06/02/2003	2003-12/78
kinship					
Human Services, Child and Family Services	26251	R512-500	EMR	05/06/2003	2003-11/93
	26477	R512-500	NEW	09/03/2003	2003-15/51
labor					
Labor Commission, Safety	26312	R616-1	5YR	05/28/2003	2003-12/77
labor commission					
Labor Commission, Administration	26313	R600-1	5YR	05/28/2003	2003-12/75
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Health, Epidemiology and Laboratory Services, Laboratory Improvement	26144	R444-14	AMD	06/12/2003	2003-9/75
land use					
Natural Resources, Forestry, Fire and State Lands	26645	R652-110	5YR	09/12/2003	2003-19/68
School and Institutional Trust Lands, Administration	25953	R850-120	AMD	03/04/2003	2003-3/43

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law					
Public Safety, Fire Marshal	26289	R710-9	AMD	07/02/2003	2003-11/69
	26003	R710-9	AMD	03/18/2003	2003-4/38
law enforcement					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	25998	R722-320	5YR	01/28/2003	2003-4/60
law enforcement officers					
Public Safety, Peace Officer Standards and Training	26072	R728-409	EMR	03/07/2003	2003-7/63
	26179	R728-409-3	AMD	06/26/2003	2003-10/113
	26694	R728-501	5YR	10/10/2003	2003-21/95
	26445	R728-502	NSC	07/03/2003	Not Printed
	26069	R728-502	NSC	07/03/2003	Not Printed
	26070	R728-504	NSC	07/03/2003	Not Printed
	26446	R728-504	NSC	07/03/2003	Not Printed
lead-based paint					
Environmental Quality, Air Quality	26282	R307-840	AMD	08/06/2003	2003-11/9
	26249	R307-840	5YR	05/05/2003	2003-11/95
leases					
Natural Resources, Forestry, Fire and State Lands	26645	R652-110	5YR	09/12/2003	2003-19/68
leasing					
Administrative Services, Facilities Construction and Management	25959	R23-21	5YR	01/15/2003	2003-3/64
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Regents (Board Of), Administration	26156	R765-606	NEW	06/30/2003	2003-9/116
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Natural Resources, Administration	25951	R634-1	AMD	03/04/2003	2003-3/27
	25950	R634-1	5YR	01/15/2003	2003-3/76
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Education, Administration	25925	R277-516	5YR	01/14/2003	2003-3/67
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Education, Administration	26030	R277-521	NSC	03/01/2003	Not Printed
Environmental Quality, Radiation Control	26074	R313-19-100	AMD	05/09/2003	2003-7/10
Natural Resources, Wildlife Resources	26280	R657-45	5YR	05/14/2003	2003-11/97
	26279	R657-45	AMD	07/02/2003	2003-11/52

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	26260	R151-33-102	AMD	07/23/2003	2003-11/6
Commerce, Occupational and Professional Licensing	26549	R156-1	AMD	10/02/2003	2003-17/4
	26604	R156-1-109	AMD	11/03/2003	2003-19/3
	26174	R156-3a	AMD	06/03/2003	2003-9/3
	26451	R156-9	AMD	09/04/2003	2003-15/6
	26297	R156-26a-302a	AMD	07/17/2003	2003-12/37
	26150	R156-28	AMD	06/03/2003	2003-9/3
	26319	R156-31b	5YR	06/02/2003	2003-12/70
	26192	R156-38	AMD	06/17/2003	2003-10/12
	26339	R156-42a	AMD	08/04/2003	2003-13/3
	25987	R156-46a	AMD	03/18/2003	2003-4/7
	26126	R156-47b-202	AMD	05/19/2003	2003-8/17
	25651	R156-47b-302a	AMD	01/16/2003	2002-24/10
	26668	R156-49	5YR	09/29/2003	2003-20/43
	26320	R156-53	5YR	06/02/2003	2003-12/70
	26175	R156-55a	AMD	06/03/2003	2003-9/6
	26338	R156-55a-301	NSC	07/01/2003	Not Printed
	26153	R156-56	AMD	07/17/2003	2003-9/33
	25411	R156-56	AMD	01/01/2003	2002-20/3
	26154	R156-56	AMD	07/01/2003	2003-9/7
	25821	R156-56	NSC	01/01/2003	Not Printed
	26153	R156-56	CPR	07/17/2003	2003-12/52
	26152	R156-56-707	AMD	07/01/2003	2003-9/57
	26469	R156-58	REP	09/04/2003	2003-15/12
	25920	R156-59	5YR	01/09/2003	2003-3/66
	26116	R156-59	REP	05/19/2003	2003-8/18
	25629	R156-60a	AMD	01/02/2003	2002-23/8
	26500	R156-60a	AMD	09/16/2003	2003-/16
	26284	R156-60c	AMD	07/03/2003	2003-11/7
	26470	R156-60c-302b	NSC	08/01/2003	Not Printed
	26193	R156-63	AMD	08/18/2003	2003-/10
	26193	R156-63	CPR	08/18/2003	2003-/14
	26321	R156-68	5YR	06/02/2003	2003-12/71
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	26071	R501-2	AMD	05/06/2003	2003-7/20
	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
	25660	R501-11	AMD	01/30/2003	2002-24/25
	25644	R501-12	AMD	01/30/2003	2002-23/82
	26055	R501-16	5YR	02/26/2003	2003-6/17

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	26084	R501-17	5YR	03/11/2003	2003-7/89
	26343	R501-18	5YR	06/05/2003	2003-13/72
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Commerce, Occupational and Professional Licensing	26192	R156-38	AMD	06/17/2003	2003-10/12
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Education, Administration	26652	R277-487	EMR	09/15/2003	2003-19/63
	26654	R277-487	NEW	11/06/2003	2003-19/7
Environmental Quality, Drinking Water	26172	R309-700	AMD	07/01/2003	2003-9/66
Environmental Quality, Water Quality	26183	R317-101	5YR	04/22/2003	2003-10/147
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Education, Administration	26190	R277-108	AMD	06/17/2003	2003-10/22
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Human Services, Aging and Adult Services	26052	R510-100	AMD	05/21/2003	2003-6/6
	26467	R510-100-2	AMD	09/11/2003	2003-15/25
	26259	R510-100-2	EMR	05/15/2003	2003-11/74
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Administrative Services, Fleet Operations	26191	R27-7	AMD	07/08/2003	2003-10/6
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Environmental Quality, Air Quality	25825	R307-214-2	CPR	06/17/2003	2003-10/137
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	26263	R307-214-2	NSC	07/01/2003	Not Printed
	26468	R307-214-2	AMD	10/01/2003	2003-15/18
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Commerce, Occupational and Professional Licensing	26126	R156-47b-202	AMD	05/19/2003	2003-8/17
	25651	R156-47b-302a	AMD	01/16/2003	2002-24/10
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	26244	R414-1-5	EMR	05/02/2003	2003-11/73
	25967	R414-5	NEW	05/13/2003	2003-3/8
	25889	R414-5	EMR	01/03/2003	2003-2/55
	25948	R414-5	EMR	01/15/2003	2003-3/52
	25969	R414-6	EMR	01/15/2003	2003-3/53
	25974	R414-6	NEW	05/13/2003	2003-3/9
	26246	R414-7A-5	AMD	07/14/2003	2003-11/15
	26008	R414-10	AMD	04/07/2003	2003-4/11
	26036	R414-10	EMR	02/11/2003	2003-5/33
	26010	R414-10	EMR	02/01/2003	2003-4/45
	25192	R414-13	NSC	01/03/2003	Not Printed
	25907	R414-13	5YR	01/03/2003	2003-3/74
	25968	R414-21	EMR	01/15/2003	2003-3/54
	26267	R414-21	AMD	07/02/2003	2003-11/16
	25973	R414-21	AMD	04/07/2003	2003-3/10
	25982	R414-27	5YR	01/21/2003	2003-4/52
	26265	R414-49	AMD	07/02/2003	2003-11/20
	26266	R414-50	AMD	07/02/2003	2003-11/21
	26318	R414-51	5YR	05/30/2003	2003-12/71
	25976	R414-52	AMD	04/09/2003	2003-3/14
	25970	R414-52	EMR	01/15/2003	2003-3/57
	26347	R414-52	5YR	06/06/2003	2003-13/71
	26346	R414-53	5YR	06/06/2003	2003-13/71
	25972	R414-53	AMD	04/07/2003	2003-3/15
	25971	R414-53	EMR	01/15/2003	2003-3/59
	26656	R414-55	5YR	09/16/2003	2003-20/43
	26011	R414-60	EMR	02/01/2003	2003-4/50
	26009	R414-60	AMD	04/07/2003	2003-4/16
	25898	R414-63	AMD	04/07/2003	2003-2/12
	25888	R414-63	EMR	01/01/2003	2003-2/56
	26004	R414-301	5YR	01/31/2003	2003-4/53
	26433	R414-301	AMD	09/09/2003	2003-14/15
	26018	R414-305	5YR	01/31/2003	2003-4/55
	26268	R414-305	AMD	07/02/2003	2003-11/23
	26349	R414-307	AMD	09/09/2003	2003-13/48
	26051	R414-504	AMD	06/09/2003	2003-6/4
	26490	R414-504	AMD	10/08/2003	2003-15/23
	25897	R414-504	AMD	02/17/2003	2003-2/21
	26492	R414-504	EMR	07/15/2003	2003-15/73
	25900	R414-504-4	EMR	01/01/2003	2003-2/58
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Environmental Quality, Air Quality	26399	R307-222	5YR	06/19/2003	2003-14/94
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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
	26363	R612-2-26	NSC	07/01/2003	Not Printed
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Labor Commission, Industrial Accidents	26405	R612-2-22	EMR	06/20/2003	2003-14/90
	26366	R612-2-24	NSC	07/01/2003	Not Printed
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Education, Administration	25647	R277-611	NEW	01/03/2003	2002-23/12
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Human Services, Mental Health, State Hospital	26298	R525-1	5YR	05/20/2003	2003-12/72
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Human Services, Mental Health, State Hospital	26300	R525-3	5YR	05/20/2003	2003-12/73
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Commerce, Occupational and Professional Licensing	26284	R156-60c	AMD	07/03/2003	2003-11/7
	26470	R156-60c-302b	NSC	08/01/2003	Not Printed
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	26425	R523-1-21	AMD	09/08/2003	2003-14/30
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Health, Community and Family Health Services, Children with Special Health Care Needs	26672	R398-10	NEW	11/20/2003	2003-20/5
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Natural Resources, Wildlife Resources	26570	R657-9	AMD	10/02/2003	2003-17/53
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Natural Resources, Oil, Gas and Mining; Non-Coal	26453	R647-1	5YR	07/08/2003	2003-15/81
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	26455	R647-3	5YR	07/08/2003	2003-15/81
	26456	R647-4	5YR	07/08/2003	2003-15/82
	26457	R647-5	5YR	07/08/2003	2003-15/82
mining					
Labor Commission, Safety	26312	R616-1	5YR	05/28/2003	2003-12/77
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Education, Administration	26087	R277-717	AMD	05/02/2003	2003-7/7

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Environmental Quality, Air Quality	26547	R307-410	5YR	08/11/2003	2003-17/88
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Tax Commission, Auditing	26601	R865-13G-16	AMD	10/29/2003	2003-18/31
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Commerce, Administration	26199	R151-14	AMD	06/17/2003	2003-10/9
	25624	R151-14	AMD	01/02/2003	2002-23/6
	25838	R151-14	NSC	02/01/2003	Not Printed
Environmental Quality, Air Quality	25495	R307-121	AMD	01/09/2003	2002-21/6
	26532	R307-332	5YR	08/05/2003	2003-17/83
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Tax Commission, Motor Vehicle Enforcement	26564	R877-23V-19	AMD	10/07/2003	2003-17/71
motorcycles					
Commerce, Administration	26198	R151-35	AMD	06/17/2003	2003-10/10
Public Safety, Highway Patrol	26121	R714-220	R&R	06/26/2003	2003-8/41
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Public Service Commission, Administration	26142	R746-331	5YR	04/02/2003	2003-9/136
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Administrative Services, Facilities Construction and Management	25784	R23-10	AMD	02/04/2003	2003-1/5
Native American					
School and Institutional Trust Lands, Administration	26658	R850-61	NEW	11/17/2003	2003-20/36
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Workforce Services, Workforce Information and Payment Services	26362	R994-315	5YR	06/11/2003	2003-13/73
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Health, Community and Family Health Services, Children with Special Health Care Needs	26444	R398-2	5YR	07/03/2003	2003-15/77
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Commerce, Occupational and Professional Licensing	26319	R156-31b	5YR	06/02/2003	2003-12/70
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Human Services, Aging and Adult Services	26548	R510-104-9	AMD	10/02/2003	2003-17/51

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	26604	R156-1-109	AMD	11/03/2003	2003-19/3
	26605	R156-46b	AMD	11/03/2003	2003-19/5
	25435	R156-46b-403	NSC	01/01/2003	Not Printed
	26175	R156-55a	AMD	06/03/2003	2003-9/6
	26338	R156-55a-301	NSC	07/01/2003	Not Printed
Environmental Quality, Water Quality	25637	R317-11	AMD	01/30/2003	2002-23/80
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Commerce, Occupational and Professional Licensing	26339	R156-42a	AMD	08/04/2003	2003-13/3
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Commerce, Administration	26198	R151-35	AMD	06/17/2003	2003-10/10
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Natural Resources, Parks and Recreation	26611	R651-402	REP	11/01/2003	2003-19/50
	26609	R651-403	REP	11/01/2003	2003-19/51
	26612	R651-404	REP	11/01/2003	2003-19/52
	26610	R651-405	AMD	11/01/2003	2003-19/53
	26718	R651-407	5YR	10/23/2003	2003-22/56
	26719	R651-408	5YR	10/23/2003	2003-22/57
	26026	R651-408	AMD	04/01/2003	2003-5/7
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	26128	R651-410	AMD	05/19/2003	2003-8/38
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Natural Resources, Oil, Gas and Mining; Oil and Gas	25788	R649-3-1	AMD	07/01/2003	2003-1/35
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Environmental Quality, Water Quality	25635	R317-4-3	AMD	01/30/2003	2002-23/21
	25203	R317-4-3	AMD	01/10/2003	2002-18/43
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Environmental Quality, Air Quality	26368	R307-202	5YR	06/12/2003	2003-13/69
operator certification					
Environmental Quality, Water Quality	25638	R317-10	AMD	01/30/2003	2002-23/78
osteopathic physician					
Commerce, Occupational and Professional Licensing	26321	R156-68	5YR	06/02/2003	2003-12/71
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Workforce Services, Workforce Information and Payment Services	25946	R994-406-311	AMD	03/04/2003	2003-3/46
	25947	R994-406-315	AMD	03/04/2003	2003-3/48
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Human Resource Management, Administration	26222	R477-8	AMD	07/01/2003	2003-10/91
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	25761	R307-110-10	NSC	01/01/2003	Not Printed
	25835	R307-110-11	NSC	01/01/2003	Not Printed
	25883	R307-110-12	NSC	01/01/2003	Not Printed
	25850	R307-110-13	NSC	01/01/2003	Not Printed
	25881	R307-110-17	NSC	01/01/2003	Not Printed
	26525	R307-325	5YR	08/01/2003	2003-/16
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Environmental Quality, Air Quality	26249	R307-840	5YR	05/05/2003	2003-11/95
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Transportation, Operations, Traffic and Safety	25905	R920-4	NSC	05/01/2003	Not Printed
parking facilities					
Administrative Services, Facilities Construction and Management	26117	R23-13	5YR	03/25/2003	2003-8/44
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Natural Resources, Parks and Recreation	26039	R651-102	5YR	02/13/2003	2003-5/40
	26608	R651-401	AMD	11/01/2003	2003-19/49
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	26028	R651-410	NEW	04/01/2003	2003-5/8
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	26029	R651-602	AMD	04/01/2003	2003-5/9
	26722	R651-602	5YR	10/23/2003	2003-22/58
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	26729	R651-609	5YR	10/23/2003	2003-22/61
	26730	R651-610	5YR	10/23/2003	2003-22/62
	25837	R651-611	AMD	03/31/2003	2003-2/38
	26170	R651-611-2	AMD	06/03/2003	2003-9/93
	26731	R651-612	5YR	10/23/2003	2003-22/62
	26733	R651-613	5YR	10/23/2003	2003-22/63
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	26631	R671-516	5YR	09/11/2003	2003-19/72
	26633	R671-517	5YR	09/11/2003	2003-19/72
	26634	R671-518	5YR	09/11/2003	2003-19/72
	26665	R671-518	AMD	11/19/2003	2003-20/34
	26636	R671-519	5YR	09/11/2003	2003-19/73
	26638	R671-520	5YR	09/11/2003	2003-19/73
	26639	R671-521	REP	11/19/2003	2003-19/57
	26640	R671-522	5YR	09/11/2003	2003-19/74
	26664	R671-522	AMD	11/19/2003	2003-20/35
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	25761	R307-110-10	NSC	01/01/2003	Not Printed
	25769	R307-110-10	NSC	01/01/2003	Not Printed
	25835	R307-110-11	NSC	01/01/2003	Not Printed
	25883	R307-110-12	NSC	01/01/2003	Not Printed
	25850	R307-110-13	NSC	01/01/2003	Not Printed
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	26403	R307-305	5YR	06/19/2003	2003-14/95
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	26524	R307-413	5YR	08/01/2003	2003-16/52
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	26219	R477-5	AMD	07/01/2003	2003-10/79
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	26228	R477-13	NSC	05/01/2003	Not Printed
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	25925	R277-516	5YR	01/14/2003	2003-3/67
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	25770	R23-7	REP	02/04/2003	2003-1/5
	25984	R23-7	NSC	02/04/2003	Not Printed
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	25960	R23-24	5YR	01/15/2003	2003-3/65
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	26145	R746-342	5YR	04/02/2003	2003-9/137
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	26539	R746-345	5YR	08/08/2003	2003-17/91
	25578	R746-347	NEW	03/10/2003	2002-22/44
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	25838	R151-14	NSC	02/01/2003	Not Printed
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	26631	R671-516	5YR	09/11/2003	2003-19/72
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	26287	R708-2	CPR	08/18/2003	2003-/14
	26287	R708-2	AMD	08/18/2003	2003-11/53
Public Safety, Peace Officer Standards and Training	26072	R728-409	EMR	03/07/2003	2003-7/63
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	26419	R746-210	5YR	06/25/2003	2003-14/97
	26421	R746-240	5YR	06/25/2003	2003-14/97
	26143	R746-332	5YR	04/02/2003	2003-9/136
	26145	R746-342	5YR	04/02/2003	2003-9/137
	26538	R746-344	5YR	08/08/2003	2003-17/91
	26539	R746-345	5YR	08/08/2003	2003-17/91
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Education, Administration	26434	R277-508	AMD	08/15/2003	2003-14/9
	26073	R277-508	NSC	04/25/2003	Not Printed
	26188	R277-508	5YR	04/25/2003	2003-10/147
	25925	R277-516	5YR	01/14/2003	2003-3/67
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Education, Administration	25928	R277-600	5YR	01/14/2003	2003-3/68
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Education, Administration	26091	R277-751	5YR	03/12/2003	2003-7/75
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Transportation, Operations, Traffic and Safety	26510	R920-5	AMD	09/16/2003	2003-/16
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Public Safety, Driver License	26775	R708-2	EMR	11/05/2003	2003-23/104
	26287	R708-2	CPR	08/18/2003	2003-/14
	26287	R708-2	AMD	08/18/2003	2003-11/53
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Education, Administration	26087	R277-717	AMD	05/02/2003	2003-7/7
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Regents (Board Of), Administration	25906	R765-254	NEW	05/29/2003	2003-3/42
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Administrative Services, Facilities Construction and Management	26115	R23-14	NEW	05/16/2003	2003-8/7
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Commerce, Occupational and Professional Licensing	26193	R156-63	CPR	08/18/2003	2003-/14
	26193	R156-63	AMD	08/18/2003	2003-/10
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Labor Commission, Industrial Accidents	26316	R612-3	5YR	05/28/2003	2003-12/76
	26364	R612-3-4	NSC	07/01/2003	Not Printed
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Human Services, Aging and Adult Services	25552	R510-105	NEW	03/14/2003	2002-22/14
septic tanks					
Environmental Quality, Water Quality	25635	R317-4-3	AMD	01/30/2003	2002-23/21
	25203	R317-4-3	AMD	01/10/2003	2002-18/43
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Natural Resources, Water Rights	25550	R655-7	NEW	02/10/2003	2002-22/39

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Corrections, Administration	25991	R251-110	AMD	03/21/2003	2003-4/9
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Public Safety, Driver License	26288	R708-37	CPR	08/18/2003	2003-/14
	26288	R708-37	AMD	08/18/2003	2003-11/62
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Environmental Quality, Air Quality	25764	R307-110	NSC	01/01/2003	Not Printed
	25761	R307-110-10	NSC	01/01/2003	Not Printed
	25769	R307-110-10	NSC	01/01/2003	Not Printed
	25835	R307-110-11	NSC	01/01/2003	Not Printed
	25883	R307-110-12	NSC	01/01/2003	Not Printed
	25850	R307-110-13	NSC	01/01/2003	Not Printed
	25881	R307-110-17	NSC	01/01/2003	Not Printed
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Human Services, Administration, Administrative Hearings	26396	R497-100	AMD	09/15/2003	2003-14/25
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	26256	R512-200	EMR	05/06/2003	2003-11/78
	26472	R512-201	NEW	09/03/2003	2003-15/38
	26255	R512-201	EMR	05/06/2003	2003-11/80
	26254	R512-202	EMR	05/06/2003	2003-11/82
	26480	R512-202	NEW	09/03/2003	2003-15/40
	26473	R512-300	NEW	09/03/2003	2003-15/42
	26252	R512-300	EMR	05/06/2003	2003-11/84
	26475	R512-301	NEW	09/03/2003	2003-15/44
	26476	R512-305	NEW	09/03/2003	2003-15/49
	26257	R512-305	EMR	05/06/2003	2003-11/91
Human Services, Services for People with Disabilities	26063	R539-1	AMD	11/13/2003	2003-6/10
	26063	R539-1	CPR	11/13/2003	2003-14/55
	26063	R539-1	CPR	11/13/2003	2003-19/60
	26439	R539-1-5	AMD	11/13/2003	2003-14/30
	26439	R539-1-5	CPR	11/13/2003	2003-18/45
	26440	R539-1-5	EMR	07/01/2003	2003-14/89
	26508	R539-1-6	EMR	07/28/2003	2003-16/48
	25975	R539-3	AMD	05/05/2003	2003-3/16
	26247	R539-3	NSC	05/29/2003	Not Printed
	26062	R539-3-2	AMD	05/20/2003	2003-6/13
	26248	R539-8-3	NSC	06/01/2003	Not Printed
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Environmental Quality, Solid and Hazardous Waste	26092	R315-301	5YR	03/14/2003	2003-7/76
	26552	R315-301	AMD	10/15/2003	2003-17/13
	26093	R315-302	5YR	03/14/2003	2003-7/77
	26553	R315-302-2	AMD	10/15/2003	2003-17/19
	26094	R315-303	5YR	03/14/2003	2003-7/78
	26554	R315-303	AMD	10/15/2003	2003-17/21
	26555	R315-305	AMD	10/15/2003	2003-17/24
	26095	R315-305	5YR	03/14/2003	2003-7/79
	26096	R315-306	5YR	03/14/2003	2003-7/79
	26556	R315-306	AMD	10/15/2003	2003-17/27
	26097	R315-307	5YR	03/14/2003	2003-7/80
	26098	R315-308	5YR	03/14/2003	2003-7/81
	26557	R315-309	AMD	10/15/2003	2003-17/29
	26100	R315-309	5YR	03/14/2003	2003-7/81
	26558	R315-310	AMD	10/15/2003	2003-17/36
	26099	R315-310	5YR	03/14/2003	2003-7/82
	26101	R315-311	5YR	03/14/2003	2003-7/83
	26102	R315-312	5YR	03/14/2003	2003-7/84
	26559	R315-312-3	AMD	10/15/2003	2003-17/39
	26103	R315-313	5YR	03/14/2003	2003-7/84
	26104	R315-314	5YR	03/14/2003	2003-7/85
	26561	R315-315	AMD	10/15/2003	2003-17/40
	26105	R315-315	5YR	03/14/2003	2003-7/85
	26560	R315-316	AMD	10/15/2003	2003-17/42
	26106	R315-316	5YR	03/14/2003	2003-7/86
	26107	R315-317	5YR	03/14/2003	2003-7/87
	26108	R315-318	5YR	03/14/2003	2003-7/88
	26562	R315-318	AMD	10/15/2003	2003-17/43
	26563	R315-320	AMD	10/15/2003	2003-17/45
solvent					
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solvent cleaning					
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source material					
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Tax Commission, Auditing	26519	R865-4D-23	AMD	09/25/2003	2003-/16
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Environmental Quality, Drinking Water	26505	R309-535	AMD	11/01/2003	2003-/16
	26503	R309-535	EMR	08/01/2003	2003-/16
stack height					
Environmental Quality, Air Quality	26547	R307-410	5YR	08/11/2003	2003-17/88
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Administrative Services, Finance	26717	R25-5	5YR	10/22/2003	2003-22/54
	26204	R25-7	AMD	07/01/2003	2003-10/4
	26203	R25-7	5YR	05/01/2003	2003-10/146
	26716	R25-8	5YR	10/22/2003	2003-22/54
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state office buildings					
Administrative Services, Facilities Construction and Management	25770	R23-7	REP	02/04/2003	2003-1/5
	25984	R23-7	NSC	02/04/2003	Not Printed
state planning					
Administrative Services, Facilities Construction and Management	25770	R23-7	REP	02/04/2003	2003-1/5
state student incentive grants					
Regents (Board Of), Administration	26155	R765-660	REP	06/30/2003	2003-9/119
state vehicle use					
Administrative Services, Fleet Operations	25879	R27-3	AMD	05/15/2003	2003-2/5
	26459	R27-3	AMD	09/17/2003	2003-15/4
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Natural Resources, Parks and Recreation	26608	R651-401	AMD	11/01/2003	2003-19/49
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Environmental Quality, Drinking Water	26507	R309-545	EMR	08/01/2003	2003-16/47
	26506	R309-545	AMD	11/01/2003	2003-/16
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Education, Administration	25936	R277-702	5YR	01/14/2003	2003-3/70
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	25647	R277-611	NEW	01/03/2003	2002-23/12
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Administrative Services, Fleet Operations, Surplus Property	26771	R28-3	5YR	11/04/2003	2003-23/107
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Commerce, Occupational and Professional Licensing	25763	R156-22	CPR	04/03/2003	2003-5/27
	25763	R156-22	AMD	04/03/2003	2003-1/10
	25922	R156-22	5YR	01/13/2003	2003-3/65
	25727	R156-22-303	NSC	01/01/2003	Not Printed
suspensions					
Natural Resources, Wildlife Resources	26169	R657-26-8	AMD	06/03/2003	2003-9/104
system					
Public Safety, Fire Marshal	25961	R710-7	AMD	03/06/2003	2003-3/36
systems					
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Environmental Quality, Radiation Control	25882	R313-24-1	NSC	01/01/2003	Not Printed
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Environmental Quality, Air Quality	25495	R307-121	AMD	01/09/2003	2002-21/6
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Tax Commission, Auditing	25924	R865-19S-61	AMD	04/23/2003	2003-3/44
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	25829	R865-9I-26	AMD	03/11/2003	2003-1/40
	25828	R865-9I-27	AMD	03/11/2003	2003-1/41
	25819	R865-9I-29	AMD	03/11/2003	2003-1/43
	26078	R865-9I-39	AMD	06/10/2003	2003-7/61
	26566	R865-9I-41	AMD	10/07/2003	2003-17/68
	26567	R865-9I-46	AMD	10/07/2003	2003-17/69
	26521	R865-9I-48	AMD	09/25/2003	2003-/16
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Tax Commission, Administration	26514	R861-1A-16	AMD	09/25/2003	2003-/16
	25823	R861-1A-20	AMD	03/11/2003	2003-1/39
	26517	R861-1A-21	AMD	09/25/2003	2003-/16
Tax Commission, Auditing	26519	R865-4D-23	AMD	09/25/2003	2003-/16
	25826	R865-9I-28	AMD	03/11/2003	2003-1/42
	26601	R865-13G-16	AMD	10/29/2003	2003-18/31
Tax Commission, Motor Vehicle Enforcement	26564	R877-23V-19	AMD	10/07/2003	2003-17/71
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	26572	R884-24P-33	AMD	10/07/2003	2003-17/74
	26044	R884-24P-60	AMD	04/23/2003	2003-5/15
	25917	R884-24P-60	EMR	01/06/2003	2003-3/60
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	26131	R590-157	AMD	10/23/2003	2003-8/32
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	26188	R277-508	5YR	04/25/2003	2003-10/147
	26568	R686-101	5YR	08/15/2003	2003-17/90
	26569	R686-102	5YR	08/15/2003	2003-17/90
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Public Service Commission, Administration	26421	R746-240	5YR	06/25/2003	2003-14/97
	26418	R746-340	5YR	06/25/2003	2003-14/98
	26145	R746-342	5YR	04/02/2003	2003-9/137
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	26539	R746-345	5YR	08/08/2003	2003-17/91
	25578	R746-347	NEW	03/10/2003	2002-22/44
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Commerce, Consumer Protection	25724	R152-25a	NEW	01/15/2003	2002-24/9
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	26539	R746-345	5YR	08/08/2003	2003-17/91
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Public Service Commission, Administration	26421	R746-240	5YR	06/25/2003	2003-14/97
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Human Resource Management, Administration	26224	R477-10	AMD	07/01/2003	2003-10/95
	26416	R982-401	NSC	08/28/2003	Not Printed
	26411	R982-401	REP	08/28/2003	2003-14/40
	26412	R982-501	REP	08/28/2003	2003-14/47
	26417	R982-501	NSC	08/28/2003	Not Printed
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	26308	R994-600	5YR	05/23/2003	2003-12/80
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Transportation, Operations, Traffic and Safety	26296	R920-50	AMD	08/18/2003	2003-/12
	26295	R920-50-11	EMR	05/16/2003	2003-12/68
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Transportation, Operations, Traffic and Safety	26296	R920-50	AMD	08/18/2003	2003-/12
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Transportation, Operations, Maintenance	26184	R918-4	NEW	07/10/2003	2003-10/117
Transportation, Operations, Traffic and Safety	26510	R920-5	AMD	09/16/2003	2003-/16
	26815	R920-7	5YR	11/25/2003	Not Printed
Transportation, Preconstruction	26501	R930-6	AMD	09/16/2003	2003-/16
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Administrative Services, Facilities Construction and Management	26117	R23-13	5YR	03/25/2003	2003-8/44
transportation safety					
Transportation, Operations, Traffic and Safety	26296	R920-50	AMD	08/18/2003	2003-/12
	26295	R920-50-11	EMR	05/16/2003	2003-12/68
trespass					
Natural Resources, Parks and Recreation	26738	R651-620	5YR	10/23/2003	2003-22/66
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Tax Commission, Auditing	25826	R865-9I-28	AMD	03/11/2003	2003-1/42
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Transportation, Motor Carrier	26495	R909-19	AMD	09/03/2003	2003-15/63
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Financial Institutions, Administration	26583	R331-21	5YR	08/27/2003	2003-18/48
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Public Safety, Criminal Investigations and Technical Services, Criminal Identification	25998	R722-320	5YR	01/28/2003	2003-4/60
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Environmental Quality, Water Quality	25631	R317-7-13	AMD	01/30/2003	2002-23/32
underground storage tanks					
Environmental Quality, Environmental Response and Remediation	25161	R311-207	CPR	02/04/2003	2003-1/46
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Workforce Services, Administration	26416	R982-401	NSC	08/28/2003	Not Printed
	26411	R982-401	REP	08/28/2003	2003-14/40
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	26417	R982-501	NSC	08/28/2003	Not Printed
Workforce Services, Workforce Information and Payment Services	26413	R994-600	REP	08/28/2003	2003-14/50
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	26411	R982-401	REP	08/28/2003	2003-14/40
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Workforce Services, Workforce Information and Payment Services	26413	R994-600	REP	08/28/2003	2003-14/50
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	26309	R994-202	5YR	05/23/2003	2003-12/79
	26307	R994-208	5YR	05/23/2003	2003-12/79
	26135	R994-303-104	AMD	06/05/2003	2003-8/42
	26355	R994-306	5YR	06/11/2003	2003-13/72
	26358	R994-307	5YR	06/11/2003	2003-13/73
	25946	R994-406-311	AMD	03/04/2003	2003-3/46
	25947	R994-406-315	AMD	03/04/2003	2003-3/48
	26356	R994-508	5YR	06/11/2003	2003-13/74
units					
Environmental Quality, Radiation Control	25785	R313-12-3	AMD	03/14/2003	2003-1/22
universal service					
Public Service Commission, Administration	26551	R746-360-4	AMD	12/01/2003	2003-17/67
universal service*					
Public Service Commission, Administration	26816	R746-360	5YR	11/25/2003	Not Printed
uranium mills					
Environmental Quality, Radiation Control	25882	R313-24-1	NSC	01/01/2003	Not Printed
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Environmental Quality, Solid and Hazardous Waste	26064	R315-15	5YR	03/03/2003	2003-7/76
utilities					
Transportation, Preconstruction	26501	R930-6	AMD	09/16/2003	2003-/16
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Human Resource Management, Administration	26221	R477-7	AMD	07/01/2003	2003-10/80
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Commerce, Occupational and Professional Licensing	26150	R156-28	AMD	06/03/2003	2003-9/3
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Crime Victim Reparations, Administration	26381	R270-1	AMD	08/01/2003	2003-13/5
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Natural Resources, Wildlife Resources	26169	R657-26-8	AMD	06/03/2003	2003-9/104
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Environmental Quality, Air Quality	26546	R307-406	5YR	08/11/2003	2003-17/88
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Human Services, Mental Health, State Hospital	26302	R525-4	5YR	05/20/2003	2003-12/73
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Education, Administration	25926	R277-518	5YR	01/14/2003	2003-3/67
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Education, Rehabilitation	26234	R280-200	NSC	05/01/2003	Not Printed
wages					
Workforce Services, Workforce Information and Payment Services	26307	R994-208	5YR	05/23/2003	2003-12/79
warrants					
Pardons (Board Of), Administration	26661	R671-510	AMD	11/19/2003	2003-20/31
	26620	R671-510	5YR	09/11/2003	2003-19/70
	26622	R671-511	REP	11/19/2003	2003-19/57
	26662	R671-512	AMD	11/19/2003	2003-20/32
	26628	R671-512	5YR	09/11/2003	2003-19/70
	26625	R671-513	5YR	09/11/2003	2003-19/70
waste disposal					
Environmental Quality, Radiation Control	25943	R313-15	5YR	01/14/2003	2003-3/73
	26379	R313-15-208	AMD	08/08/2003	2003-13/6
	26377	R313-15-301	AMD	08/08/2003	2003-13/7
Environmental Quality, Solid and Hazardous Waste	26092	R315-301	5YR	03/14/2003	2003-7/76
	26552	R315-301	AMD	10/15/2003	2003-17/13
	26553	R315-302-2	AMD	10/15/2003	2003-17/19
	26094	R315-303	5YR	03/14/2003	2003-7/78
	26554	R315-303	AMD	10/15/2003	2003-17/21
	26555	R315-305	AMD	10/15/2003	2003-17/24
	26095	R315-305	5YR	03/14/2003	2003-7/79
	26096	R315-306	5YR	03/14/2003	2003-7/79
	26556	R315-306	AMD	10/15/2003	2003-17/27
	26097	R315-307	5YR	03/14/2003	2003-7/80
	26098	R315-308	5YR	03/14/2003	2003-7/81
	26100	R315-309	5YR	03/14/2003	2003-7/81
	26557	R315-309	AMD	10/15/2003	2003-17/29
	26558	R315-310	AMD	10/15/2003	2003-17/36

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	26101	R315-311	5YR	03/14/2003	2003-7/83
	26102	R315-312	5YR	03/14/2003	2003-7/84
	26559	R315-312-3	AMD	10/15/2003	2003-17/39
	26104	R315-314	5YR	03/14/2003	2003-7/85
	26561	R315-315	AMD	10/15/2003	2003-17/40
	26105	R315-315	5YR	03/14/2003	2003-7/85
	26560	R315-316	AMD	10/15/2003	2003-17/42
	26106	R315-316	5YR	03/14/2003	2003-7/86
	26107	R315-317	5YR	03/14/2003	2003-7/87
	26108	R315-318	5YR	03/14/2003	2003-7/88
	26562	R315-318	AMD	10/15/2003	2003-17/43
	26563	R315-320	AMD	10/15/2003	2003-17/45
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	26579	R317-1-4	AMD	11/12/2003	2003-18/20
waste management					
Environmental Quality, Solid and Hazardous Waste	26093	R315-302	5YR	03/14/2003	2003-7/77
waste oil					
Environmental Quality, Air Quality	26524	R307-413	5YR	08/01/2003	2003-16/52
waste water					
Environmental Quality, Water Quality	25203	R317-4-3	AMD	01/10/2003	2002-18/43
	25635	R317-4-3	AMD	01/30/2003	2002-23/21
	25637	R317-11	AMD	01/30/2003	2002-23/80
wastewater					
Environmental Quality, Water Quality	26183	R317-101	5YR	04/22/2003	2003-10/147
wastewater treatment					
Environmental Quality, Water Quality	25638	R317-10	AMD	01/30/2003	2002-23/78
water					
Public Service Commission, Administration	26081	R746-330	5YR	03/10/2003	2003-7/92
	26142	R746-331	5YR	04/02/2003	2003-9/136
	26143	R746-332	5YR	04/02/2003	2003-9/136
water pollution					
Environmental Quality, Water Quality	25636	R317-1	AMD	01/30/2003	2002-23/17
	26579	R317-1-4	AMD	11/12/2003	2003-18/20
	25634	R317-8	AMD	01/30/2003	2002-23/33
	25633	R317-9	NEW	02/05/2003	2002-23/74
	25638	R317-10	AMD	01/30/2003	2002-23/78
water quality					
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	25631	R317-7-13	AMD	01/30/2003	2002-23/32
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weapons					
Human Services, Mental Health, State Hospital	26516	R525-6	5YR	07/30/2003	2003-16/53
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Agriculture and Food, Plant Industry	26387	R68-9	5YR	06/13/2003	2003-13/63
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Human Services, Recovery Services	25977	R527-3	AMD	03/19/2003	2003-4/26
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Natural Resources, Wildlife Resources	26166	R657-3	AMD	06/03/2003	2003-9/94
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	26241	R657-5	AMD	06/17/2003	2003-10/111
	26689	R657-5-13	EMR	10/06/2003	2003-21/90
	26165	R657-5-70	AMD	06/03/2003	2003-9/103
	26570	R657-9	AMD	10/02/2003	2003-17/53
	26571	R657-10	AMD	10/02/2003	2003-17/57
	26575	R657-11	AMD	10/02/2003	2003-17/58
	25360	R657-13	AMD	01/01/2003	2002-20/92
	25721	R657-17	AMD	01/15/2003	2002-24/46
	26573	R657-19	AMD	10/02/2003	2003-17/63
	26576	R657-19	5YR	08/15/2003	2003-17/89
	25890	R657-23	AMD	02/16/2003	2003-2/41
	26169	R657-26-8	AMD	06/03/2003	2003-9/104
	26273	R657-27	AMD	07/02/2003	2003-11/36
	25892	R657-33	AMD	02/16/2003	2003-2/43
	26056	R657-33-6	AMD	04/15/2003	2003-6/15
	26272	R657-34	AMD	07/02/2003	2003-11/41
	26274	R657-34	5YR	05/14/2003	2003-11/95
	26275	R657-37	5YR	05/14/2003	2003-11/96
	26271	R657-37	AMD	07/02/2003	2003-11/42
	25722	R657-38	AMD	01/15/2003	2002-24/48
	26278	R657-42	5YR	05/14/2003	2003-11/97
	26277	R657-42	AMD	07/02/2003	2003-11/45
	25723	R657-42	AMD	01/15/2003	2002-24/52
	26276	R657-44	AMD	07/02/2003	2003-11/46
	25894	R657-44	R&R	02/16/2003	2003-2/46
	26168	R657-53	NEW	06/03/2003	2003-9/107
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Environmental Quality, Air Quality	26360	R307-201	5YR	06/11/2003	2003-13/68
	26402	R307-302	5YR	06/19/2003	2003-14/95
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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
working toward employment					
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
x-ray					
Environmental Quality, Radiation Control	25786	R313-28	AMD	03/14/2003	2003-1/27
youth					
Human Services, Administration, Administrative Services, Licensing	25707	R501-8	AMD	01/17/2003	2002-24/19
	25978	R501-8	NSC	03/01/2003	Not Printed
	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
zoning					
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
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Natural Resources, Wildlife Resources	26166	R657-3	AMD	06/03/2003	2003-9/94
	26167	R657-3	5YR	04/15/2003	2003-9/135