UTAH STATE BULLETIN

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

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

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: http://www.rules.utah.gov/

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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SPECIAL NOTICES

Agriculture and Food
Regulatory Services

Public Notice: Extending the Comment Period on the Proposed Amendment to Section R70-540-14

The Division of Regulatory Services under the Department of Agriculture and Food is extending the comment period for the proposed amendment to Section R70-540-14, entitled Exemptions, that was published in the December 15, 2004, issue of the *Utah State Bulletin* (No. 2004-24, page 7) under DAR No. 27569. Comments will be accepted until 03/15/2005 to allow for further comments to the exemptions to this rule.

Direct questions or comments regarding this rule to: Marolyn Leetham, Becky Shreeve, or Chris Crnich at Agriculture and Food, Regulatory Services, 350 N Redwood Rd, Salt Lake City, UT 84116-3087; by phone at 801-538-7114, 801-538-7149, or 801-538-7150; by FAX at 801-538-7126, 801-538-7126, or 801-538-4949; or by Internet E-mail at mleetham@utah.gov, bshreeve@utah.gov, or ccrnich@utah.gov

Environmental Quality
Water Quality

Public Notice: New Hearing Dates and Extended Comment Date for the Filing on Rule R317-2

The Division of Water Quality is giving notice that the public hearings for the proposed amendment to Rule R317-2, entitled Standards of Quality for the Waters of the State, as published in the January 1, 2005, issue of the *Utah State Bulletin* (No. 2005-1, page 13) under DAR No. 27593, are hereby cancelled.

In their place, two new public hearings are scheduled as follows: 03/02/2005 at 7:00 p.m., City Library, West Room, 303 N 100 E, Cedar City, UT; and 03/04/2005 at 3:00 p.m., Cannon Heath Building, 288 N 1460 W, Room 125, Salt Lake City, UT.

This action is being taken to give interested and affected parties additional time to review the proposed changes prior to the hearings. In addition, the public comment period for the proposed amendment is extended to 03/11/2005.

Direct questions or comments regarding this rule to: Dave Wham at Environmental Quality, Water Quality, Cannon Health Bldg, 288 N 1460 W, Salt Lake City, UT 84116-3231, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@utah.gov

Governor's Executive Order 2005-0001: Declaring a State of Emergency from Winter Storms and Flooding in Washington County

EXECUTIVE ORDER

Declaring a State of Emergency from Winter Storms and Flooding in Washington County

WHEREAS, beginning on or about January 10, 2005, and continuing, severe winter storms, flash flooding and heavy snow in the watershed have caused flooding along all drainage systems in Washington County, Utah;

WHEREAS, the peak flows on these rivers is at or near their historical highs;

WHEREAS, these floods have caused severe damage to private residences, public roads and bridges, culinary water systems, riverbank erosion and the isolation and evacuation of residents from several communities;

WHEREAS, several area reservoirs are completely full and in danger of overtopping and debris in the river channels is creating a continuing hazard to public safety in Washington County, Utah;

WHEREAS, the flooding threat to the entire southwestern region of the State is continuing;

WHEREAS, immediate attention is necessary to alleviate the situation which threatens the safety, health and welfare of the citizens of Washington County;

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

NOW THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah;

DO HEREBY ORDER that a "State of Emergency" exists due to the aforesaid winter storms and flooding in Washington County and that such area is declared to be a disaster requiring aid, assistance and relief available pursuant to the provisions of State statutes, and the State Emergency Operations Plan, which is hereby activated.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 11th day of January, 2005.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

2005/0001

Governor's Executive Order 2005-0002: Declaring a State of Emergency Affecting Federal-aid Highways in Southern Utah

EXECUTIVE ORDER

Declaring a State of Emergency Affecting Federal-aid Highways in Southern Utah

WHEREAS, Floods and rapid runoff, commencing on January 10, 2005, were experienced throughout Washington County, Iron County, and Kane County as a result of extremely heavy rains. The flooding and associated runoffs have produced serious and extensive damage to both private and public property. As a consequence, the State of Utah has sustained severe damage to its road systems, which include bridges, roadbeds, and other facilities. Damage has occurred on Federal-aid highways;

WHEREAS, Damage throughout the southern part of the State of Utah has been of such an extent that immediate repairs have been necessary. Such conditions constitute an emergency as contemplated by the terms of 23 U.S.C. Sections 120(e) and 125;

NOW THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah;

DO HEREBY ORDER that a "State of Emergency" exists in Washington County, Iron County, and Kane County as a result of flooding and runoff conditions and consequent danger to life and damage to property, including Federal-aid highways. The immediate repair and reconstruction of the damaged highways is vital to the security, well-being, and health of the citizens of the State of Utah; and the Federal Highway Division Administrator is hereby requested to concur in the declaration of this emergency.

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 Complex in Salt Lake City, Utah, this 13th day of January, 2005.

(State Seal)

Jon M. Huntsman, Jr.
Governor

ATTEST:

Gary R. Herbert
Lieutenant Governor

2005/0002

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 December 31, 2004, 12:00 a.m., and January 14, 2005, 11:59 p.m. are included in this, the February 1, 2005, 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 March 3, 2005. 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 June 1, 2005, 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.

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

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27659
FILED: 01/14/2005, 16:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments are being made to bring all the R317 rules into conformity with the changing from "Total Coliform" or "Fecal Coliform" bacteria to "E. coli" in Rule R317-2 entitled Standards of Quality for Waters of the State. (DAR NOTE: The proposed amendment to Rule R317-2 was published in the January 1, 2005, issue of the Utah State Bulletin under DAR No. 27593.)

SUMMARY OF THE RULE OR CHANGE: "Total Coliform" or "Fecal Coliform" bacteria and their associated numeric criteria are changed to (or augmented with) "E. coli" and its associated numeric criteria.

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

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There are no anticipated costs or savings to state budget. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.
❖ LOCAL GOVERNMENTS: The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same. There are no anticipated costs or savings to local government.
❖ OTHER PERSONS: The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same. There are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated additional compliance costs for affected persons. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated additional compliance costs for affected businesses. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.

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 03/11/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 3/02/2005 at 7:00 PM, City Library, 303 N 100 E, West Room, Cedar City, UT and 3/04/2005 at 3:00 PM, Cannon Heath Building, 288 N 1460 W, Room 125, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/01/2005

AUTHORIZED BY: Dianne R. Nielson, Executive 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; or, the geometric mean of E. coli bacteria in effluent samples collected during any 30-day period shall not exceed 13 per 100 ml nor shall the geometric mean exceed 16 per 100 ml 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.

1.28 "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).

1.29 "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).

1.30 "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.

1.31 "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).

1.32 "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.

R317-1-3. Requirements for Waste Discharges.

3.1 Deadline For Compliance With Water Quality Standards.

All persons discharging wastes into any of the waters of the State on the effective date of these regulations shall provide the degree of wastewater treatment determined necessary to insure compliance with the requirements of R317-2 (Water Quality Standards) as soon as practicable but not later than June 30, 1983, except that the Board may, on a case-by-case basis, allow an extension to the deadline for compliance with these requirements for specific criteria listed in R317-

2 where it is determined that the designated use is not being impaired or significant use improvement would not occur or where there is a reasonable question as to the validity of a specific criterion or for other valid reasons as determined by the Board.

3.2 Deadline For Compliance With Secondary Treatment Requirements.

All persons discharging wastes from point sources into any of the waters of the State shall provide treatment processes which will produce secondary effluent meeting or exceeding the following effluent quality standards.

A. The arithmetic mean of BOD values determined on effluent samples collected during any 30-day period shall not exceed 25 mg/l, nor shall the arithmetic mean exceed 35 mg/l during any 7-day period. In addition, if the treatment plant influent is of domestic or municipal sewage origin, the BOD values of effluent samples shall not be greater than 15% of the BOD values of influent samples collected in the same time period. As an alternative, if agreed to by the person discharging wastes, the following effluent quality standard may be established as a requirement of the discharge permit and must be met: The arithmetic mean of CBOD values determined on effluent samples collected during any 30-day period shall not exceed 20 mg/l nor shall the arithmetic mean exceed 30 mg/l during any 7-day period. In addition, if the treatment plant influent is of domestic or municipal sewage origin, the CBOD values of effluent samples shall not be greater than 15% of the CBOD values of influent samples collected in the same time period.

B. The arithmetic mean of SS values determined on effluent samples collected during any 30-day period shall not exceed 25 mg/l, nor shall the arithmetic mean exceed 35 mg/l during any 7-day period. In addition, if the treatment plant influent is of domestic or municipal sewage origin, the SS values of effluent samples shall not be greater than 15% of the SS values of influent samples collected in the same time 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 2000 per 100 ml or 200 per 100 ml respectively, nor shall the geometric mean exceed 2500 per 100 ml or 250 per 100 ml respectively, during any 7-day period; or, the geometric mean of E. coli bacteria in effluent samples collected during any 30-day period shall not exceed 126 per 100 ml nor shall the geometric mean exceed 158 per 100 ml respectively during any 7-day period. Exceptions to this requirement may be allowed by the Board on a case-by-case basis where domestic wastewater is not a part of the effluent and where water quality standards are not violated.

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

E. Exceptions to the 85% removal requirements may be allowed on a case-by-case basis where infiltration makes such removal requirements infeasible and where water quality standards are not violated.

F. The Board may allow exceptions to the requirements of (A), (B) and (D) above on a case-by-case basis where the discharge will be of short duration and where there will be of no significant detrimental affect on receiving water quality or downstream beneficial uses.

G. The Board may allow on a case-by-case basis that the BOD5 and TSS effluent concentrations for discharging domestic wastewater lagoons shall not exceed 45 mg/l for a monthly average nor 65 mg/l for a weekly average provided the following criteria are met:

1. The lagoon system is operating within the organic and hydraulic design capacity established by R317-3,

2. The lagoon system is being properly operated and maintained,

3. The treatment system is meeting all other permit limits,

4. There are no significant or categorical industrial users (IU) defined by 40 CFR Part 403, unless it is demonstrated to the satisfaction of the Executive Secretary to the Utah Water Quality Board that the IU is not contributing constituents in concentrations or quantities likely to significantly effect the treatment works,

5. A Waste Load Allocation (WLA) indicates that the increased permit limits would not impair beneficial uses of the receiving stream.

3.3 Extensions To Deadlines For Compliance.

The Board may, upon application of a waste discharger, allow extensions on a case-by-case basis to the compliance deadlines in Section 1.3.2 above where it can be shown that despite good faith effort, construction cannot be completed within the time required.

3.4 Pollutants In Diverted Water Returned To Stream.

A user of surface water diverted from waters of the State will not be required to remove any pollutants which such user has not added before returning the diverted flow to the original watercourse, provided there is no increase in concentration of pollutants in the diverted water. Should the pollutant constituent concentration of the intake surface waters to a facility exceed the effluent limitations for such facility under a federal National Pollutant Discharge Elimination System permit or a permit issued pursuant to State authority, then the effluent limitations shall become equal to the constituent concentrations in the intake surface waters of such facility. This section does not apply to irrigation return flow.

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

4.1 Untreated Domestic Wastewater. Untreated domestic wastewater or effluent not meeting secondary treatment standards as defined by these regulations shall be isolated from all public contact until suitably treated. Land disposal or land treatment of such wastewater or effluent may be accomplished by use of an approved total containment lagoon as defined in R317-3 or by such other treatment approved by the Board as being feasible and equally protective of human health and the environment.

4.2 Submittal of Reuse Project Plan. If a person intends to reuse or provide for the reuse of treated domestic wastewater directly for any purpose, except on the treatment plant site as described in R317-1-4.6, a Reuse Project Plan must be submitted to the Division of Water Quality. A copy of the plan must also be submitted to the local health department. Any needed construction of wastewater treatment and delivery systems would also be covered by a construction permit as required in section R317-1-2.2 of this rule. The plan must contain the following information. At least items A and B should be provided before construction begins. All items must be provided before any water deliveries are made.

A. A description of the source, quantity, quality, and use of the treated wastewater to be delivered, the location of the reuse site, and how the requirements of this rule would be met.

B. Evidence that the State Engineer has agreed that the proposed reuse project planned water use is consistent with the water rights for the sources of water comprising the flows to the treatment plant which will be used in the reuse project.

C. An operation and management plan to include:

1. A copy of the contract with the user, if other than the treatment entity.

2. A labeling and separation plan for the prevention of cross connections between reclaimed water distribution lines and potable water lines. Guidance for distribution systems is available from the Division of Water Quality.

3. Schedules for routine maintenance.

4. A contingency plan for system failure or upsets.

D. If the water will be delivered to another entity for distribution and use, a copy of the contract covering how the requirements of this rule will be met.

4.3 Use of Treated Domestic Wastewater Effluent Where Human Exposure is Likely (Type I)

A. Uses Allowed

1. Residential irrigation, including landscape irrigation at individual houses.

2. Urban uses, which includes non-residential landscape irrigation, golf course irrigation, toilet flushing, fire protection, and other uses with similar potential for human exposure.

3. Irrigation of food crops where the applied reclaimed water is likely to have direct contact with the edible part. Type I water is required for all spray irrigation of food crops.

4. Irrigation of pasture for milking animals.

5. Impoundments of wastewater where direct human contact is likely to occur.

6. All Type II uses listed in 4.4.A below.

B. Required Treatment Processes

1. Secondary treatment process, which may include activated sludge, trickling filters, rotating biological contactors, oxidation ditches, and stabilization ponds. The secondary treatment process should produce effluent in which both the BOD and total suspended solids concentrations do not exceed 25 mg/l as a monthly mean.

2. Filtration, which includes passing the wastewater through filter media such as sand and/or anthracite or approved membrane processes.

3. Disinfection to destroy, inactivate, or remove pathogenic microorganisms by chemical, physical, or biological means. Disinfection may be accomplished by chlorination, ozonation, or other chemical disinfectants, UV radiation, membrane processes, or other approved processes.

C. Water Quality Limits. The quality of effluent before use must meet the following standards. Testing methods and procedures shall be performed according to Standards Methods for Examination of Water and Wastewater, eighteenth edition, 1992, or as otherwise approved by the Executive Secretary.

1. The monthly arithmetic mean of BOD shall not exceed 10 mg/l as determined by daily composite sampling. Composite samples shall be comprised of at least six flow proportionate samples taken over a 24-hour period.

2. The daily arithmetic mean turbidity shall not exceed 2 NTU, and turbidity shall not exceed 5 NTU at any time. Turbidity shall be measured continuously. The turbidity standard shall be met prior to disinfection. If the turbidity standard cannot be met, but it can be demonstrated to the satisfaction of the Executive Secretary that there exists a consistent correlation between turbidity and the total suspended solids, then an alternate turbidity standard may be established. This will allow continuous turbidity monitoring for quality control while maintaining the intent of the turbidity standard, which is to have 5 mg/l total suspended solids or less to assure adequate disinfection.

3. The weekly median [~~fecal coliform~~]E. coli concentration shall be none detected, as determined from daily grab samples, and no sample shall exceed [~~14~~]9 organisms/100 ml.

4. The total residual chlorine shall be measured continuously and shall at no time be less than 1.0 mg/l after 30 minutes contact time at peak flow. If an alternative disinfection process is used, it must be demonstrated to the satisfaction of the Executive Secretary that the alternative process is comparable to that achieved by chlorination with a 1 mg/l residual after 30 minutes contact time. If the effectiveness cannot be related to chlorination, then the effectiveness of the alternative disinfection process must be demonstrated by testing for pathogen destruction as determined by the Executive Secretary. A 1 mg/l total chlorine residual is required after disinfection and before the reclaimed water goes into the distribution system.

5. The pH as determined by daily grab samples or continuous monitoring shall be between 6 and 9.

D. Other Requirements

1. An alternative disposal option or diversion to storage must be automatically activated if turbidity exceeds or chlorine residual drops below the instantaneous required value for more than 5 minutes. 2. Any irrigation must be at least 50 feet from any potable water well. Impoundments of reclaimed water, if not sealed, must be at least 500 feet from any potable water well.

3. Requirements for ground water discharge permits, if required, shall be determined in accordance with R317-6.

4. For residential landscape irrigation at individual homes, additional quality control restrictions may be required by the Executive Secretary. Proposals for such uses should also be submitted to the local health authority to determine any conditions they may require.

4.4 Use of Treated Domestic Wastewater Effluent Where Human Exposure is Unlikely (Type II)

A. Uses Allowed

1. Irrigation of sod farms, silviculture, limited access highway rights of way, and other areas where human access is restricted or unlikely to occur.

2. Irrigation of food crops where the applied reclaimed water is not likely to have direct contact with the edible part, whether the food will be processed or not (spray irrigation not allowed).

3. Irrigation of animal feed crops other than pasture used for milking animals.

4. Impoundments of wastewater where direct human contact is not allowed or is unlikely to occur.

5. Cooling water. Use for cooling towers which produce aerosols in populated areas may have special restrictions imposed.

6. Soil compaction or dust control in construction areas.

B. Required Treatment Processes

1. Secondary treatment process, which may include activated sludge, trickling filters, rotating biological contactors, oxidation ditches, and stabilization ponds. Secondary treatment should produce effluent in which both the BOD and total suspended solids do not exceed 25 mg/l as a monthly mean.

2. Disinfection to destroy, inactivate, or remove pathogenic microorganisms by chemical, physical, or biological means. Disinfection may be accomplished by chlorination, ozonation, or other chemical disinfectants, UV radiation, membrane processes, or other approved processes.

C. Water Quality Limits. The quality of effluent before use must meet the following standards. Testing methods and procedures shall be performed according to Standards Methods for Examination of Water and Wastewater, eighteenth edition, 1992, or as otherwise approved by the Executive Secretary.

1. The monthly arithmetic mean of BOD shall not exceed 25 mg/l as determined by weekly composite sampling. Composite samples shall be comprised of at least six flow proportionate samples taken over a 24-hour period.

2. The monthly arithmetic mean total suspended solids concentration shall not exceed 25 mg/l as determined by daily composite sampling. The weekly mean total suspended solids concentration shall not exceed 35 mg/l.

3. The weekly median [~~fecal coliform~~]E. coli concentration shall not exceed [~~200~~]126 organisms/100 ml, as determined from daily grab samples, and no sample shall exceed [~~800~~]500 organisms/100 ml.

4. The pH as determined by daily grab samples or continuous monitoring shall be between 6 and 9.

5. At the discretion of the Executive Secretary, the sampling frequency to determine compliance with water quality limits for effluent from lagoon systems used to irrigate agricultural crops, may be reduced to monthly grab sampling for BOD, and weekly grab sampling for [~~fecal coliform~~]E. coli, TSS and pH.

D. Other Requirements

1. An alternative disposal option or diversion to storage must be available in case quality requirements are not met.

2. Any irrigation must be at least 300 feet from any potable water well. Spray irrigation must be at least 300 feet from areas intended for public access. This distance may be reduced or increased by the Executive Secretary, based on the type of spray irrigation equipment used and other factors. Impoundments of reclaimed water, if not sealed, must be at least 500 feet from any potable water well.

3. Requirements for ground water discharge permits, if required, shall be determined in accordance with R317-6.

4. Public access to effluent storage and irrigation or disposal sites shall be restricted by a stock-tight fence or other comparable means which shall be posted and controlled to exclude the public.

4.5 Records. Records of volume and quality of treated wastewater delivered for reuse shall be maintained and submitted monthly in accordance with R317-1-2.7. If monthly operating reports are already being submitted to the Division of Water Quality, the data on water delivered for reuse may be submitted on the same form.

4.6 Use of Secondary Effluent at Plant Site. Secondary effluent may be used at the treatment plant site in the following manner provided there is no cross-connection with a potable water system:

A. Chlorinator injector water for wastewater chlorination facilities, provided all pipes and outlets carrying the effluent are suitably labeled.

B. Water for hosing down wastewater clarifiers, filters and related units, provided all pipes and outlets carrying the effluent are suitably labeled.

C. Irrigation of landscaped areas around the treatment plant from which the public is excluded.

4.7 Other Uses of Effluents. Proposed uses of effluents not identified above, including industrial uses, shall be considered for approval by the Board based on a case-specific analysis of human health and environmental concerns.

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, any equipment or facilities such as tanks, temporary piping or valves, and portable pumps which have been used for conveying reclaimed water 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.

KEY: water pollution, waste disposal, industrial waste, effluent standards
[~~March 29, 2004~~]2005
Notice of Continuation October 7, 2002
19-5

Environmental Quality, Water Quality
R317-3-10
Lagoons

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27658
FILED: 01/14/2005, 16:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments are being made to bring all the R317 rules into conformity with the changing from "Total Coliform" or "Fecal Coliform" bacteria to "E. coli" in Rule R317-2 entitled Standards of Quality for Waters of the State. (DAR NOTE: The proposed amendment to Rule R317-2 was published in the January 1, 2005, issue of the Utah State Bulletin under DAR No. 27593.)

SUMMARY OF THE RULE OR CHANGE: "Total Coliform" or "Fecal Coliform" bacteria and their associated numeric criteria are changed to (or augmented with) "E. coli" and its associated numeric criteria.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to state budget. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.

❖ LOCAL GOVERNMENTS: The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same. There are no anticipated costs or savings to local government.

❖ OTHER PERSONS: The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same. There are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated additional compliance costs for affected persons. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated additional compliance costs for affected businesses. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.

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 03/11/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 3/02/2005 at 7:00 PM, City Library, 303 N 100 E, West Room, Cedar City, UT and 3/04/2005 at 3:00 PM, Cannon Heath Building, 288 N 1460 W, Room 125, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/01/2005

AUTHORIZED BY: Dianne R. Nielson, Executive Director

R317. Environmental Quality, Water Quality.
R317-3. Design Requirements for Wastewater Collection, Treatment and Disposal Systems.
R317-3-10. Lagoons.

10.1. Lagoon Siting

A. Distance from Habitation. A lagoon should be sited as far as practicable, with a minimum of 1/4 mile (0.4 kilometer), from areas developed for residential or commercial or institutional purposes or may be developed for such purposes within a foreseeable future. Site characteristics such as topography, prevailing wind direction, forests, etc., must be considered in siting the lagoon.

B. Prevailing Winds. The lagoon should be sited where the direction of local prevailing winds is towards uninhabited areas.

C. Surface Runoff. The lagoon should not be sited in watersheds receiving significant amounts of storm-water runoff. Storm-water runoff should be diverted around the lagoon and protect lagoon embankments from erosion.

D. Hydrology and hydrogeology. Close proximity to water supplies and other facilities subject to wastewater contamination should be avoided in siting the lagoon. A minimum separation of four (4) feet (1.2 meters) between the bottom of the lagoon and the maximum ground water elevation should be maintained.

E. Geology

1. The lagoon shall not be located in areas which may be subjected to karstification, i.e., sink holes or underground streams generally occurring in area underlain by porous limestone or dolomite or volcanic soil.

2. A minimum separation of 10 feet (3.0 meters) between the lagoon bottom and any bedrock formation is recommended.

10.2. Small Facilities. The executive secretary will review and approve the construction of a lagoon for a design rate of flow less than 25,000 gallons per day (95 cubic meters per day) only if:

A. there are no other alternatives for wastewater treatment and disposal available to the applicant;

B. there is no other appropriate technology for wastewater treatment and disposal except lagoon; and

C. the applicant has resources to satisfactorily operate and maintain the lagoon.

10.3. Basis of Design. Design variables such as lagoon depth, number of units, detention time, and additional treatment units must be based on effluent standards for BOD_5, total suspended solids (TSS), [~~fecal coliforms~~]E. coli, dissolved oxygen (DO), and pH.

A. Design for Discharging and Total Containment Lagoons

1. The design shall be based on BOD_5 loading ranging from 15 to 35 pounds per acre per day (16.8-39.2 kilograms per hectare per day).

2. The design for total containment lagoons shall be based on conservative estimates of precipitation, evaporation, seepage or percolation and inflow relevant to the site. A mass diagram showing each of the foregoing factors on a month-by-month basis, shall be prepared and submitted with the design and plans for review.

B. Design Depth. The minimum operating depth should be such that growth of aquatic plants is suppressed to prevent damage to the dikes, bottom, control structures, aeration equipment and other appurtenances.

1. Discharging or Total Containment Lagoons. The maximum water depth shall be 6 feet (1.8 meters) in primary cells. Greater depth in subsequent cells may be deeper than 6 feet provided that supplemental aeration or mixing is incorporated in the design. Minimum operating depth shall be three feet.

2. Aerated Lagoons. The design water depth should range from 10 to 15 feet (three to 4.5 meters). The type of the aeration equipment, waste strength and climatic conditions affect the selection of the design water depth.

3. Sludge Accumulation. The minimum depth of 18 inches (45 centimeters) for sludge accumulation shall be provided in primary cells of facultative lagoons.

C. Freeboard. The minimum freeboard shall be three (3) feet (1.0 meter). For small systems - less than 50,000 gallons per day (190 cubic meters per day), the minimum freeboard can be reduced to two (2) feet (0.6 meter).

D. Slope

1. Maximum Dike Slope. The inner and outer dike slopes shall not be steeper than 3 horizontal to 1 vertical (3:1).

2. Minimum Dike Slope. Inner dike slope shall not be flatter than 4 horizontal to 1 vertical (4:1). A flatter slope can be specified for larger installations because of wave action, but have the disadvantages of added shallow areas, that are conducive to emergent vegetation.

E. Seepage

1. The bottom of lagoons treating domestic sewage shall be no less than 12-inch (30 centimeters) in thickness, constructed in two six-inch (15 centimeters) lifts. The selection of the type of seals using soils, bentonite, or synthetic liners for the lagoon bottom shall be based on the design hydraulic conductivity, durability, and integrity of the proposed material.

2. Hydraulic conductivity of the lagoon bottom as constructed or installed, shall be such that it meets the requirements of ground water discharge permit issued under R317-6, (Ground Water Quality Protection rules). It shall not exceed 1.0×10^{-6} centimeters per second.

3. The seepage loss may vary with the thickness of the bottom seal and hydraulic head thereon. Detailed calculations on the determination of seepage loss shall be submitted with the design. It shall not exceed 6,500 gallons per acre per day (60.8 cubic meters per hectare per day).

4. Results of field and laboratory hydraulic conductivity tests, including a correlation between them, shall meet the design and ground water discharge permitting requirements, before the use of lagoon can be authorized.

5. Hydraulic conductivity for the lagoon where industrial waste is a significant component of sewage, shall be based on ground water protection criteria contained in R317-6 (Ground Water Quality Protection rules).

F. Detention time

1. Discharging Lagoons. Detention time in the lagoon shall be the greater, and exclusive of the capacity provided for sludge build-up, of:

a. 120 days based on winter flow and the maximum operating depth of the entire system; or

b. 60 days based on summer flow and peak monthly infiltration/inflow.

c. The detention time shall not be less than 150 days at the mean operating depth for effluent discharge without chlorination. In order to meet bacteriologic standards in such a case, at least 5 cells shall be provided. The detention time and organic loading rate shall depend on climatic or stream conditions.

2. Aerated Lagoons

a. The detention time shall be the greater of:

(1) 30 days minimum; or

(2) the value determined using the following formula: $E = (1/(1 + (2.3 \times K_1 \times t)))$ where: t = detention time, days; E = fraction of BOD_5 remaining in an aerated lagoon; K_1 = reaction coefficient, aerated lagoon, base 10. For normal domestic sewage, the K_1 value may be assumed to be 0.12 day^{-1} at 20 degrees Centigrade, and 0.06 day^{-1} at one degree Centigrade.

b. The reaction rate coefficient for domestic sewage which includes some industrial wastes must be determined experimentally for various conditions which might be encountered in the aerated lagoons. The reaction rate coefficient based on temperature used in the experimental data, shall be adjusted for the minimum sewage temperature.

G. Aeration Requirements for Aerated Lagoons

1. The design parameters for the aerated lagoon should be based on pilot testing or validated experimental data.

2. When pilot testing is not conducted, the design should be based on two pounds of oxygen input per pound of BOD_5 applied (two kilograms of oxygen input per kilogram of BOD_5 applied). However, it may vary with the degree of treatment, and the concentration of suspended solids to be maintained. A tapered mode of aeration is permitted based on applied BOD_5 to each cell.

3. Aeration equipment shall be capable of maintaining a minimum dissolved oxygen level of 2 milligrams per liter in the lagoon at all times such that their circles of influence meet.

a. Circle of Influence. It is that area in which return velocity is greater than 0.15 feet per second as indicated by the manufacturer's certified data. Table R317-3-10.3(G)(3)(a) may be used when the manufacturer's certified data is not available.

b. Freezing. Suitable protection from weather shall be provided for aerators and electrical controls.

H. Industrial Wastes. For industrial waste treatment using lagoon, the design parameters shall be based on the type and treatability of industrial wastes using biological processes. In some cases it may be necessary to pretreat industrial waste or combine with domestic sewage.

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KEY: wastewater, water quality, water pollution
[~~August 4, 1995~~]2005
Notice of Continuation October 7, 2002
19-5
19-5-104
40 CFR 503

Environmental Quality, Water Quality
R317-8-3
Application Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27657
FILED: 01/14/2005, 16:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments are being made to bring all the R317 rules into conformity with the changing from "Total Coliform" or "Fecal Coliform" bacteria to "E. coli" in Rule R317-2 entitled Standards of Quality for Waters of the State. (DAR NOTE: The proposed amendment to Rule R317-2 was published in the January 1, 2005, issue of the Utah State Bulletin under DAR No. 27593.)

SUMMARY OF THE RULE OR CHANGE: "Total Coliform" or "Fecal Coliform" bacteria and their associated numeric criteria are changed to (or augmented with) "E. coli" and its associated numeric criteria.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to state budget. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.

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COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated additional compliance costs for affected businesses. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.

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ENVIRONMENTAL QUALITY
WATER QUALITY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

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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

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THIS RULE MAY BECOME EFFECTIVE ON: 04/01/2005

AUTHORIZED BY: Dianne R. Nielson, Executive Director

R317. Environmental Quality, Water Quality.
R317-8. Utah Pollutant Discharge Elimination System (UPDES).
R317-8-3. Application Requirements.

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3.5 APPLICATION REQUIREMENTS FOR EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

Existing manufacturing, commercial, mining, and silvicultural dischargers applying for UPDES permits shall provide the following information to the Executive Secretary, using application forms provided by the Executive Secretary:

(1) Outfall location. The latitude and longitude to the nearest fifteen (15) seconds and the name of the receiving water.

(2) Line drawing. A line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under R317-8-3.5. The water balance shall show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined, the applicant may provide a pictorial description of the nature and amount of any sources of water and any collection and treatment measures.

(3) Average flows and treatment. A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water; and storm water runoff; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Processes, operations or production areas may be described in general terms, (for example, "dye-making reactor," "distillation tower.") For a privately owned treatment works, this information shall include the identity of each user of the treatment works. The average flow of point sources composed of storm water may be estimated. The basis for the rainfall event and the method of estimation must be indicated.

(4) Intermittent flows. If any of the discharges described in R317-8-3.5(3) are intermittent or seasonal, a description of the frequency, duration and flow rate of each discharge occurrence, except for storm water runoff, spillage, or leaks.

(5) Maximum production levels. If an EPA effluent guideline applies to the applicant and is expressed in terms of production or other measure of operation, a reasonable measure of the applicant's actual production reported in the units used in the applicable effluent guideline. The reported measure shall reflect the actual production of the facility as required by R317-8-4.3(2).

(6) Improvements. If the applicant is subject to any present requirements or compliance schedules for construction, upgrading or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates.

(7) Effluent characteristics. Information on the discharge of pollutants specified in this subsection shall be provided, except information on storm water discharges which is to be provided as specified in R317-8-3.9. When quantitative data for a pollutant are required, the applicant must collect a sample of effluent and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR 136. When no particular analytical method is required the applicant may use any suitable method but must provide a description of the method. The Executive Secretary may allow the applicant to test only one outfall and report that the quantitative data also applies to the substantially identical outfalls. The requirements in paragraphs (c) and (d) of this subsection that an applicant shall provide quantitative data for certain pollutants known or believed to be present do not apply to pollutants present in a discharge solely as the result of their presence in

intake water; however, an applicant shall report such pollutants as present. Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine,, oil and grease, and [~~fecal coliform~~]or E. coli. For all other pollutants, twenty-four (24)-hour composite samples must be used. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. In addition, the Executive Secretary may waive composite sampling for any outfall for which the applicant demonstrates that the use of an automatic sampler is infeasible and that the minimum of four (4) grab samples will be a representative sample of the effluent being discharged. For storm water discharges, all samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area. For all applicants, a flow-weighted composite shall be taken for either the entire discharge or for the first three hours of the discharge. The flow-weighted composite sample for a storm water discharge may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes (applicants submitting permit applications for storm water discharges under R317-8-3.9(3) may collect flow weighted composite samples using different protocols with respect to the time duration between the collection of sample aliquots, subject to the approval of the Executive Secretary). However, a minimum of one grab sample may be taken for storm water discharges from holding ponds or other impoundments with a retention period greater than 24 hours. For a flow-weighted composite sample, only one analysis of the composite of aliquots is required. For storm water discharge samples taken from discharges associated with industrial activities, quantitative data must be reported for the grab sample taken during the first thirty minutes (or as soon thereafter as practicable) of the discharge for all pollutants specified in R317-8-3.9(2)(a). For all storm water permit applicants taking flow-weighted composites, quantitative data must be reported for all pollutants specified in R317-8-3.9 except pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, [~~fecal coliform~~]or E. coli, and fecal streptococcus. The Executive Secretary may allow or establish appropriate site-specific sampling procedures or requirements, including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the form of precipitation sampled (snow melt or rainfall), protocols for collecting samples under 40 CFR 136, and additional time for submitting data on a case-by-case basis. An applicant is expected to know or have reason to believe that a pollutant is present in an effluent based on an evaluation of the expected use, production, or storage of the pollutant, or on any previous analyses for the pollutant.

(a) Every applicant shall report quantitative data for every outfall for the following pollutants:

1. Biochemical Oxygen Demand (BOD)
2. Chemical Oxygen Demand
3. Total Organic Carbon
4. Total Suspended Solids
5. Ammonia (as N)
6. Temperature (both winter and summer)
7. pH

(b) The Executive Secretary may waive the reporting requirements for one or more of the pollutants listed in R317-8-3.5(7)(a) if the applicant has demonstrated that the waiver is appropriate because information adequate to support issuance of a permit can be obtained with less stringent requirements.

(c) Each applicant with processes in one or more primary industry category, listed in R317-8-3.11 of this regulation, and contributing to a discharge, shall report quantitative data for the following pollutants in each outfall containing process wastewater:

1. The organic toxic pollutants in the fractions designated in Table 1 of R317-8-3.12 for the applicant's industrial category or categories unless the applicant qualifies as a small business under R317-8-3.5(8). Table II of R317-8-3.12 of this part lists the organic toxic pollutants in each fraction. The fractions result from the sample preparation required by the analytical procedure which uses gas chromatography/mass spectrometry. A determination that an applicant falls within a particular industrial category for the purposes of selecting fractions for testing is not conclusive as to the applicant's inclusion in that category for any other purposes.

2. The pollutants listed in Table III of R317-8-3.12 (the toxic metals, cyanide, and total phenols).

(d) 1. Each applicant must indicate whether it knows or has reason to believe that any of the pollutants in Table IV of R317-8-3.12 (certain conventional and nonconventional pollutants) is discharged from each outfall. If an applicable effluent limitations guideline either directly limits the pollutant or, by its express terms, indirectly limits the pollutant through limitations on an indicator, the applicant must report quantitative data. For every pollutant discharged which is not so limited in an effluent limitations guideline, the applicant must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

2. Each applicant must indicate whether it knows or has reason to believe that any of the pollutants listed in Table II or Table III of R317-8-3.12 (the toxic pollutants and total phenols) for which quantitative data are not otherwise required under paragraph (b) of this section, is discharged from each outfall. For every pollutant expected to be discharged in concentrations of 10 ppb or greater the applicant must report quantitative data. For acrolein, acrylonitrile, 2.4 dinitrophenol, and 2-methyl-4,6 dinitrophenol, where any of these four pollutants are expected to be discharged in concentrations of 100 ppb or greater, the applicant must report quantitative data. For every pollutant expected to be discharged in concentrations less than 10 ppb, or in the case of acrolein, acrylonitrile, 2.4 dinitrophenol, and 2-methyl-4,6 dinitrophenol, in concentration less than 100 ppb, the applicant must either submit quantitative data or briefly describe the reasons the pollutant is expected to be discharged. An applicant qualifying as a small business under R317-8-3.5(8) is not required to analyze for pollutants listed in Table II of R317-8-3.12 (the organic toxic pollutants).

(e) Each applicant shall indicate whether it knows or has reason to believe that any of the pollutants in R317-8-3.12(5) of this regulation, certain hazardous substances and asbestos are discharged from each outfall. For every pollutant expected to be discharged, the applicant shall briefly describe the reasons the pollutant is expected to be discharged, and report any quantitative data for the pollutant.

(f) Each applicant shall report qualitative data, generated using a screening procedure not calibrated with analytical standards, for 2,3,7,8-tetrachlorodibenzo-p-dioxin(TCDD) if it:

1. Uses or manufactures 2,4,5-trichlorophenoxy acetic acid (2,4,5-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP); 2-(2.4.5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon); O,O-

dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); or

2. Knows or has reason to believe that TCDD is or may be present in an effluent.

(8) Small business exemption. An applicant which qualifies as a small business under one of the following criteria is exempt from the requirements in R317-8-3.5(7)(c) and (d) to submit quantitative data for the pollutants listed in R317-8-3.12(2), organic toxic pollutants:

(a) For coal mines, a probable total annual production of less than 100,000 tons per year.

(b) For all other applicants, gross total annual sales averaging less than $100,000 per year, in second quarter 1980 dollars.

(9) Used or manufactured toxics. The application shall include a listing of any toxic pollutant which the applicant currently uses or manufactures as an intermediate or final product or byproduct. The Executive Secretary may waive or modify this requirement for any applicant if the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant and the Executive Secretary has adequate information to issue the permit.

(10) Biological toxicity tests. The applicant shall identify any biological toxicity tests which it knows or has reason to believe have been made within the last three (3) years on any of the applicant's discharges or on a receiving water in relation to a discharge.

(11) Contract analyses. If a contract laboratory or consulting firm performed any of the analyses required by R317-8-3.5(7), the identity of each laboratory or firm and the analyses performed shall be included in the application.

(12) Additional information. In addition to the information reported on the application form, applicants shall provide to the Executive Secretary, upon request, other information as the Executive Secretary may reasonably be required to assess the discharges of the facility and to determine whether to issue a UPDES permit. The additional information may include additional quantitative data and bioassays to assess the relative toxicity of discharges to aquatic life and requirements to determine the cause of the toxicity.

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3.9 STORM WATER DISCHARGES

(1) Permit requirement.

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(3) Application requirements for large and medium municipal separate storm sewer discharges. The operator of a discharge from a large or medium municipal separate storm sewer or a municipal separate storm sewer that is designated by the Executive Secretary under R317-8-3.9(1)(a)5, may submit a jurisdiction-wide or system-wide permit application. Where more than one public entity owns or operates a municipal separate storm sewer within a geographic area (including adjacent or interconnected municipal separate storm sewer systems), such operators may be a coapplicant to the same application. Permit applications for discharges from large and medium municipal storm sewers or municipal storm sewers designated under R317-8-3.9(1)(a)5 shall include:

.....

(b) Part 2. Part 2 of the application shall consist of:

1. Adequate legal authority. A demonstration that the applicant can operate pursuant to legal authority established by statute, ordinance or series of contracts which authorizes or enables the applicant at a minimum to:

a. Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;

b. Prohibit through ordinance, order or similar means, illicit discharges to the municipal separate storm sewer;

c. Control through ordinance, order or similar means the discharge to a municipal separate storm sewer of spills, dumping or disposal of materials other than storm water;

d. Control through interagency agreements among coapplicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system;

e. Require compliance with conditions in ordinances, permits, contracts or orders; and

f. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer.

2. Source identification. The location of any major outfall that discharges to waters of the State that was not reported under R317-8-3.9(3)(a)3b 1. Provide an inventory, organized by watershed of the name and address, and a description (such as SIC codes) which best reflects the principal products or services provided by each facility which may discharge, to the municipal separate storm sewer, storm water associated with industrial activity;

3. Characterization data. When "quantitative data" for a pollutant are required, the applicant must collect a sample of effluent in accordance with R317-8-3.5(7) and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR part 136. When no analytical method is approved the applicant may use any suitable method but must provide a description of the method. The applicant must provide information characterizing the quality and quantity of discharges covered in the permit application, including:

a. Quantitative data from representative outfalls designated by the Executive Secretary (based on information received in part 1 of the application, the Executive Secretary shall designate between five and ten outfalls or field screening points as representative of the commercial, residential and industrial land use activities of the drainage area contributing to the system or, where there are less than five outfalls covered in the application, the Executive Secretary shall designate all outfalls) developed as follows:

i. For each outfall or field screening point designated, samples shall be collected of storm water discharges from three storm events occurring at least one month apart in accordance with R317-8-3.5(7) (the Executive Secretary may allow exemptions to sampling three storm events when climatic conditions create good cause for such exemptions);

ii. A narrative description shall be provided of the date and duration of the storm event(s) sampled, rainfall estimates of the storm event which generated the sampled discharge and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event;

iii. For samples collected and described under R317-8-3.9(3)(b)3.a i and ii, quantitative data shall be provided for: the organic pollutants listed in Table II; the pollutants listed in Table III (other toxic pollutants metals, cyanide, and total phenols) of R317-8-3.13, and for the following pollutants:

Total suspended solids (TSS)

Total dissolved solids (TDS)

COD
BOD5
Oil and grease
[~~Fecal coliform~~]E. coli
Fecal streptococcus
pH
Total Kjeldahl nitrogen
Nitrate plus nitrite
Dissolved phosphorus
Total ammonia plus organic nitrogen
Total phosphorus

iv. Additional limited quantitative data required by the Executive Secretary for determining permit conditions (the Executive Secretary may require that quantitative data shall be provided for additional parameters, and may establish sampling conditions such as the location, season of sample collection, form of precipitation and other parameters necessary to insure representativeness);

b. Estimates of the annual pollutant load of the cumulative discharges to waters of the State from all identified municipal outfalls and the event mean concentration of the cumulative discharges to waters of the State from all identified municipal outfalls during a storm event for BOD5, COD, TSS, dissolved solids, total nitrogen, total ammonia plus organic nitrogen, total phosphorus, dissolved phosphorus, cadmium, copper, lead, and zinc. Estimates shall be accompanied by a description of the procedures for estimating constituent loads and concentrations, including any modelling, data analysis, and calculation methods;

c. A proposed schedule to provide estimates for each major outfall identified in either R317-8-3.9(3)(b)2 or R317-8-3.9(3)(a)3b 1 of the seasonal pollutant load and of the event mean concentration of a representative storm for any constituent detected in any sample required under R317-8-3.9(3)(b)3a of this section; and

d. A proposed monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or the location of instream stations), why the location is representative, the frequency of sampling, parameters to be sampled, and a description of sampling equipment.

4. Proposed management program. A proposed management program covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate. The program shall also include a description of staff and equipment available to implement the program. Separate proposed programs may be submitted by each coapplicant. Proposed programs may impose controls on a system wide basis, a watershed basis, a jurisdiction basis, or on individual outfalls. Proposed programs will be considered by the Executive Secretary when developing permit conditions to reduce pollutants in discharges to the maximum extent practicable. Proposed management programs shall describe priorities for implementing controls. Such programs shall be based on:

a. A description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with an estimate of the expected reduction of pollutant loads and a proposed schedule for implementing such controls. At a minimum, the description shall include:

i. A description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants (including floatables) in discharges from municipal separate storm sewers;

ii. A description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive discharges from areas of new development and significant redevelopment. Such plan shall address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed. Controls to reduce pollutants in discharges from municipal separate storm sewers containing construction site runoff are addressed in R317-8-3.9(3)(b)4d;

iii. A description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems, including pollutants discharged as a result of deicing activities;

iv. A description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible.

v. A description of a program to monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage or disposal facilities for municipal waste, which shall identify priorities and procedures for inspections and establishing and implementing control measures for such discharges (this program can be coordinated with the program developed under R317-8-3.9(3)(b)4c); and

vi. A description of a program to reduce to the maximum extent practicable, pollutants in discharges from municipal separate storm sewers associated with the application of pesticides, herbicides and fertilizer which will include, as appropriate, controls such as educational activities, permits, certifications and other measures for commercial applicators and distributors, and controls for application in public right-of-ways and at municipal facilities.

b. A description of a program, including a schedule, to detect and remove illicit discharges and improper disposal into the storm sewer. The proposed program shall include:

i. A description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal separate storm sewer system; this program description shall address all types of illicit discharges, however the following category of non-storm water discharges or flows shall be addressed where such discharges are identified by the municipality as sources of pollutants to waters of the State: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (program descriptions shall address discharges or flows from fire fighting only where such discharges or flows are identified as significant sources of pollutants to waters of the State);

ii. A description of procedures to conduct on-going field screening activities during the life of the permit, including areas or locations that will be evaluated by such field screens;

iii. A description of procedures to be followed to investigate portions of the separate storm sewer system that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm

water (such procedures may include: sampling procedures for constituents such as [~~fecal coliform~~]E. coli, fecal streptococcus, surfactants (MBAS), residual chlorine, fluorides and potassium; testing with fluorometric dyes; or conducting in storm sewer inspections where safety and other considerations allow. Such description shall include the location of storm sewers that have been identified for such evaluation);

iv. A description of procedures to prevent, contain, and respond to spills that may discharge into the municipal separate storm sewer;

v. A description of a program to promote, publicize and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers;

vi. A description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and

vii. A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary;

c. A description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program shall:

i. Identify priorities and procedures for inspection and establishing and implementing control measures for such discharges;

ii. Describe a monitoring program for storm water discharges associated with the industrial facilities identified in R317-8-3.9(b)4c to be implemented during the term of the permit, including the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing UPDES permit for a facility; oil and grease, COD, pH, BOD5, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on discharges required under R317-8-3.5(7)(d) 1, 2, and (e).

d. A description of a program to implement and maintain structural and non-structural best management practices to reduce pollutants in storm water runoff from construction sites to the municipal storm sewer system, which shall include:

i. A description of procedures for site planning which incorporate consideration of potential water quality impacts;

ii. A description of requirements for nonstructural and structural best management practices;

iii. A description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and

iv. A description of appropriate educational and training measures for construction site operators.

v. Assessment of controls. Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from municipal storm sewer systems expected as the result of the municipal storm water quality management program. The assessment shall also identify known impacts of storm water controls on ground water.

vi. Fiscal analysis. For each fiscal year to be covered by the permit, a fiscal analysis of the necessary capital and operation and maintenance expenditures necessary to accomplish the activities of the programs under R317-8-3.9(8)(b) 3 and 4. Such analysis shall include a description of the source of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds.

vii. Where more than one legal entity submits an application, the application shall contain a description of the rules and responsibilities of each legal entity and procedures to ensure effective coordination.

viii. Where requirements under R317-8-3.9(3)(a)4e, 3.9(3)(b)3b, and 3.9(3)(b)4 are not practicable or are not applicable, the Executive Secretary may exclude any operator of a discharge from a municipal separate storm sewer which is designated under R317-8-3.9(1)(a)5, R317-8-1.6(4)(b) or R317-8-1.6(7)(b) from such requirements. The Executive Secretary shall not exclude the operator of a discharge from a municipal separate storm sewer located in incorporated places with populations greater than 100,000 and less than 250,000 according to the latest decennial census by Bureau of Census; or located in counties with unincorporated urbanized areas with a population of 250,000 or more according to the latest decennial census by the Bureau of Census, from any of the permit application requirements except where authorized.

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3.13 UPDES PERMIT APPLICATION TESTING REQUIREMENTS

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TABLE IV
Conventional and Nonconventional Pollutants Required to be Tested by Existing Dischargers if Expected to be Present

(a)	Bromide
(b)	Chlorine, Total Residual
(c)	Color
(d)	[~~Fecal Coliform~~]E. coli
(e)	Fluoride
(f)	Nitrate-Nitrite
(g)	Nitrogen, total Organic
(h)	Oil and Grease
(i)	Phosphorus, Total
(j)	Radioactivity
(k)	Sulfate
(l)	Sulfide
(m)	Sulfite
(n)	Surfactants
(o)	Aluminum, Total
(p)	Barium, Total
(q)	Boron, Total
(r)	Cobalt, Total
(s)	Iron, Total
(t)	Magnesium, Total
(u)	Molybdenum, Total
(v)	Manganese, Total
(w)	Tin, Total
(x)	Titanium, Total

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KEY: water pollution, discharge permits
[~~March 30, 2004~~]2005
Notice of Continuation October 17, 2002
19-5
19-5-104
40 CFR 503

Environmental Quality, Water Quality
R317-10-6
Facility Classification System

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27656
FILED: 01/14/2005, 16:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments are being made to bring all the R317 rules into conformity with the changing from "Total Coliform" or "Fecal Coliform" bacteria to "E. coli" in Rule R317-2 entitled Standards of Quality for Waters of the State. (DAR NOTE: The proposed amendment to Rule R317-2 was published in the January 1, 2005, issue of the Utah State Bulletin under DAR No. 27593.)

SUMMARY OF THE RULE OR CHANGE: "Total Coliform" or "Fecal Coliform" bacteria and their associated numeric criteria are changed to (or augmented with) "E. coli" and its associated numeric criteria.

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

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There are no anticipated costs or savings to state budget. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.
❖ LOCAL GOVERNMENTS: The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same. There are no anticipated costs or savings to local government.
❖ OTHER PERSONS: The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same. There are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated additional compliance costs for affected persons. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated additional compliance costs for affected businesses. The proposed amendments change one method of measuring bacteria for another. The costs of the current and proposed analysis methods are substantially the same.

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 03/11/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 3/02/2005 at 7:00 PM, City Library, 303 N 100 E, West Room, Cedar City, UT and 3/04/2005 at 3:00 PM, Cannon Heath Building, 288 N 1460 W, Room 125, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 04/01/2005

AUTHORIZED BY: Dianne R. Nielson, Executive Director

R317. Environmental Quality, Water Quality.
R317-10. Certification of Wastewater Works Operators.
R317-10-6. Facility Classification System.

Treatment plants and collection systems shall be classified in accordance with Table 1.

TABLE 1
FACILITY CLASSIFICATION SYSTEM

FACILITY CATEGORY		CLASS I	CLASS II	CLASS III	CLASS IV
Collection (1)	Pop. Served	3,500 and less	3,501 to 15,000	15,001 to 50,000	50,001 and greater
Treatment Plant (2)	Range of Fac. Points	30 and less	31 to 55	56 to 75	76 and greater
Small Lagoon Systems(3)	Design Pop. Equiv.	3,500 and less			

(1) Simple "in-line" treatment (such as booster pumping, preventive chlorination, or odor control) is considered an integral part of a collection system.
(2) Treatment plants shall be assigned "facility points" in accordance with Table 2 "Wastewater Treatment Plant Classification System".
(3) A combined certificate shall be issued for treatment works/collection system operation.

TABLE 2
WASTEWATER TREATMENT PLANT CLASSIFICATION SYSTEM

Each Unit process should have points assigned only once.

Item	Points
SIZE (2 PT Minimum - 20 PT Maximum)	
Max. Population equivalent (PE) served, peak day(1)	1 - 10
Design flow average day or peak month average, whichever is larger(2)	1 - 10
VARIATION IN RAW WASTE (3)	
Variations do not exceed those normally or typically expected	0
Recurring deviations or excessive variations of 100 - 200% in strength and/or flow	2
Recurring deviations or excessive variations of more than 200% in strength and/or flow	4
Raw wastes subject to toxic waste discharges	6
Acceptance of septage or truck-hauled waste	2
PRELIMINARY TREATMENT	
Plant pumping of main flow	3
Screening, comminution	3
Grit removal	3
Equalization	1
PRIMARY TREATMENT	
Clarifiers	5
Imhoff tanks or similar	5
SECONDARY TREATMENT	
Fixed film reactor	10
Activated sludge	15
Stabilization ponds w/o aeration	5
Stabilization ponds w/aeration	8
TERTIARY TREATMENT	
Polishing ponds for advanced waste treatment	2
Chemical/physical advanced waste treatment w/o secondary	15
Chemical/physical advanced waste treatment following secondary	10
Biological or chemical/biological advanced waste treatment	12
Nitrification by designed extended aeration only	2
Ion exchange for advanced waste treatment	10
Reverse osmosis, electrodialysis and other membrane filtration techniques	15
Advanced waste treatment chemical recovery, carbon regeneration	4
Media Filtration	5
ADDITIONAL TREATMENT PROCESSES	
Chemical additions (2 pts./each for max. of 6 pts.)	2 - 6
Dissolved air flotation (for other than sludge thickening)	8
Intermittent sand filter	2
Recirculating intermittent sand filter	3
Microscreens	5
Generation of oxygen	5
SOLIDS HANDLING	
Solids conditioning	2
Solids thickening (based on technology)	2 - 5
Mechanical dewatering	8
Anaerobic digestion of solids	10
Utilization of digester gas for heating or cogeneration	5
Aerobic digestion of solids	6
Evaporative sludge drying	2
Solids reduction (including incineration, wet oxidation)	12
On-site landfill for solids	2
Solids composting	10
Land application of biosolids by contractor	2
Land application of biosolids under direction of facility operator in DRC	10
DISINFECTION (10 pt. max.)	
Chlorination or ultraviolet irradiation	5
Ozonation	10
EFFLUENT DISCHARGE (10 pt. max.)	
Mechanical Post aeration	2
Direct recycle and reuse	6
Land treatment and disposal (surface or subsurface)	4
INSTRUMENTATION (6 pt. max.)	
Use of SCADA or similar instrumentation systems to provide data with no process operation	0
Use of SCADA or similar instrumentation systems to provide data with limited process operation	2
Use of SCADA or similar instrumentation systems to provide data with moderate process operation	4
Use of SCADA or similar instrumentation systems to provide data with extensive/total process operation	6
LABORATORY CONTROL (15 pt. max)(4)	
Bacteriological/biological (5 pt. max):	
Lab work done outside the plant	0
Membrane filter procedures	3
Use of fermentation tubes or any dilution method ([~~fecal coliform~~]or E. coli determination)	5
Chemical/physical (10 pt. max):	
Lab work done outside the plant	0
Push-button, visual methods for simple tests (i.e. pH, settleable solids)	3
Additional procedures (ie, DO, COD, BOD, gas analysis, titrations, solids volatile content)	5
More advanced determinations (ie, specific constituents; nutrients, total oils, phenols)	7
Highly sophisticated instrumentation (i.e., atomic absorption, gas chromatography)	10

(1) 1 point per 10,000 P.E. or part; maximum of 10 points
(2) 1 point per MGD or part
(3) Key concept is frequency and/or intensity of deviation or excessive variation from normal or typical fluctuations; such deviation may be in terms of strength, toxicity, shock loads, inflow and infiltration, with point values ranging from 0 - 6.
(4) Key concept is to credit laboratory analyses done on-site by plant personnel under the direction of the operator in direct responsible charge with point values ranging from 0 - 15.

KEY: water pollution, operator certification, wastewater treatment
[~~June 23, 2004~~]2005
Notice of Continuation October 7, 2002
19-5

Health, Epidemiology and Laboratory Services, Environmental Services

R392-600

Illegal Drug Operations Decontamination Standards

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 27650
FILED: 01/13/2005, 13:33

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Illegal Drug Operations Site Reporting and Decontamination Act, Title 19, Chapter 6, Part 9 requires that properties contaminated by illegal drug manufacture be placed on a publicly available list. The owner of the property can have the property removed from the list after establishing that it has been decontaminated. This rule implements the decontamination, sampling, and best practices standards required by Subsection 19-6-906(1).

SUMMARY OF THE RULE OR CHANGE: This rule establishes pre-assessment requirements, sampling and decontamination methodologies, decontamination standards, and final report requirements for the clean up of illegal drug laboratories.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-6-906(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: U.S. Environmental Protection Agency. Region 9: Superfund Preliminary Remediation Goals Table, October 2004

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: This rule does not require the state to participate in the clean up of illegal drug laboratories and has no fiscal impact on the state.
❖ LOCAL GOVERNMENTS: The number of illegal drug laboratories in any given year has varied between 77 and 266, depending on the reporting entity. Assuming an average of 150 illegal drug laboratories per year, the estimated cost to local governments is $84,000, based on 16 person hours per illegal drug laboratory at $35/hour in personnel costs.
❖ OTHER PERSONS: Assuming 150 illegal drug laboratories per year and their location being an even distribution between homes and hotel rooms, decontamination costs are estimated to be $637,500, based on $6,500 per home and $2,000 per motel room.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Impacts on a governmental entity will vary greatly depending on where the illegal drug laboratories operate. While decontamination is voluntary, a property owner desiring to have his property removed from the statutorily required list of contaminated properties will experience a cost of about $6,500 to decontaminate a 1,200 square foot home and $2,000 to decontaminate a single motel room.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule may have a positive fiscal impact on businesses involved in the clean-up of contaminated property by adopting uniform, state wide standards for the decontamination of properties where illegal drug labs have operated. Without the rule, property owners with contaminated property may be left with an unmarketable piece of property. The best available science has been applied to the standards set in the rule. A. Richard Melton, Acting Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
ENVIRONMENTAL SERVICES
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:
Robert Rolfs at the above address, by phone at 801-538-6386, by FAX at 801-538-9923, or by Internet E-mail at rrolfs@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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Richard Melton, Deputy Director

R392. Health, Epidemiology and Laboratory Services, Environmental Services.
R392-600. Illegal Drug Operations Decontamination Standards
R392-600-1. Authority and Purpose.
(1) This rule is authorized under Section 19-6-906.
(2) This rule sets decontamination and sampling standards and best management practices for the inspection and decontamination of property contaminated by illegal drug operations.

R392-600-2. Definitions.
The following definitions apply in this rule:
(1) "Background concentration" means the level of a contaminant in soil, groundwater or other media up gradient from a facility, practice or activity that has not been affected by the facility, practice or activity; or other facility, practice or activity.
(2) "Decontamination specialist" means an individual who has met the standards for certification as a decontamination specialist and has a currently valid certificate issued by the Solid and Hazardous Waste Control Board, as defined under Utah Code Subsection 19-6-906(2).
(3) "Chain-of-custody protocol" means a procedure used to document each person that has had custody or control of an environmental sample from its source to the analytical laboratory, and the time of possession of each person.
(4) "Characterize" means to determine the quality or properties of a material by sampling and testing to determine the concentration of contaminants, or specific properties of the material such as flammability or corrosiveness.
(5) "Combustible" means vapor concentration from a liquid that has a flash point greater than 100 degrees F.
(6) "Confirmation sampling" means collecting samples during a preliminary assessment or upon completion of decontamination

activities to confirm that contamination is below the decontamination standards outlined in this rule.

(7) "Contaminant" means a hazardous material.

(8) "Contamination" or "contaminated" means polluted by hazardous materials that cause property to be unfit for human habitation or use due to immediate or long-term health hazards.

(9) "Corrosive" means a material such as acetic acid, acetic anhydride, acetyl chloride, ammonia (anhydrous), ammonium hydroxide, benzyl chloride, dimethylsulfate, formaldehyde, formic acid, hydrogen chloride/hydrochloric acid, hydrobromic acid, hydriodic acid, hydroxylamine, methylamine, methylene chloride (dichloromethane, methylene dichloride), methyl methacrylate, nitroethane, oxalylchloride,perchloric acid, phenylmagnesium bromide, phosphine, phosphorus oxychloride, phosphorus pentoxide, sodium amide (sodamide), sodium metal, sodium hydroxide, sulfur trioxide, sulfuric acid, tetrahydrofuran, thionyl chloride or any other substance that increases or decreases the pH of a material and may cause degradation of the material.

(10) "Decontamination" means treatment or removal of contamination by a decontamination specialist or owner of record to reduce concentrations of contaminants below the decontamination standards.

(11) "Decontamination standards" means the levels or concentrations of contaminants that must be met to demonstrate that contamination is not present or that decontamination has successfully removed the contamination.

(12) "Delineate" means to determine the nature and extent of contamination by sampling, testing, or investigating.

(13) "Easily cleanable" means an object and its surface that can be cleaned by detergent solution applied to its surface in a way that would reasonably be expected to remove dirt from the object when rinsed and to be able to do so without damaging the object or its surface finish.

(14) "Ecstasy" means 3,4-methylenedioxy-methamphetamine (MDMA).

(15) "EPA" means the United States Environmental Protection Agency.

(16) "EPA Method 8015B" means the EPA approved method for determining the concentration of various non-halogenated volatile organic compounds and semi-volatile organic compounds by gas chromatography/flame ionization detector.

(17) "EPA Method 6010B" means the EPA approved method for determining the concentration of various heavy metals by inductively coupled plasma.

(18) "EPA Method 8260B" means the EPA approved method for determining the concentration of various volatile organic compounds by gas chromatograph/mass spectrometer.

(19) "FID" means flame ionization detector.

(20) "Flammable" means vapor concentration from a liquid that has a flash point less than 100 degree F.

(21) "Grab Sample" means one sample collected from a single, defined area or media at a given time and location.

(22) "Hazardous materials" has the same meaning as "hazardous or dangerous materials" as defined in Section 58-37d-3; and includes any illegally manufactured controlled substances.

(23) "Hazardous waste" means toxic materials to be discarded as directed in 40 CFR 261.3.

(24) "HEPA" means high-efficiency particulate air and indicates the efficiency of an air filter or air filtration system.

(25) "Highly suggestive of contamination" means the presence of visible or olfactory signs indicative of contamination, locations in and around where illegal drug production occurred, where hazardous materials were stored or suspected of being used to manufacture illegal drugs, or areas that tested positive for contamination or other portions of the property that may be linked to processing and storage areas by way of the ventilation system or other activity that may cause contamination to be distributed across the property.

(26) "Impacted groundwater" means water present beneath ground surface that contains concentrations of a contaminant above the UGWQS.

(27) "Impacted soil" means soil that contains concentrations of a contaminant above background or EPA residential Risk Based Screening Concentrations as contained in the document listed in R392-600-8.

(28) "LEL/O2" means lower explosive limit/oxygen.

(29) "Negative pressure enclosure" means an air-tight enclosure using a local exhaust and HEPA filtration system to maintain a lower air pressure in the work area than in any adjacent area and to generate a constant flow of air from the adjacent areas into the work area.

(30) "Non-porous" means resistant to penetration of liquids, gases, powders and includes non-permeable substance or materials, that are sealed such as, concrete floors, wood floors, ceramic tile floors, vinyl tile floors, sheet vinyl floors, painted drywall or sheet rock walls or ceilings, doors, appliances, bathtubs, toilets, mirrors, windows, counter-tops, sinks, sealed wood, metal, glass, plastic, and pipes.

(31) "Not Highly Suggestive of Contamination" means areas outside of the main locations(s) where illegal drugs were produced and hazardous materials were stored or suspected of being used that do not reveal obvious visual or olfactory signs of contamination, but may, however, be contaminated by residue from the manufacture or storage of illegal drugs or hazardous materials.

(32) "Owner of record" means (a) The owner of property as shown on the records of the county recorder in the county where the property is located; and (b) may include an individual, financial institution, company, corporation, or other entity.

(33) "Personal protective equipment" means various types of clothing such as suits, gloves, hats, and boots, or apparatus such as facemasks or respirators designed to prevent inhalation, skin contact, or ingestion of hazardous chemicals.

(34) "PID" means photo ionization detector.

(35) "Porous" means material easily penetrated or permeated by gases, liquids, or powders such as carpets, draperies, bedding, mattresses, fabric covered furniture, pillows, drop ceiling or other fiber-board ceiling panels, cork paneling, blankets, towels, clothing, and cardboard or any other material that is worn or not properly sealed.

(36) "Preliminary assessment" means an evaluation of a property to define all areas that are highly suggestive of contamination and delineate the extent of contamination. The preliminary assessment consists of an on-site evaluation conducted by the decontamination specialist or owner of record to gather information to demonstrate that contamination is not present above the decontamination standards or to enable development of a workplan outlining the most appropriate method to decontaminate the property.

(37) "Properly disposed" means to discard at a licensed facility in accordance with all applicable laws and not reused or sold.

(38) "Property" means: (a) any property, site, structure, part of a structure, or the grounds, surrounding a structure; and (b) includes single-family residences, outbuildings, garages, units of multiplexes,

condominiums, apartment buildings, warehouses, hotels, motels, boats, motor vehicles, trailers, manufactured housing, shops, or booths.

(39) "Return air housing" means the main portion of an air ventilation system where air from the livable space returns to the air handling unit for heating or cooling.

(40) "Sample location" means the actual place where an environmental sample was obtained, including designation of the room, the surface (wall, ceiling, appliance, etc), and the direction and distance from a specified fixed point (corner, door, light switch, etc).

(41) "Services" means the activities performed by decontamination specialist in the course of decontaminating residual contamination from the manufacturing of illegal drugs or from the storage of chemicals used in manufacturing illegal drugs and includes not only the removal of any contaminants but inspections and sampling.

(42) "Toxic" means hazardous materials in sufficient concentrations that they can cause local or systemic detrimental effects to people.

(43) "UGWQS" means the Utah Ground Water Quality Standards established in R317-6-2.

(44) "VOA" means volatile organic analyte.

(45) "VOCs" means volatile organic compounds or organic chemicals that can evaporate at ambient temperatures used in the manufacture illegal drugs such as acetone, acetonitrile, aniline, benzene, benzaldehyde, benzyl chloride, carbon tetrachloride, chloroform, cyclohexanone, dioxane, ethanol, ethyl acetate, ethyl ether, Freon 11, hexane, isopropanol, methanol, methyl alcohol, methylene chloride, naphtha, nitroethane, petroleum ether, petroleum distillates, pyridine, toluene, o-toluidine, and any other volatile organic chemical that may be used to manufacture illegal drugs.

(46) "Waste" means refuse, garbage, or other discarded material, either solid or liquid.

R392-600-3. Preliminary Assessment Procedures.

(1) The decontamination specialist or owner of record shall determine the nature and extent of damage and contamination of the property from illegal drug operations by performing a preliminary assessment prior to decontamination activities. Contamination may be removed prior to approval of the work plan as necessary to abate an imminent threat to human health or the environment. If there was a fire or an explosion in the contaminated portion of the property that appears to have compromised its structural integrity, the decontamination specialist or owner of record shall obtain a structural assessment of the contaminated portion of the property prior to initiating the preliminary assessment.

(2) To conduct the preliminary assessment, the decontamination specialist or owner of record shall:

(a) request and review copies of any law enforcement, state agency or other report regarding illegal drug activity or suspected illegal drug activity at the property;

(b) evaluate all information obtained regarding the nature and extent of damage and contamination;

(c) determine the method of illegal drug manufacturing used;

(d) determine the chemicals involved in the illegal drug operation;

(e) determine specific locations where processing and illegal drug activity took place or was suspected and where hazardous materials were stored and disposed;

(f) use all available information to delineate areas highly suggestive of contamination;

(g) develop procedures to safely enter the property in order to conduct a preliminary assessment;

(h) wear appropriate personal protective equipment for the conditions assessed;

(i) visually inspect all portions of the property, including areas outside of any impacted structure to document where stained materials or surfaces are visible, drug production took place, hazardous materials were stored, and burn pits or illegal drug operation trash piles may have been or are currently present;

(j) determine whether the property contains a septic system on-site and if there has been a release to the system as a result of the illegal drug operations;

(k) determine the locations of the ventilation system components in the areas highly suggestive of contamination;

(l) conduct and document appropriate testing for corrosive, flammable, combustible, and toxic atmospheres during the initial entry in the contaminated portion of the property using instruments such as a LEL/O2 meter, pH paper, PID, FID, or equivalent equipment; and

(m) if decontamination is not anticipated due to the lack of supporting evidence of decontamination, collect confirmation samples to demonstrate compliance with the decontamination standards using the methodology specified in this rule.

(3) If the preliminary assessment does not reveal the presence of contamination above the decontamination standards specified in this rule, the decontamination specialist or owner of record may request that the property be removed from the list of contaminated properties as specified in 19-6-903 provided that:

(a) a final report documenting the preliminary assessment is submitted to the local health department by the owner of record and decontamination specialist if one was involved in conducting the preliminary assessment; and

(b) the local health department concurs with the recommendations contained in the report specified in (a).

(4) If the preliminary assessment reveals the presence of contamination, the decontamination specialist or owner of record shall proceed according to R392-600-4 through R392-600-7. The contaminated portions of the property shall be kept secure against un-authorized access until the work plan has been submitted, any required permit is issued, and the property has been decontaminated to the standards established in this rule.

R392-600-4. Work Plan.

(1) Prior to performing decontamination of the property, the decontamination specialist or owner of record shall prepare a written work plan that contains:

(a) complete identifying information of the property, such as street address, mailing address, owner of record, legal description, county tax or parcel identification number, or vehicle identification number if a mobile home, trailer or boat;

(b) if applicable, the certification number of the decontamination specialist who will be performing decontamination services on the contaminated portion of the property;

(c) copies of the decontamination specialist's current certification;

(d) photographs of the property;

(e) a description of the areas highly suggestive of contamination, and areas that are considered not highly suggestive of contamination, including any information that may be available

regarding locations where illegal drug processing was performed, hazardous materials were stored and stained materials and surfaces were observed;

(f) a description of contaminants that may be present on the property;

(g) results of any testing conducted for corrosive, flammable, combustible, and toxic atmospheres during the initial entry in the contaminated portion of the property, such as by a LEL/O2 meter, pH paper, PID, FID, or equivalent equipment;

(h) a description of the personal protective equipment to be used while in or on the contaminated portion of the property;

(i) the health and safety procedures that will be followed in performing the decontamination of the contaminated portion of the property;

(j) a detailed summary of the decontamination to be performed based on the findings and conclusions of the Preliminary Assessment, which summary shall include:

(i) all surfaces, materials or articles to be removed;

(ii) all surfaces, materials and articles to be cleaned on-site;

(iii) all procedures to be employed to remove or clean the contamination, including both areas highly suggestive of contamination as well as those areas that are not highly suggestive of contamination;

(iv) all locations where decontamination will commence;

(v) all containment and negative pressure enclosure plans; and

(vi) personnel decontamination procedures to be employed to prevent the spread of contamination;

(k) the shoring plan, if an assessment of the structural integrity was conducted and it was determined that shoring was necessary, including a written description or drawing that shows the structural supports required to safely occupy the building during decontamination;

(l) a complete description of the proposed post-decontamination confirmation sampling locations, parameters, techniques and quality assurance requirements;

(m) the names of all individuals who gathered samples, the analytical laboratory performing the testing, and a copy of the standard operating procedures for the analytical method used by the analytical laboratory;

(n) a description of disposal procedures and the anticipated disposal facility;

(o) a schedule outlining time frames to complete the decontamination process; and

(p) all available information relating to the contamination and the property based on the findings and conclusions of the preliminary assessment.

(2) Prior to implementing the work plan, it must first be:

(a) approved in writing by the owner of record and, if one is involved, the decontamination specialist who will execute the work plan; and

(b) submitted to the local health department with jurisdiction over the county in which the property is located.

(3) The owner of record, and any decontamination specialist involved in executing the work plan shall retain the work plan for a minimum of three years after completion of the work plan and the removal of the property from the contaminated-properties list.

(4) All information required to be included in the work plan shall be keyed to or contain a reference to the appropriate subsection of this rule.

R392-600-5. Decontamination Procedures.

(1) The decontamination specialists, and owner of record shall comply with all applicable federal, state, municipal, and local laws, rules, ordinances, and regulations in decontaminating the property.

(2) The decontamination specialist or owner of record shall be present on the property during all decontamination activities.

(3) The decontamination specialist or owner of record shall conduct the removal of the contamination from the property, except for porous materials from areas not highly suggestive of contamination that may be cleaned as outlined in sub-section R392-600-5(12).

(4) The decontamination specialist or owner of record shall see that doors or other openings from areas requiring decontamination shall be partitioned from all other areas with at least 4-mil plastic sheeting or equivalent before beginning decontamination to prevent contamination of portions of the property that have not been impacted by illegal drug operations.

(5) Ventilation Cleaning Procedures.

(a) Air registers shall be removed and cleaned as outlined in subsection R392-600-5(12).

(b) All air register openings shall be covered by temporary filter media.

(c) A fan-powered HEPA filter collection machine shall be connected to the ductwork to develop negative air pressure in the ductwork.

(d) Air lances, mechanical agitators, or rotary brushes shall be inserted into the ducts through the air register openings to loosen all dirt, dust and other materials.

(e) The air handler units, including the return air housing, coils, fans, systems, and drip pan shall be cleaned as required in subsection R392-600-5(12).

(f) All porous linings or filters in the ventilation system shall be removed and properly disposed.

(g) The ventilation system shall be sealed off at all openings with at least 4-mil plastic sheeting, or other barrier of equivalent strength and effectiveness, to prevent recontamination until the contaminated portion of the property meets the decontamination standards in R392-600-6(2) and(3).

(6) Procedures for Areas Highly Suggestive of Contamination.

(a) All porous materials shall be removed and properly disposed. On site cleaning of this material is not allowed.

(b) All stained materials from the illegal drug operations shall be removed and properly disposed, unless the decontamination specialist or owner of record determines that cleaning and testing can be performed and can demonstrate based on results of confirmation sampling and testing that the materials meet the decontamination standards contained in subsections R392-600-6(2) and (3). Only smooth and easily cleanable drug operation material surfaces may be decontaminated on site and only in accordance with R392-600-5(12).

(c) All non-porous surfaces may be cleaned to the point of stain removal and left in place or removed and properly disposed. Only smooth and easily cleanable surfaces may be decontaminated on site and only in accordance subsection R392-600-5(12). After on-site cleaning, the decontamination specialist or owner of record shall test all surfaces to verify compliance with the decontamination standards contained in R392-600-6(2) and (3).

(d) All exposed concrete surfaces shall be thoroughly cleaned as outlined in R392-600-5(12) and tested to meet the decontamination standards contained in R392-600-6(2) and (3) or may be removed and properly disposed.

(e) All appliances shall be removed and properly disposed, unless the decontamination specialist or owner of record determines that cleaning and testing can be performed and can demonstrate based on results of confirmation sampling and testing that the materials meet the decontamination standards contained in subsections R392-600-6(2) and (3). Only smooth and easily cleanable surfaces may be decontaminated on site and only in accordance subsection R392-600-5(12). After on-site cleaning, the decontamination specialist or owner of record shall test all surfaces to verify compliance with the decontamination standards contained in R392-600-6(2) and (3). For appliances such as ovens that have insulation, a 100 square centimeter portion of the insulation shall also be tested. If the insulation does not meet the decontamination standards contained in R392-600-6(2) and R392-600-6(3), the insulated appliances shall be removed and properly disposed.

(7) Structural Integrity and Security Procedures.

If, as a result of the decontamination, the structural integrity or security of the property is compromised, the decontamination specialist or owner of record shall take measures to remedy the structural integrity and security of the property.

(8) Procedures for Plumbing, Septic, Sewer, and Soil.

(a) All plumbing inlets to the septic or sewer system, including sinks, floor drains, bathtubs, showers, and toilets, shall be visually assessed for any staining or other observable residual contamination. All plumbing traps shall be assessed for VOC concentrations with a PID or FID in accordance with Section R392-600-6(7). All plumbing traps shall be assessed for mercury vapors in accordance with Section R392-600-6(10) by using a mercury vapor analyzer unless the results of the preliminary assessment indicate that contamination was unlikely to have occurred. If VOC concentrations or mercury vapor concentrations exceed the decontamination standards contained in R392-600-6(2) and (3), the accessible plumbing and traps where the excess levels are found shall be removed and properly disposed, or shall be cleaned and tested to meet the decontamination standards contained in R392-600-6(2) and (3).

(b) The decontamination specialist or owner of record shall obtain documentation from the local health department or the local waste water company describing the sewer disposal system for the dwelling and include it in the final report. If the dwelling is connected to an on-site septic system, a sample of the septic tank liquids shall be obtained and tested for VOC concentrations unless the results of the preliminary assessment indicate that contamination was unlikely to have occurred.

(c) If VOCs are not found in the septic tank sample or are found at concentrations less than UGWQS and less than 700 micrograms per liter for acetone, no additional work is required in the septic system area, unless requested by the owner of the property.

(d) If VOCs are found in the septic tank at concentrations exceeding the UGWQS or exceeding 700 micrograms per liter for acetone the following applies:

(i) The decontamination specialist or owner of record shall investigate the septic system discharge area for VOCs, lead, and mercury unless there is clear evidence that mercury or lead was not used in the manufacturing of illegal drugs at the illegal drug operation;

(ii) The horizontal and vertical extent of any VOCs, mercury, and lead detected in the soil samples shall be delineated relative to background or EPA residential risk based screening concentrations contained in the document listed in R392-600-8.

(iii) If any of the VOCs, mercury, and lead used in the illegal drug operations migrated down to groundwater level, the decontamination specialist or owner of record shall delineate the vertical and horizontal extent of the groundwater contamination.

(iv) After complete characterization of the release, the decontamination specialist or owner of record shall remediate the impacted soils to concentrations below background or EPA residential risk based screening concentrations as contained in the document listed in R392-600-8 and any impacted groundwater to concentrations below the UGWQS and below 700 micrograms per liter for acetone.

(v) The contents of the septic tank shall be removed and properly disposed.

(e) The decontamination specialist or owner of record shall also notify the Utah Department of Environmental Quality, Division of Water Quality, if a release has occurred as a result of illegal drug operations to a single family septic system or a multiple family system serving less than 20 people.

(f) All sampling and testing pursuant to this section shall be performed in accordance with EPA sampling and testing protocol.

(9) Procedures for burn areas, trash piles and bulk wastes.

(a) The decontamination specialist or owner of record shall characterize, remove, and properly dispose of all bulk wastes remaining from the activities of the illegal drug operations or other wastes impacted by compounds used by the illegal drug operations.

(b) The decontamination specialist or owner of record shall examine the property for evidence of burn areas, burn or trash pits, debris piles, and stained areas suggestive of contamination. The decontamination specialist or owner of record shall test any burn areas, burn or trash pits, debris piles or stained areas with appropriate soil sampling and testing equipment, such as a LEL/O2 meter, pH paper, PID, FID, mercury vapor analyzer, or equivalent equipment to determine if the area is contaminated.

(c) If the burn areas, burn or trash pits, debris piles, or stained areas are not in a part of the property that has otherwise been determined to be highly suggestive of contamination, the decontamination specialist shall recommend to the owner of the property that these areas be investigated.

(d) If the burn areas, burn or trash pits, debris piles or stained areas are part of the contaminated portion of the property, the decontamination specialist or owner of record shall investigate and remediate these areas.

(e) The decontamination specialist or owner of record shall investigate burn areas, burn or trash pits, debris piles, or stained areas for the VOCs used by the illegal drug operations and lead and mercury, unless there is clear evidence that mercury or lead was not used in the manufacturing of illegal drugs at the illegal drug operations.

(f) The decontamination specialist or owner of record shall delineate the horizontal and vertical extent of any VOCs, lead, or mercury detected in the soil samples relative to background concentrations or EPA residential risk based screening concentrations as contained in the document listed in R392-600-8.

(g) If any of the compounds used by the illegal drug operation migrated into groundwater, the decontamination specialist or owner of record shall delineate the vertical and horizontal extent of the groundwater contamination relative to the UGWQS and relative to the maximum contaminant level of 700 micrograms per liter for acetone.

(h) After complete characterization of the release, the decontamination specialist or owner of record shall remediate contaminated soils to background or EPA residential risk based screening concentrations as contained in the document listed in R392-600-8, and contaminated groundwater to concentrations at or below the UGWQS and at or below 700 micrograms per liter for acetone.

(i) All sampling and testing conducted under this section shall be performed in accordance with current EPA sampling and testing protocol.

(10) Procedures for areas not highly suggestive of contamination.

(a) Porous materials with no evidence of staining or contamination may be cleaned by HEPA vacuuming and one of the following methods:

(i) Steam cleaning: Hot water and detergent shall be injected into the porous materials under pressure to agitate and loosen any contamination. The water and detergent solution shall then be extracted from the porous material by a wet vacuum.

(ii) Detergent and water solution: porous materials shall be washed in a washing machine with detergent and water for at least 15 minutes. The porous materials shall be rinsed with water. This procedure shall be repeated at least two additional times using new detergent solution and rinse water.

(b) All non-porous surfaces such as floors, walls, ceilings, mirrors, windows, doors, appliances, and non-fabric furniture shall be cleaned as outlined in subsection R392-600-5(12).

(c) Doors or other openings to areas with no visible contamination shall be partitioned from all other areas with at least 4-mil plastic sheeting or equivalent after being cleaned to avoid re-contamination.

(d) Spray-on acoustical ceilings shall be left undisturbed, and shall be sampled and tested for asbestos and for contamination to determine whether ceilings meet the decontamination standards contained in R392-600-6(2) and (3), and if in need of removal, whether asbestos remediation protocols are applicable. If the materials exceed the standards, the decontamination specialist or owner of record shall properly remove and dispose of them.

(e) All exposed concrete surfaces shall be thoroughly cleaned as outlined in subsection R392-600-5(12).

(11) Decontamination procedures for motor vehicles.

If an illegal drug operation is encountered in a motor vehicle, the decontamination specialist or owner of record shall conduct a Preliminary Assessment in the manner described in this rule to determine if the vehicle is contaminated. If it is determined that the motor vehicle is contaminated and the vehicle cannot be cleaned in a manner consistent with this rule, the motor vehicle may no longer be occupied. The vehicle shall also be properly disposed.

(12) Cleaning Procedure.

For all items, surfaces or materials that are identified as easily cleanable and for which the work plan indicates they will be decontaminated on site, the decontamination specialist or owner of record shall wash them with a detergent and water solution and then thoroughly rinse them. This procedure shall be repeated at least two additional times using new detergent solution and rinse water. The decontamination specialist or owner of record shall test all surfaces where decontamination on site has been attempted to verify compliance with the decontamination standards in R392-600-6(2) and R392-600-6(3).

(13) Waste Characterization and Disposal Procedures.

The Hazardous Waste Rules of R315-1 through R315-101, the Solid Waste Rules of R315-301 through R315-320 and the Illegal Drug Operations Decontamination Standards regulate the management and disposal of hazardous waste and contaminated debris generated during decontamination of an illegal drug operations. The decontamination specialist and owner of record shall comply with these rules and meet the following criteria.

(a) No waste, impacted materials or contaminated debris from the decontamination of illegal drug operations may be removed from the site or waste stream for recycling or reuse without the written approval of the local Health Department.

(b) All items removed from the illegal drug operations and waste generated during decontamination work shall be properly disposed.

(c) All liquid waste, powders, pressurized cylinders and equipment used during the production of illegal drugs shall be properly characterized by sampling or testing prior to making a determination regarding disposal or the waste shall simply be considered hazardous waste and properly disposed, except the waste shall not be deemed to be household hazardous waste.

(d) All impacted materials and contaminated debris that are not determined by the decontamination specialist or owner of record to be a hazardous waste may be considered a solid waste and properly disposed.

(e) All Infectious Waste shall be managed in accordance with Federal, State and local requirements.

(f) The disturbance, removal and disposal of asbestos must be done in compliance with all Federal, State, and local requirements including the requirements for Asbestos Certification, Asbestos Work Practices and Implementation of Toxic Substances Control Act, Utah Administrative Code R307-801.

(g) The removal and disposal of lead based paint must be done in compliance with all Federal, State, and local requirements including the requirements for Lead-Based Paint Accreditation, Certification and Work Practice Standards, Utah Administrative Code R307-840.

(h) The decontamination specialist and owner of record shall comply with all Federal, State, Municipal, County or City codes, ordinances and regulations pertaining to waste storage, manifesting, record keeping, waste transportation and disposal.

R392-600-6. Confirmation Sampling and Decontamination Standards.

(1) The decontamination specialist or owner of record shall take and test confirmation samples after decontamination to verify that concentrations are below the decontamination standards prior to the submittal of a final report. Samples are not required if a contaminated surface has been removed and replaced, unless there is evidence that the area has been re-contaminated. All decontaminated areas and materials, areas not highly suggestive of contamination, and surfaces that have not been removed shall be sampled for compliance with the standards in Table 1.

(2) If the decontamination standards are not achieved, the decontamination specialist or owner of record shall perform additional decontamination and re-sample to confirm the surface or area meets the decontamination standards specified in Table 1.

TABLE 1

COMPOUND	DECONTAMINATION STANDARD
Red Phosphorus	Removal of stained material or cleaned as specified in this rule such that there is no remaining visible residue.
Iodine Crystals	Removal of stained material or cleaned as specified in this rule such that there is no remaining visible residue.
Methamphetamine	Less than or equal to 0.1 microgram Methamphetamine per 100 square centimeters
Ephedrine	Less than or equal to 0.1 microgram Ephedrine per 100 square centimeters
Pseudoephedrine	Less than or equal to 0.1 microgram Pseudoephedrine per 100 square centimeters
VOCs in Air	Less than or equal to 1 ppm
Corrosives	Surface pH between 6 and 8
Ecstasy	Less than or equal to 0.1 microgram Ecstasy per 100 square centimeters

(3) The decontamination specialist or owner of record shall also conduct sampling and testing for all of the metals listed in Table 2 unless there is clear evidence that these metals were not used in the illegal drug operations. If Table 2 contaminants are present, the decontamination specialist or owner of record shall decontaminate the affected areas and sample until they meet the decontamination standards in Table 2.

TABLE 2

COMPOUND	DECONTAMINATION STANDARD
Lead	Less than or equal to 4.3 micrograms Lead per 100 square centimeters
Mercury	Less than or equal to 3.0 micrograms Mercury per cubic meter of air

(4) Confirmation sampling procedures.

(a) All sample locations shall be photographed.

(b) All samples shall be obtained from areas representative of the materials or surfaces being tested. Samples shall be collected from materials or surfaces using wipe samples and shall be biased toward areas where contamination is suspected or confirmed or was known to be present prior to decontamination.

(c) All samples shall be obtained, preserved, and handled and maintained under chain-of-custody protocol in accordance with industry standards for the types of samples and analytical testing to be conducted.

(d) The individual conducting the sampling shall wear a new pair of gloves to obtain each sample.

(e) All reusable sampling equipment shall be decontaminated prior to sampling.

(f) All testing equipment shall be properly equipped and calibrated for the types of compounds to be analyzed.

(g) Cotton gauze, 3" x 3" 12-ply, in sterile packages, shall be used for all wipe sampling. The cotton gauze shall be wetted with analytical grade methanol for the wipe sampling. The cotton gauze shall be blotted or wiped at least five times in two perpendicular directions within each sampling area.

(h) After sampling, each wipe sample shall be placed in a new clean sample container and capped tightly. Recommended containers are 50-mL polypropylene disposable centrifuge tubes or 40-mL VOA glass vials. Plastic bags shall not be used. The sample container shall be properly labeled with at least the site or project identification number, date, time, and actual sample location. The sample container shall be refrigerated until delivered to an analytical laboratory.

(i) Each sample shall be analyzed for methamphetamine, ephedrine, pseudoephedrine, and ecstasy depending upon the type of illegal drug operations using NIOSH Manual of Analytical Method (NMAM) 9106 (or the proposed 9106 method if it is not yet approved) or equivalent method approved by the Utah Department of Health.

(5) Confirmation sampling from areas highly suggestive of contamination.

(a) Samples collected from areas highly suggestive of contamination shall be by grab samples that are not combined with other samples.

(b) Three 10 cm. x 10 cm. areas (100 square centimeters) shall be wipe sampled from each room of the property where illegal drug operations occurred, hazardous materials were stored and where staining or contamination are or were present. The three samples shall be obtained from a nonporous section of the floor, one wall, and the ceiling in each room or any other location where contamination is suspected.

(c) Three 10 cm. x 10 cm. areas (100 square centimeters) shall be wipe sampled from different areas of the ventilation system, unless the system serves more than one unit or structure. If the system serves more than one unit or structure, samples shall be collected from a representative distribution of the system as well as the corresponding areas that it serves until the contamination is delineated, decontaminated, and determined to be below the decontamination standards established in this rule.

(d) If there is a kitchen, three 10 cm. x 10 cm. areas (100 square centimeters) shall be wipe sampled from the surfaces most likely to be contaminated including the counter top, sink, or stove top, and from the floor in front of the stove top or any other location where contamination is suspected.

(e) If there is a bathroom, three 10 cm. x 10 cm. areas (100 square centimeters) shall be wipe sampled from the surfaces most likely to be contaminated including the counter top, sink, toilet, or the shower/bath tub and any other location where contamination is suspected.

(f) If there are any appliances, one 10 cm. x 10 cm. area (100 square centimeters) shall be wipe sampled from the exposed portion of each appliance. If multiple appliances are present, each wipe sample may be a composite of up to three 100 square centimeter areas on three separate appliances, provided that the surfaces most likely to be contaminated are tested.

(g) If there is any other enclosed space where illegal drug operations occurred, hazardous materials were stored, or where staining or contamination is present, three 10 cm. x 10 cm. areas (100 square centimeters) shall be wipe sampled from the surfaces most likely to be contaminated.

(h) Each wipe sample shall be placed in a new clean sample container and capped tightly. Recommended containers are 50-mL polypropylene disposable centrifuge tubes or 40-mL VOA glass vials. Plastic bags shall not be used.

(6) Confirmation sampling from areas not highly suggestive of contamination.

Samples shall be collected in a manner consistent with the confirmation sampling described in Section R392-600-6(5). The samples may be combined together to form one sample per room or sampling area.

(7) VOC sampling and testing procedures.

(a) A properly calibrated PID or FID capable of detecting VOCs shall be used for testing. The background concentration of VOCs shall be obtained by testing three exterior areas outside the areas highly suggestive of contamination and in areas with no known or suspected sources of VOCs. All VOC readings shall be recorded for each sample location.

(b) At least three locations in areas highly suggestive of contamination shall be tested for VOC readings. The testing equipment probe shall be held in the sample location for at least 30 seconds to obtain a reading.

(c) All accessible plumbing traps shall be tested for VOCs by holding the testing equipment probe in the plumbing pipe above the trap for at least 60 seconds.

(8) Testing procedures for corrosives.

(a) Surface pH measurements shall be made using deionized water and pH test strips with a visual indication for a pH between 6 and 8. The pH reading shall be recorded for each sample location.

(b) For horizontal surfaces, deionized water shall be applied to the surface and allowed to stand for at least three minutes. The pH test strip shall then be placed in the water for a minimum of 30 seconds and read.

(c) For vertical surfaces, a cotton gauze, 3" x 3" 12-ply, in sterile packages, shall be wetted with deionized water and wiped over a 10 cm. x 10 cm. area at least five times in two perpendicular directions. The cotton gauze shall then be placed into a clean sample container and covered with clean deionized water. The cotton gauze and water shall stand in the container for at least three minutes prior to testing. The pH test strip shall then be placed in the water for a minimum of 30 seconds and read.

(d) pH testing shall be conducted on at least three locations in each room within the areas highly suggestive of contamination.

(9) Lead Sampling and Testing Procedures.

(a) Unless there is clear evidence that lead was not used in the manufacturing of methamphetamine, or ecstasy at the illegal drug operations, lead sampling shall be conducted as follows:

(i) Cotton gauze, 3" x 3" 12-ply, in sterile packages shall be used for wipe sampling. The cotton gauze shall be wetted with analytical grade 3 per cent nanograde nitric acid for the wipe sampling. The cotton gauze shall be blotted or wiped at least five times in two perpendicular directions within each sampling area.

(ii) Three 10 cm. x 10 cm. areas (100 square centimeters) shall be sampled in each room within the areas highly suggestive of contamination; and

(b) After sampling, each wipe sample shall be placed in a new clean sample container and capped tightly. The sample container shall be properly labeled with at least the site or project identification number, date, time, and actual sample location. The sample container shall be delivered to an analytical laboratory that uses EPA Method 6010B or an equivalent method approved by the Utah Department of Health.

(c) The sample shall be analyzed for lead using EPA Method 6010B or equivalent.

(10) Mercury Sampling and Testing Procedures.

(a) A properly calibrated mercury vapor analyzer shall be used for evaluating the decontaminated areas for the presence of mercury. All mercury readings shall be recorded for each sample location.

(b) At least three locations in each room within the areas highly suggestive of contamination shall be tested for mercury vapor readings. The testing equipment probe shall be held in the sample location for at least 30 seconds to obtain a reading.

(c) All accessible plumbing traps shall be tested for mercury by holding the testing equipment probe in the plumbing pipe above the trap for at least 60 seconds.

(11) Septic tank sampling and testing procedures.

(a) All sampling and testing shall be performed in accordance with current EPA sampling and testing protocol.

(b) The liquid in the septic tank shall be sampled with a new clean bailer or similar equipment.

(c) The liquid shall be decanted or poured with minimal turbulence into three new VOA vials properly prepared by the analytical laboratory.

(d) The VOA vials shall be filled so that there are no air bubbles in the sealed container. If air bubbles are present, the vial must be emptied and refilled.

(i) The sample vials shall be properly labeled with at least the date, time, and sample location.

(ii) The sample vials shall be refrigerated until delivered to the analytical laboratory.

(iii) The sample shall be analyzed using EPA Method 8260 or equivalent.

(12) Confirmation sampling by Local Health Departments.

The local health department may also conduct confirmation sampling after decontamination is completed and after the final report is submitted to verify that the property has been decontaminated to the standards outlined in this rule.

R392-600-7. Final Report.

(1) A final report shall be:

(a) prepared by the decontamination specialist or owner of record upon completion of the decontamination activities;

(b) submitted to the owner of the decontaminated property and the local health department of the county in which the property is located; and

(c) retained by the decontamination specialist and owner of record for a minimum of three years.

(2) The final report shall include the following information and documentation:

(a) complete identifying information of the property, such as street address, mailing address, owner of record, legal description, county tax or parcel identification number, or vehicle identification number if a mobile home or motorized vehicle;

(b) the name and certification number of the decontamination specialist who performed the decontamination services on the property;

(c) a detailed description of the decontamination activities conducted at the property, including any cleaning performed in areas not highly suggestive of contamination;

(d) a description of all deviations from the approved work plan;

(e) photographs documenting the decontamination services and showing each of the sample locations,

(f) a drawing or sketch of the areas highly suggestive of contamination that depicts the sample locations and areas that were decontaminated;

(g) a description of the sampling procedure used for each sample;

(h) a copy of the testing results from testing all samples, including testing for VOCs, corrosives, and if applicable, lead and mercury, and testing performed by an analytical laboratory;

(i) a written discussion interpreting the test results for all analytical testing on all samples;

(j) a copy of any asbestos sampling and testing results;

(k) a copy of the analytical laboratory test quality assurance data on all samples and a copy of the chain-of-custody protocol documents;

(l) a summary of the waste characterization work, any waste sampling and testing results, and transportation and disposal documents, including bills of lading, weight tickets, and manifests for all materials removed from the property;

(m) a summary of the decontamination specialist or owner of record's observation and testing of the property for evidence of burn areas, burn or trash pits, debris piles, or stained areas;

(n) a written discussion and tables summarizing the confirmation sample results with a comparison to the decontamination standards outlined in this rule; and

(o) an affidavit from the decontamination specialist and owner of record that the property has been decontaminated to the standards outlined in this rule.

(3) All information required to be included in the final report shall be keyed to or contain a reference to the appropriate subsection of this rule.

R392-600-8. Reference.

The document: U.S. Environmental Protection Agency. Region 9: Superfund Preliminary Remediation Goals (PRG) Table, October 2004, is adopted by reference.

KEY: illegal drug operation, methamphetamine decontamination
2005
19-9-906

▼ ▼

Human Services, Substance Abuse and Mental Health
R523-1
Policies and Procedures

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27638
FILED: 01/05/2005, 12:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Board of Substance Abuse and Mental Health, which has the rulemaking authority for the Division per Section 62A-15-105, is reviewing all of the current policies and procedures in the Utah Administrative Code. These are the first recommended changes: 1) Section R523-1-1 is the Board's process for seeking input from the public concerning rules. Currently, the rule requires that the Board have time on each scheduled meeting to discuss rules and policies. Since rules and policies are not an ongoing issue, the Board voted to change the wording to "as necessary" rather than take time at each meeting; and 2) Section R523-1-13 is being removed since it is now obsolete. The commitment law has been changed to give the responsibility of the care and treatment of citizens who have a mental illness from the state to the local authority. The state no longer has the responsibility for transporting patients as this function is now the responsibility of the local authority. They are now responsible for the training and selection of "Mental Health Officers".

SUMMARY OF THE RULE OR CHANGE: The amendment to Section R523-1-1 would change from requiring a time on each months agenda to discuss rules to "as necessary". Section R523-1-13 would be removed from the rule. The Division is no longer responsible for the training of "Mental Health Officers". Mental Health Officers are those individuals who are trained to transport clients who are under a mental health commitment order to either the Utah State Hospital or another treatment facility. Currently, the commitment order is to the local mental health authority per Subsections 62A-15-629(4) and (5). It is the responsibility of the local authority to determine who is qualified to be a Mental Health Officer per Subsection 62A-15-602(10) and to provide the necessary training. This subsection is now obsolete.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-15-105, and Subsections 62A-15-629(4), 62A-15-629(5), and 62A-15-602(10)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Currently, the Board holds regularly scheduled meetings, changing the wording on the agenda will not have a cost impact on the state. The Division has not provided "Mental Health Officer Certifications" for a number of years and so it is not possible to determine any anticipated savings.

❖ LOCAL GOVERNMENTS: The change in Section R523-1-1 will not have any cost impact on local government. The removal of Section R523-1-13: each local authority determines the designation of their "Mental Health Officer". They also determine if training is necessary and the type and frequency of the training. Many use existing mental health professionals. It is not possible to determine how much if any costs are associated with this function.

❖ OTHER PERSONS: None--Deleting the Mental Health Officer Certification requirements from the Division of Substance Abuse and Mental Health only impacts those employees who work for a local mental health program that contracts with a local mental health authority. The local mental health programs are required to provide the training and there is not a cost to attend the training. Currently, the Board holds regularly scheduled meetings, changing the requirement to review policies and procedures on a monthly basis to "as necessary" would not change be a change in the cost or savings other persons. The public is given notice in advance of any agenda item that the Board will be discussing and any

costs associated with travel to attend the meeting would be the same.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Adding the "as necessary" requirement to entertain public comment on new policy and rules rather that a standing agenda item on the Board meeting agenda will have no compliance costs. Each local authority determines how they designate a "Mental Health Officer". Some use existing clinicians, others provide a training once a year or as needed. The cost will depend on the method used, in most cases the cost would be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only impact to local business would be to those mental health centers that are private, non-profit entities. Since the training of Mental Health officers has been the responsibility of local mental health authorities for a number of years and is already part of the training that is provided those staff, no additional costs would be anticipated. Changing the Board rule to review rules "as necessary" rather than at each meeting should have no fiscal impact on businesses.

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

HUMAN SERVICES
SUBSTANCE ABUSE AND MENTAL HEALTH
120 N 200 W 4TH FL
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Janina Chilton at the above address, by phone at 801-538-4072, by FAX at 801-538-3993, or by Internet E-mail at jchilton@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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Randall Bachman, Director

R523. Human Services, Substance Abuse and Mental Health.
R523-1. Procedures.
R523-1-1. Board of Substance Abuse and Mental Health-Responsibilities.

(1) The State Board of Substance Abuse and Mental Health is the program policy making body for the Division of Substance Abuse and Mental Health and for programs funded with state and federal monies. The Board has the authority and the responsibility to establish by rule procedures for developing its policies which seek input from local mental health authorities, consumers, providers, advocates, division staff and other interested parties (Section 62A-15-105). In order to ensure public input into the policy making procedure the Board will:

(a) Convene an annual meeting, inviting local mental health authorities, consumers, providers, advocates and division staff to provide them an opportunity to comment and provide input on new policy or proposed changes in existing policy.

(b) The Board shall include, as necessary, a time on the agenda at each regularly scheduled board meeting to entertain public comment on new policy or proposed changes in existing policy.

(c) Public requests to revise existing policy or consider new policy shall be made in writing to the Board in care of the Division of Substance Abuse and Mental Health.

(d) The Division shall prepare, for the Board's review, any comments they are in receipt of relative to public policy, which will be addressed at a regularly scheduled board meeting.

(e) The Board may direct the Division to follow-up on any unresolved issues raised as a result of policy review and report their findings at the next scheduled board meeting.

[~~**R523-1-13. Mental Health Officer Certification.**~~

~~(1) A "Mental Health Officer" as an individual designated by the Division to interact with and transport persons to any mental health facility (62A-15-602(10) and 62A-15-105).~~

~~(a) The Division shall certify that a mental health officer is qualified by training and experience in the recognition and identification of mental illness and in the safe, adequate transportation of the mentally ill to designated mental health facilities with the appropriate assistance of a peace officer. Certification will require at least two years of experience in a mental health related field in addition to successful completion of training provided by the Division.~~

~~(b) Application for certification will be achieved by the applicant making a written request to the Division for their consideration. Upon receipt of a written application the Director will cause to occur a review and examination of the applicant's qualifications.~~

~~(c) The applicant must meet the following minimum standards in order to be certified.~~

~~(i) The applicant must be at least 21 years of age.~~

~~(i) The applicant must be at least a high school graduate or have passed equivalent examination.~~

~~(iii) The applicant must be a resident of the State of Utah.~~

~~(iv) The applicant must be employed by a public mental health agency that routinely acts as an agent for the Division.~~

~~(v) The applicant must possess a basic working knowledge of the most current Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, to be determined by training, experience, and written examination.~~

~~(vi) The applicant must demonstrate a basic understanding of abnormal psychology and abnormal behavior, to be determined by training, experience, and written examination.~~

~~(vii) The applicant must demonstrate a fundamental understanding of the mental health law, to be determined by examination.~~

~~(viii) The applicant must demonstrate a working knowledge of safe and acceptable methods and techniques in transporting the mentally ill, to be determined by training, experience and written examination.~~

~~(d) The Division Director will determine if experience and qualifications are satisfactory to meet the required standards. The Director will also determine if there are any training requirements that may be waived due to prior experience and training.~~

~~(e) Upon satisfactory completion of the required experience and training the Director will certify the qualifications of the applicant, make record of such certification and issue a certificate to~~

~~the applicant reflecting his status as a mental health officer and authorize the use of privileges and responsibilities as prescribed by law.~~

]**KEY: bed allocations, due process, prohibited items and devices, fees**
[~~July 15, 2004~~]2005
Notice of Continuation December 11, 2002
62A-12-102
62A-12-104
62A-12-209.6(2)
62A-12-283.1(3)(a)(i)
62A-12-283.1(3)(a)(ii)
62A-15-612(2)

Human Services, Recovery Services
R527-40
Retained Support

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27648
FILED: 01/12/2005, 11:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to change the "overpayments" team to the "child support team. Retained support cases are no longer processed by the overpayments team that moved to Department of Workforce Services.

SUMMARY OF THE RULE OR CHANGE: This change is to eliminate references to the overpayments team. The overpayments team moved to the Department of Workforce Services. The child support team now processes and collects on retained support cases.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-11-107, 62A-11-304.1, 62A-11-307.1, and 62A-11-307.2

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There is no cost or savings to the state budget as this change is already in effect.
❖ LOCAL GOVERNMENTS: Administrative rules of the Office of Recovery Services do not apply to local government. Therefore, there is no anticipated cost or savings to local government.
❖ OTHER PERSONS: There is no cost or savings to other persons because this change is already in effect.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost is associated with this change because it is already in effect.

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

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kristen Lowe at the above address, by phone at 801-536-0347, by FAX at 801-536-8833, or by Internet E-mail at klowe@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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.
R527-40. Retained Support.
R527-40-1. Retained Support.

1. The term Retained Support refers to a situation in which [~~the~~]an obligee who has assigned support rights to the state has received child support but failed to forward the payment(s) to ORS.

2. The agent will refer the case to the appropriate [~~Overpayments~~]child support team with the evidence to support the referral.

3. In computing the amount owed, the obligee will be given credit for the $50 pass-through payment for any months prior to March, 1997, in which support was retained by the client. For example, if the obligee received and kept a support payment of $200 in February, 1997, the referral will be made as a $150 debt. For support payments retained on or after March 1, 1997, no credit shall be given because there will be no pass-through payments for support payments made after February 28, 1997.

KEY: child support
[~~April 8, 1997~~]2005
Notice of Continuation February 10, 2000
62A-11-107
62A-11-304.1
62A-11-307.1(3)
62A-11-307.2(3)

Human Services, Recovery Services
R527-255
Substantial Change in Circumstances

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27647
FILED: 01/12/2005, 10:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule continues to be to state requirements for parents who request less than three year reviews of support orders. Federal regulations (45 CFR 303.8) require reviews (analysis of parents' incomes and other information) and any appropriate modifications to administrative and judicial support orders to be completed within 180 days. The review and modification process, particularly when pursued through the courts, can easily consume 180 days. The Office of Recovery Services/Child Support Services (ORS/CSS) cannot begin the review process in these cases without the necessary information, and certain information must be provided by the requesting parent.

SUMMARY OF THE RULE OR CHANGE: This change retains the requirement that a parent must provide documentation of an alleged substantial change in circumstances for a less than three year review to proceed, but eliminates the requirement that the parent must provide documentation within 30 days of initiating the request. Instead, ORS/CSS will simply treat the request as complete and proceed to conduct the review once the documentation is received.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 78-45-7 through 78-45-7.21, 62A-11-320.5, and 62A-11-320.6; and 45 CFR 303.8

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no effect on state budget due to this change because the requestor is already required to provide the documentation. The documentation is now required before ORS/CSS will begin the review.

❖ LOCAL GOVERNMENTS: Administrative rules of the Office of Recovery Services do not apply to local government. Therefore, there are no anticipated cost or savings to local government.

❖ OTHER PERSONS: There will be no cost effect on other persons due to this change. The same documentation is required for the review to proceed now. The revised wording will clarify when the 180-day time frame to complete the review and modification process begins.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no cost effect on any one person due to this change. The same documentation is required for the review to proceed now. The revised wording will clarify when the 180-day time frame to complete the review and modification process begins.

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

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kristen Lowe at the above address, by phone at 801-536-0347, by FAX at 801-536-8833, or by Internet E-mail at klowe@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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.
R527-255. Substantial Change in Circumstances.
R527-255-1. Substantial Change in Circumstances.

1. A parent [~~who~~]may request[~~s~~] a less than three year review of a support order based on an alleged substantial change in circumstances.[~~,~~] For the request to be complete, the parent must provide documentation of the alleged change at his/her own expense[~~ within 30 days of the date of that parent's request. If the requesting parent does not provide documentation of the alleged change within 30 days, the review may be terminated~~].

2. If the change in circumstances is projected to be temporary, defined as less than 12 months in duration, the office shall not initiate proceedings to adjust the award.

3. If the change in circumstances is projected to be long term or permanent, defined as 12 months or more in duration, the office shall initiate proceedings to adjust the award pursuant to Sections 78-45-7.2 through 78-45-7.21.

KEY: child support
[~~October 24, 2003~~]2005
Notice of Continuation September 11, 2002
78-45-7 through 78-45-7.21
62A-11-320.5
62A-11-320.6

▼ ▼

Human Services, Services for People with Disabilities
R539-2
Civil Rights

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 27651
FILED: 01/14/2005, 08:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The removal of this rule is proposed after a comprehensive revision of the Division's rules.

SUMMARY OF THE RULE OR CHANGE: This rule is being repealed and being replaced with two new rules. This rule is repealed in its entirety. (DAR NOTE: The two proposed new rules are: R539-2 entitled Service Coordination that is under DAR No. 27626, and R539-3 entitled Rights and Protections that is under DAR No. 27627. Both were published in the January 15, 2005, Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-5-102 and 62A-5-103

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--This revision does not alter the basic operations or functions of the Division, and therefore does not result in either a cost or savings to the state.
❖ LOCAL GOVERNMENTS: None--Local government funding is not used, therefore, there is no cost to local governments.
❖ OTHER PERSONS: None--This revision does not alter the basic operations or functions of the Division, and therefore does not result in either a cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This revision does not alter the basic operations or functions of the Division, and therefore does not result in either a cost or savings to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This revision does not alter the basic operations or functions of the Division, and therefore does not have an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
Room 411
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzie Totten at the above address, by phone at 801-538-4197, by FAX at 801-538-4279, or by Internet E-mail at stotten@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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Ron Stromberg, Acting Executive Director

R539. Human Services, Services for People with Disabilities.
[~~R539-2. Civil Rights.~~
~~R539-2-1. Individual Rights.~~
~~A. Policy.~~
~~1. Unless indicated otherwise by the interdisciplinary team and documented in the Individual Program Plan (IPP) record, the rights of each person receiving Division of Services for People with Disabilities (DSPD) services shall include the following:~~
~~a. The right to be treated at all times with courtesy, respect and dignity, and with full recognition of individuality;~~
~~b. The right to be treated equally as citizens under the law, including the guarantees of privileges afforded under the Constitution of the United States;~~
~~c. The right to live in an appropriate, safe, sanitary living environment that complies with local, state, and federal standards;~~
~~d. The right to food adequate for accepted standards of nutrition and maintenance of health and well being;~~
~~e. The right to practice the religion of choice or to abstain from such practice;~~
~~f. The right of timely access to appropriate medical or dental treatment;~~
~~g. The right to access supportive services including occupational therapy, physical therapy, speech therapy, behavior modification and psychology services, and other necessary services;~~
~~h. The right to receive appropriate care and treatment in the least intrusive manner;~~
~~i. The right to privacy, including both periods and places of privacy;~~
~~j. The right to communicate freely with persons of choice in any reasonable manner, including social interactions with members of either sex;~~
~~k. The right to pursue economic opportunities which promote and enhance economic independence;~~
~~l. The right to be free from physical, emotional, psychological, or sexual abuse, and to be free from inappropriate chemical or physical restraint;~~
~~m. The right to participate in all decision making which may affect the individual's life, including educational, economic, social, habilitation, and recreation;~~
~~n. The right to present grievances.~~
~~o. The right to choose among available options.~~
~~B. Procedures.~~
~~1. A written description of the rights and responsibilities of each individual and legal representative shall be provided and explained at the admission meeting.~~
~~2. The Individual Rights policy shall be reviewed with each individual and legal representative annually during the IPP meeting.~~
~~3. The provider agency shall ensure that grievance procedures are communicated to individuals, parents, and legal representatives at their IPP meetings. The purpose of the grievance mechanism is to provide a review for and to address allegations of recipient's rights violations.~~
~~4. Each individual with disabilities has the right to counsel. If the individual does not have counsel, the contractor will insure that the individual is referred to the Legal Center for People with Disabilities. The Legal Center for People with Disabilities is designated by the Governor to provide protection and advocacy services as enumerated in Public Law 100-146, Title II, Section 113, Developmental Disabilities and Bill of Rights Act, which include advice, investigation, monitoring, legal counseling and representation in administrative and legal proceedings, and information and referral for persons with disabilities.~~
~~5. DSPD, DSPD regions, and the Department of Health shall conduct periodic inspections and audits to ensure compliance to this policy.~~

R539-2-2. Human Subject Research.

A. Policy.

1. Human Subjects Research procedures are intended to ensure that the health, safety, and confidentiality of individuals in DSPD programs are protected within the context of research activities conducted by any individual or organization.

2. The Provider Human Rights Committee (PHRC) must approve any research conducted. The Division of Human Rights Committee (DHRC) shall review and approve research approved by the PHRC.

3. Any individual or organization wishing to conduct research must guarantee, in writing, that the health, safety, and confidentiality of those involved will be maintained.

B. Procedures.

Approved research will be submitted to the Department of Human Services (DHS) Research Committee by DHRC in the event its review is required.

R539-2-3. Human Rights Committee.

A. Policy.

A PHRC is designed to protect persons receiving services from mistreatment, neglect and abuse to ensure that persons may develop to their fullest potential and enjoy satisfying lives. The DHRC serves as a support and review body for recommendations made by PHRC.

B. Procedures.

1. All agencies funded by DSPD shall make available to each person receiving services, patterns and conditions of everyday life which are consistent with their needs and which reflect the full range of choices that are available to persons without disabilities.

2. PHRCs shall advise the program administrator on the use of procedural safeguards for the protection of individual rights and will review all allegations of possible neglect, abuse or denial of rights by:

a. evaluating infringements of the legal and human rights of persons served. The PHRC will report to the Division of Family Services (DFS) possible abuse, neglect, or exploitation of minors for investigation.

b. reviewing the fatality report completed by the DHS, Office of Liability Management (OLM), the PHRC will review the circumstances surrounding any death which may occur to a program recipient.

c. participating in improving the quality of life of recipients by monitoring programs to suggest ways to improve privacy, access to personal belongings, use of personal funds, and that habilitation is appropriate to the chronological age of the person served.

d. ensuring that all behavioral development techniques shall emphasize a positive approach designed to result in the acquisition and maintenance of adaptive behaviors by reviewing the use of Level III and Level IV interventions (see R539-6-12(1)) used for behavior training or management.

(1) Level III- Moderately intrusive procedures which may include: overcorrection, food delay, satiation, physical guidance or manual restraint.

(2) Level IV- Highly intrusive procedures which may include: exclusionary time out, deprivation of sensory stimuli, noxious substances, forced relaxation, inhibiting devices, mechanical or chemical restraint.

3. PHRC membership shall be appointed by the program administrator.

4. PHRC shall have members who are knowledgeable about and who have experience in behavior management and developmental disabilities programs. Membership shall include a consumer and an advocate. DSPD representatives and purchase of service contractors shall not have voting privileges unless they are designated members of the Committee. The majority of the PHRC shall not be employees of the agency.

5. The PHRC decisions shall be reached by a majority vote of all the members.

6. The PHRC appeal process shall be established by PHRC.

7. The Director of DSPD will appoint a DHRC to lend support to PHRC who shall review PHRC's recommendations, the individual's behavior management program and will:

a. advise the Director on the use of administrative and procedural safeguards for evaluating infringements of legal and human rights.

b. review and approve Level IV interventions (see R539-6-12(1)) for behavior management.

c. serve as an appeal body to review all allegations of possible abuse, neglect, or denial of rights.

R539-2-4. Protective Payee Services.

A. Procedures.

1. DSPD staff will be responsible to assess the request for protective payee services and team recommendation for protective payee services.

2. The recipient must be involved in choosing the protective payee.

3. The protective payee voluntary agreement must include:

a. name and address of recipient,

b. effective date for the agreement,

c. a description of the income and resources to be managed, and

d. an end date or plan to reach termination of payee status.

4. If protective payee status continues or is likely to continue for more than two years and no progress is being made, the DSPD case manager may contact DSPD, who will contact the Attorney General's Office to screen the case prior to requesting a conservator.

R539-2-5. Notice and Hearings for Service Changes.

A. Policy.

In order to provide equal opportunity and to ensure due process, a person with a disability has the right to proper notice, to present grievances, or to resolve questions about eligibility through a hearing. An informal process should first be utilized by the person with disabilities and other interested parties, but the individual has the right to a hearing before the DHS hearing examiner if the action cannot be resolved informally at the Region or Division level.

B. Procedures.

1. All agency actions, as defined by the Administrative Procedures Act (Title 63, Chapter 46a), require that the DSPD region notify the applicant in writing.

2. If a person's services are being terminated, reduced, or changed by the interdisciplinary team, the person and legal representative must receive written notice. The notification must include:

a. an explanation of action taken,

b. the reason for the action,

c. a citation of the regulation supporting the action, and

d. a statement of the person's right to a hearing.

3. The individual or legal representative must request a review and hearing within ten working days of receiving the notice in order for services to be continued unchanged during the review and hearing process.

4. The DSPD region staff will:

a. explain the regulations on which the action is based and attempt to resolve the disagreement,

~~b. suggest the problem be discussed with the DSPD region supervisor and associate director. If the individual is not satisfied with the associate director, the individual may request a joint review by the division director and region director.~~

~~c. give the individual a Form 490 if the individual is not satisfied with the action after the regional director and division director meet with the individual, or if at any time the individual insists on a hearing.~~

~~5. If the individual requests a hearing from a Hearing Officer, the Hearing Officer shall, within two days, notify the regional director of the request, the name and address of the individual, and the reason for the request.~~

~~6. If a request for a hearing is pursued, the individual must comply with the DHS Rule (R497-100) and the Utah Administrative Procedures Act (Sections 63-46b-5 through 22).~~

~~7. If a Home and Community-Based Waivered Services (HBCWS) recipient has a reduction in services, the recipient must be notified in writing. All requests for a hearing must be forwarded to the Division of Health Care Finance, Department of Health.~~

~~R539-2-6. Informed Consent.~~

~~A. Policy.~~

~~Written documentation is required which has been explained to the individual and legal representative to provide protection of the individual's rights when the individual is participating in treatment plans, financial arrangements, placement decisions, medical matters, involvement in research and making decisions about their significant life activities.~~

~~B. Procedures.~~

~~1. The interdisciplinary team must review the individual's ability to give informed consent. They may consult with a licensed psychologist or licensed physician to evaluate the individual's ability to provide informed consent.~~

~~2. Documentation of informed consent requires a signed, written consent that the individual or authorized representative have received an explanation of:~~

~~a. the purposes of the proposed treatment or life event,~~

~~b. the expected duration of the individual's participation,~~

~~c. a description of the procedures to be followed,~~

~~d. identification of any procedures which are experimental,~~

~~e. a description of any reasonable foreseeable risks, discomforts, or benefits to the individual,~~

~~f. a disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous, and~~

~~g. whom to contact for answers to pertinent questions about the individual's rights.~~

~~3. A witnessed oral consent by telephone from the individual or legal representative may be utilized until a formal written consent is obtained.~~

~~4. Nothing in this policy is intended to limit the authority of a physician to provide emergency medical care, to the extent the physician is permitted to do so under applicable federal, state, or local law.~~

~~KEY: social services, disabled persons*~~
~~1993~~
~~Notice of Continuation December 18, 2002~~
~~62A-5-103~~]

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Human Services, Services for People with Disabilities

R539-3

Service Coordination

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 27652
FILED: 01/14/2005, 08:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The removal of this rule is proposed after a comprehensive revision of the Division's rules.

SUMMARY OF THE RULE OR CHANGE: This rule is being repealed and being replaced with two new rules. This rule is repealed in its entirety. (DAR NOTE: The two proposed new rules are: R539-2 entitled Service Coordination that is under DAR No. 27626, and R539-3 entitled Rights and Protections that is under DAR No. 27627. Both were published in the January 15, 2005, Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-5-102 and 62A-5-103

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--This revision does not alter the basic operations or functions of the Division and, therefore, does not result in either a cost or savings to the state.

❖ LOCAL GOVERNMENTS: None--Local government funding is not used. Therefore, there is no cost to local governments.

❖ OTHER PERSONS: None--This revision does not alter the basic operations or functions of the Division and, therefore, does not result in either a cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This revision does not alter the basic operations or functions of the Division and, therefore, does not result in either a cost or savings to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This revision does not alter the basic operations or functions of the Division and, therefore, does not have an impact on businesses.

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

HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
Room 411
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzie Totten at the above address, by phone at 801-538-4197, by FAX at 801-538-4279, or by Internet E-mail at stotten@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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Ron Stromberg, Acting Executive Director

R539. Human Services, Services for People with Disabilities.

[~~R539-3. Service Coordination.~~

~~R539-3-1. Waiting List.~~

~~A. Policy.~~

~~(1) The Division shall determine a Person's eligibility for service, followed by a determination of that Person's priority relative to others who are also eligible. Each region shall use a standardized Needs Assessment to score and prioritize the Person's level of need. Persons with the highest scores shall receive support first. The Support Coordinator shall assess with the Person or Representative the array of supports that may be needed. If funding is not immediately available, the Person will be placed on a waiting list for the support. Persons who have been determined eligible for the Division's Medicaid Waiver can choose to wait for Division Support services or seek services available through Medicaid in an Intermediate Care Facility for Persons with Mental Retardation (ICF/MR).~~

~~B. Procedures.~~

~~(1) If the Person requires support services on the day of intake, the Person has an immediate need.~~

~~(2) A Needs Assessment form 2-2 shall be completed for all Persons with an immediate need for support services. The Needs Assessment determines the score of each Person in accordance with subsection 62A-5-102(3)~~

~~(3) The region Needs Assessment committee determines the Person's score, rank orders the scores within each region to determine the order in which each Person receives funding, and enters the Person's name and score on the waiting list.~~

~~(4) A Person's ranking may change as Needs Assessments are completed for new applicants.~~

~~(5) A child, upon reaching age 16, who is in a school district special education program and meets all eligibility requirements for division services shall be entered on the waiting list as having a future need for supported employment or day training. No age limitations apply to a Person placed on the waiting list for Community Living Support or Family Support.~~

~~R539-3-2. Person-Centered Process.~~

~~(1) The Division supports Person-Centered Planning, which includes assessing, planning, implementing, and evaluating. This process must have an individualized focus and incorporates the principles of Person-Centered Planning, self-determination, informed choice, and equity. Input from the Person and the Person's Team should guide and direct this process.~~

~~(a) The Person's Team will work with the Person to identify goals.~~

~~(i) The Person receiving supports or the Person's Representative determines the membership of the Team, which will include the Support Coordinator.~~

~~(ii) The Team meets at least annually (within twelve months of last meeting), or more often as the Person or other members of the Team determine necessary.~~

~~(b) The Person, Provider, and Family will assess, plan, implement and evaluate goals and supports for which they are responsible, as agreed upon and listed on the Action Plan Form 1-16 in the planning meeting.~~

~~(c) The Team shall decide the level of detail required to describe the actions involved in the assessing, planning, implementing and evaluating needed for the supports based on the experience and expertise of the staff providing the Person's supports. The use of the philosophical Person-Centered Planning approach will be demonstrated and documented in the Person's file.~~

~~(d) If any interested party believes that Person-Centered Planning is not being implemented as outlined or receives a request from the Person/Representative, they should contact the Support Coordinator immediately to resolve the issue informally and, if necessary, through the formal resolution process outlined in R539-2-5 Notice and Hearings for Service Changes and R539-3-4 Discharge and R539-3-5 Consumer Placement Review.~~

~~R539-3-3. Referral to Services.~~

~~A. Procedures.~~

~~1. Referrals for services are made by the case manager to established providers of service in the following fashion:~~

~~a. The individual and legal representative select a service with the case manager.~~

~~b. A referral packet with current information is submitted to the identified service provider.~~

~~c. The Provider will schedule a placement meeting. The purchase of service provider will coordinate the placement meeting, which consists of the person with disabilities, legal representative (advocate), case manager(s), and other relevant members, including the Utah State Developmental Center staff, education representative for school-age individuals, and Division staff. The meeting should be held at the prospective site of placement whenever possible. The prospective Provider shall chair the meeting.~~

~~2. The prospective Provider will submit an acceptance or denial letter within ten working days to the case manager(s), person with disabilities, and legal representative. The referral file contents of a person denied for services will be returned to the case manager.~~

~~a. An acceptance letter shall include a written description of the following:~~

~~(1) services to be provided.~~

~~(2) location of the service.~~

~~(3) name and address of the primary care physician or other medical specialists, including, for example, neurologist or dentist.~~

~~(4) a training and in-service schedule for the staff to meet with the admitted person.~~

~~(5) proposed date of admission.~~

~~b. A denial letter shall include a written description of the specific reason for the denial. The letter will be submitted with the returned file.~~

~~c. A copy of the denial or acceptance letter will be submitted to the Director of Planning and Program Development and the Chairperson of the Community Based Committee.~~

~~3. Admission to Division programs from a Nursing Facility under OBRA 1987 will be coordinated by the OBRA specialist at the Division with the nursing facility social worker, the case manager, the prospective provider, and the person with disabilities.~~

~~4. The physical move to a receiving residential facility will be the responsibility of the Provider who submits the billing as the first day of service or last day as negotiated with the new Provider.~~

~~**R539-3-4. Discharge.**~~

~~A. Policy.~~

~~1. Any interested member of the interdisciplinary team who recommends that a recipient be discharged or may benefit from service change shall contact the individual's case manager.~~

~~B. Procedures.~~

~~1. In the event that a request for discharge is received, the DSDP case manager shall arrange with the Provider for a discharge meeting. The following people shall be invited to attend:~~

~~a. The individual with disabilities.~~

~~b. Legal representative, as appropriate.~~

~~c. DSDP case manager.~~

~~d. Provider, teacher.~~

~~e. Receiving agency, as appropriate.~~

~~2. Topics in the discharge meeting shall include at a minimum:~~

~~a. A detailed discussion of the recipient's progress and current status in the program.~~

~~b. Specific reasons for the request for discharge outlined by the individual initiating the request.~~

~~3. Consensus decision must be reached regarding discharge from a program (see R539-2-5, Notice and Hearings). The decision shall be documented in the Individual Program Plan.~~

~~4. If the decision is to discharge an individual, a discharge summary shall be completed prior to the actual date of such action. A discharge summary shall be written by the Provider to include:~~

~~a. Reason for termination.~~

~~b. Summary of services provided.~~

~~c. Evaluation of strengths and needs; achievement of goals and objectives.~~

~~d. Signature and title of Provider preparing the summary.~~

~~5. The written summary will be sent to the receiving case manager, client and legal representative, discharging case manager, and provider within ten days of the person's last day of service.~~

~~6. A Provider may not request discharge of a person who has been identified by the Division as "zero reject", that is an individual with severe challenges, without 90 days notice.~~

~~**R539-3-5. Consumer Placement Review.**~~

~~A. Policy.~~

~~It is the intent of the Division of Services for People with Disabilities that service providers shall offer programs that best meet the needs of individuals with disabilities, and promote a sufficient choice of service options for individuals and legal representatives to consider. An existing provider of services, therefore, will have the opportunity to proper notice and the opportunity to resolve concerns regarding services to a consumer.~~

~~B. Procedures.~~

~~1. The recipient of services or legal representative must be notified in writing of all actions taken pursuant to the above process, must be invited to all meetings to discuss individual services, and must receive notice of final resolution within 30 working days of the first meeting of the Individual Program Plan team to discuss the issue.~~

~~2. If a review is requested by the service provider, it must be made in writing to the appropriate Region Supervisor or Director within ten working days of the Individual Program Plan team meeting. Except in an emergency or unless requested by the individual or legal representative, services will continue unchanged during the review process. It is the responsibility of the Region Supervisor or Director to attempt to resolve the disagreement.~~

~~3. If the issue is not resolved to the services provider's satisfaction, a subsequent joint review by the Division Director and Region Director may be requested in writing by the service provider within 20 days of the date of the original Individual Program Plan meeting.~~

~~4. Providers may pursue their right to a formal hearing with the Department of Human Services via the Utah Administrative Procedures Act.~~

~~**R539-3-6. Targeted Case Management.**~~

~~A. Policy~~

~~The Division of Services for People with Disabilities will provide Targeted Case Management for people with disabilities who are eligible in accordance with R414-33. Targeted Case Management is available only to individuals eligible for Division services who are also eligible for Medicaid. Pending a change in the state Medicaid Plan, only individuals under the age of 21 are eligible for Targeted Case Management. Individuals receiving case management services under the Home and Community-Based Waiver are not eligible.~~

~~B. Procedures~~

~~Documentation of eligibility will include a form 19 (Eligibility for Services), an Inventory for Client and Agency Planning (documenting the need for targeted case management services), and verification the individual is eligible for Medicaid.~~

~~**R539-3-7. Individual Family Support Plan.**~~

~~A. Policy.~~

~~An Individual Family Support Plan will be developed for all individuals receiving family support services funded by the Division. These services are provided to help support a family in keeping a relative with a disability at home.~~

~~B. Procedures.~~

~~1. The Individual Family Support Plan will be developed by the family, the region case manager and the providers within 30 days following approval for service.~~

~~2. It is the responsibility of the agency provider to write the portion of the Plan document regarding the supports and services they will provide.~~

~~**KEY: social services, disabled persons**~~
~~**May 20, 2003**~~
~~**Notice of Continuation September 6, 2002**~~
~~**62A-5-103**~~**]**

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Natural Resources, Wildlife Resources

R657-33

Taking Bear

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 27649

FILED: 01/13/2005, 10:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing the division's bear program.

SUMMARY OF THE RULE OR CHANGE: Section R657-33-2 is being amended to define "limited entry hunt" and "valid application." Section R657-33-13 is being amended to provide that any person interested in baiting must provide a 1:24000 United States Geological Survey (USGS) quad map with the bait location marked, or the Universal Transverse Mercator (UTM) or latitude and longitude coordinates of the bait station, including the datum, to obtain a Certificate of Registration for baiting. Section R657-33-27 is amended to comply with Section 23-19-22.5, which was amended during the 2004 Legislative Session (S.B. 138). Other administrative changes are made for consistency and clarity. (DAR NOTE: S.B. 138 is found at UT L 2004 Ch 287, and was effective 5/3/2004.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This amendment clarifies the procedures and requirements for obtaining bear permits, and other administrative details. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or 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 amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖ OTHER PERSONS: This amendment clarifies the procedures and requirements for obtaining bear permits, and other administrative details. 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: The amendments provide procedures and requirements for obtaining bear permits, and other administrative details. 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 Merrill at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiemerrill@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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Miles Moretti, Acting Director

R657. Natural Resources, Wildlife Resources.
R657-33. Taking Bear.
R657-33-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Bait" means any lure containing animal, mineral or plant materials.

(b) "Baiting" means the placing, exposing, depositing, distributing or scattering of bait to lure, attract or entice bear on or over any area.

(c) "Bear" means Ursus americanus, commonly known as black bear.

(d) "Canned hunt" means that a bear is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the bear.

(e) "Cub" means a bear less than one year of age.

(f) "Evidence of sex" means the teats, and sex organs of a bear, including a penis, scrotum or vulva.

(g) "Green pelt" means the untanned hide or skin of a bear.

(h) "Limited entry hunt" means any hunt listed in the hunt table, published in the proclamation of the Wildlife Board for taking bear, which is identified as a limited entry hunt and does not include pursuit only.

(i) "Pursue" means to chase, tree, corner or hold a bear at bay.

(j)(i) "Valid application" means:

(A) it is for a species that the applicant is eligible to possess a permit;

(B) there is a hunt for that species regardless of estimated permit numbers; and

(C) there is sufficient information on the application to process the application, including personal information, hunt information, and sufficient payment.

(ii) Applications missing any of the items in Subsection (a) may still be considered valid if the application is timely corrected through the application correction process.

(k)[~~(i)~~] "Waiting period" means a specified period of time that a person who has obtained a bear permit must wait before applying for any other bear permit.

R657-33-13. Certificate of Registration Required for Bear Baiting.

(1) A certificate of registration for baiting must be obtained before establishing a bait station.

(2) Certificates of registration are issued only to holders of valid limited entry bear archery permits.

(3) A certificate of registration may be obtained from the division office within the region where the bait station will be established.

(4) The following information must be provided to obtain a Certificate of Registration for baiting: [~~township, range, section to the nearest 1/4 section, county, drainage~~]a 1:24000 USGS quad map with the bait location marked, or the Universal Transverse Mercator (UTM) or latitude and longitude coordinates of the bait station, including the datum, type of bait used and written permission from the appropriate landowner for private lands.

(5)(a) Any person interested in baiting on lands administered by the U.S. Forest Service or Bureau of Land Management must verify that the lands are open to baiting before applying for a limited entry bear archery permit.

(b) Information on areas that are open to baiting on National Forests must be obtained from district offices. Baiting locations and applicable travel restrictions must be verified by the district supervisor prior to applying for a Certificate of Registration.

(c) Areas generally closed to baiting stations by these federal agencies include:

(i) designated Wilderness Areas;

(ii) heavily used drainages or recreation areas; and

(iii) critical watersheds.

(d) The division shall send a copy of the certificate of registration to the private landowner or appropriate district office of the land management agency that manages the land where the bait station will be placed, as identified by the hunter on the application for a certificate of registration.

(6) A $5 handling fee must accompany the application.

(7) Only hunters listed on the certificate of registration may hunt over the bait station and the certificate of registration must be in possession while hunting over the bait station.

(8) Any person tending a bait station must be listed on the certificate of registration.

R657-33-25. Taking Bear.

(1) A person may take only one bear during the season and from the limited entry area specified on the permit.

(2)(a) A person may not take or pursue a female bear with cubs.

(b) Any bear, except a cub or a sow accompanied by cubs, may be taken during the prescribed seasons.

(3) Limited entry permits may be obtained by following the application procedures provided in this rule and the proclamation of the Wildlife Board for taking and pursuing bear.

(4)(a) A mandatory orientation course is required for hunters who draw a permit for the following hunts:

(i) South Slope, Yellowstone;

(ii) South Slope, Vernal/Diamond Mountain/Bonanza;

(iii) Nine Mile, Anthro-Range Creek;

(iv) La Sal Mountains, Dolores Triangle;

(v) San Juan;

(vi) Central Mountains, Manti[~~,~~]-North;

(vii) Central Mountains, Manti[~~,~~]-South;

(viii) Wasatch Mountains, West; and

(ix) Wasatch Mountains, Currant Creek-Avintaquin.

(b) Hunters will be notified of the orientation process.

(c) Permits for spring bear hunts will be distributed to successful applicants upon completion of the orientation.

(5) Season dates, closed areas and limited entry permit areas are published in the proclamation of the Wildlife Board for taking and pursuing bear.

R657-33-26. Bear Pursuit.

(1) Bear may be pursued only by persons who have obtained a bear pursuit permit. The bear pursuit permit does not allow a person to kill a bear.

(2) Pursuit permits may be obtained at Division offices and through participating online license agents.

(3) A person may not:

(a) take or pursue a female bear with cubs;

(b) repeatedly pursue, chase, tree, corner or hold at bay the same bear during the same day; or

(c) possess a firearm or any device that could be used to kill a bear while pursuing bear.

(i) The weapon restrictions set forth in Subsection (c) do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing or attempting to utilize the concealed weapon to injure or kill bear.

(4) If eligible, a person who has obtained a bear pursuit permit may also obtain a limited entry bear permit.

(5) When dogs are used to take a bear and there is not an open pursuit season, the owner and handler of the dogs must have a valid pursuit permit and be accompanied by a licensed hunter as provided in Section R657-33-12.

(6) Season dates, closed areas and bear pursuit permit areas are published in the proclamation of the Wildlife Board for taking and pursuing bear.

R657-33-27. General Application Information.

(1) A person may not apply for or obtain more than one bear permit within the same calendar year, except as provided in Subsection R657-33-[~~27(3).~~]27(2).

[~~(2) A person must be 12 years of age or older by the posting date of the drawing to apply for a bear permit.~~

~~(3)~~](2) Limited entry bear permits are valid only for the hunt unit and for the specified season designated on the permit.

R657-33-29. Application Procedure.

(1) Applications are available from license agents and division offices.

(2)(a) Group applications are not accepted. A person may not apply more than once annually.

(b) Applicants may select up to [~~five~~]three hunt unit choices when applying for limited entry bear permits. Hunt unit choices must be listed in order of preference.

(c) Applicants must specify on the application whether they want a limited entry bear permit or a limited entry bear archery permit.

(i) The application may be rejected if the applicant does not specify either a limited entry bear permit or limited entry bear archery permit.

(ii) Any person obtaining a limited entry bear archery permit must also obtain a certificate of registration if intending to use bait as provided in Section R657-33-14.

(3)(a) Applications must be mailed by the date prescribed in the proclamation of the Wildlife Board for taking and pursing bear. Applications filled out incorrectly or received later than the date prescribed in the bear proclamation may be rejected.

(b) If an error is found on an application, the applicant may be contacted for correction.

(c) The opportunity to correct an error is not guaranteed.

(4)(a) Late applications received by the date published in the proclamation of the Wildlife Board for taking bear will not be considered in the drawing, but will be processed for the purpose of entering data into the division's draw database to provide:

(i) future preprinted applications;

(ii) notification by mail of late application and other draw opportunities; [~~and~~]or

(iii) re-evaluation of division or third-party errors.

(b) The handling fee will be used to process the late application. Any permit fees submitted with the application will be refunded.

(c) Late applications received after the date published in the proclamation of the Wildlife Board for taking bear, will not be processed and will be returned.

(5) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.

(6) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Section R657-33-32(6)(b).

(7) To apply for a resident permit, a person must establish residency at the time of purchase.

(8) The posting date of the drawing shall be considered the purchase date of a permit.

R657-33-31. Drawings and Remaining Permits.

(1) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(2) Applicants will be notified by mail or e-mail of draw results by the date published in the proclamation of the Wildlife Board for taking and pursuing bear. The drawing results will be posted on the Division's Internet address.

(3) Permits remaining after the drawing will be sold [~~only by mail or~~] on a first-come, first-served basis beginning and ending on the dates provided in the proclamation of the Wildlife Board for taking and pursuing bear. These permits may be purchased by either residents or nonresidents.

(4) Waiting periods do not apply to the purchase of remaining permits. However, waiting periods are incurred as a result of purchasing remaining permits.

(5)(a) A person may withdraw their application for the bear drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking and pursuing bear.

(b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the [~~Salt Lake Division office.~~]address published in the proclamation of the Wildlife Board for taking bear.

(6)(a) An applicant may amend their application for the limited entry bear permit drawing by requesting such in writing by the initial application deadline.

(b) The applicant must send their notarized signature with a statement requesting that their application be amended to the [~~Salt Lake Division office.~~]address published in the proclamation of the Wildlife Board for taking bear.

(c) The applicant must identify in their statement the requested amendment to their application.

(d) [~~An amendment may cause rejection if the amendment causes an error on the~~]If the application is amended, and that amendment results in an error, the division reserves the right to reject the entire application.

(8) Handling fees will not be refunded.

R657-33-33. Refunds.

(1) Unsuccessful applicants, who applied in the [~~initial~~]drawing and who applied with a check or money order, will receive a refund in May.

(2) Unsuccessful applicants, who applied with a credit or debit card, will not be charged for a permit.

(3) The handling fees are nonrefundable.

KEY: wildlife, bear, game laws
[~~February 24, 2004~~]2005
Notice of Continuation December 31, 2002
23-14-18
23-14-19
23-13-2

Natural Resources, Wildlife Resources

R657-47

Trust Fund Permits

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 27639
FILED: 01/05/2005, 15:43

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule provided the standards and procedures for issuing one series of trust fund permits for the 2000-2001 hunting season to a qualified conservation organization.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety. This rule provided the standards and procedures for issuing one series of trust fund permits for the 2000-2001 hunting season to a qualified conservation organization. The rule has served this purpose and is no longer needed, resulting in the repeal of this rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The rule has served its original purpose and is no longer needed, resulting in the repeal of this rule. Therefore, the Division of Wildlife Resources (DWR) determines that there are no cost or savings impacts associated with repealing this rule.

❖ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local

governments indirectly impacted because the rule does not create a situation requiring services from local governments. ❖ OTHER PERSONS: The rule has served its original purpose and is no longer needed, resulting in the repeal of this rule. The repealing of this rule does not impose any requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The rule has served its original purpose and is no longer needed, resulting in the repeal of this rule. DWR determines that there are no compliance costs associated with repealing this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repealing of this rule does not impact 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 Merrill at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiemerrill@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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Miles Moretti, Acting Director

R657. Natural Resources, Wildlife Resources.
[~~R657-47. Trust Fund Permits.~~
~~R657-47-1. Purpose and Authority.~~
~~(1) Under the authority of Sections 23-14-18 and 23-14-19 of the Utah Code, this rule provides the standards and requirements for issuing trust fund permits.~~
~~(2) Trust fund permits are authorized by the wildlife board and issued by the division to a qualified conservation organization for purposes of generating revenue to fund a wildlife conservation trust account managed exclusively for the benefit of protected wildlife in Utah.~~
~~(3) The conservation organization awarded the trust fund permits shall use all revenue and proceeds derived from the permits for the direct benefit of protected wildlife in Utah.~~
~~(4) This rule is intended as authorization to issue one series of trust fund permits for the 2000-2001 hunting season to one qualified conservation organization.~~

~~R657-47-2. Definitions.~~
~~(1) Terms used in this rule are defined in Section 23-13-2.~~
~~(2) In addition:~~
~~(a) "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 501(c)(3), as amended.~~
~~(b) "Hunter's choice" means either sex may be taken.~~
~~(c) "Permit revenue" means all money or assets received by the conservation organization from prospective permittees in exchange for the opportunity to obtain trust fund permits.~~
~~(d) "Trust Fund Permit" means a permit which allows a permittee to hunt:~~
~~(i) a specified big game species on any open unit in the state from September 1 through December 31, except pronghorn and moose may be hunted only from September 1 through October 31, and mountain goats may not be hunted on the Beaver unit;~~
~~(ii) a cougar, bear or turkey on any open unit during the respective season for each species as authorized by the Wildlife Board.~~
~~(e) "Trust Fund Permit series" means a single package of permits comprised of one permit for each of the following species:~~
~~(i) ram Rocky Mountain bighorn sheep;~~
~~(ii) ram desert bighorn sheep;~~
~~(iii) buck mule deer;~~
~~(iv) bull elk;~~
~~(v) hunter's choice mountain goat;~~
~~(vi) hunter's choice bison;~~
~~(vii) bull moose;~~
~~(viii) buck pronghorn antelope;~~
~~(ix) hunter's choice bear;~~
~~(x) hunter's choice cougar; and~~
~~(xi) bearded tom turkey.~~

~~R657-47-3. Trust Fund Permit Allocation.~~
~~(1) A trust fund permit may be authorized for one animal of each of the following species:~~
~~(a) ram rocky mountain bighorn sheep;~~
~~(b) ram desert bighorn sheep;~~
~~(c) buck mule deer;~~
~~(d) bull elk;~~
~~(e) hunter's choice mountain goat;~~
~~(f) hunter's choice bison;~~
~~(g) bull moose;~~
~~(h) buck pronghorn antelope;~~
~~(i) hunter's choice bear;~~
~~(j) hunter's choice cougar; and~~
~~(k) bearded tom turkey.~~
~~(2) Trust fund permits for each species identified in Subsection (1) shall be issued as a single series to one conservation organization.~~
~~(3) A trust fund permit shall not be issued for any particular species or on any particular unit where so doing will harm the long-term health and viability of the species population on that unit or in the state as a whole.~~

~~R657-47-4. Obtaining Trust Fund Permits.~~
~~(1) Trust fund permit series are available to eligible conservation organizations for sale at an auction, or for use as an aid to wildlife related fund raising activities.~~
~~(2) Conservation organizations may apply for the trust fund permit series by sending an application to the division.~~

~~(3) The application must be submitted to the division to be considered for the following year's permits. Each application must include:~~

~~(a) the name, address and telephone number of the conservation organization;~~

~~(b) a description of the conservation organization's mission statement;~~

~~(c) verification of the conservation organization's tax exempt status under Internal Revenue Code, Section 501(c)(3), as amended; and~~

~~(d) the name of the president or other individual responsible for the administrative operations of the conservation organization.~~

~~(4) Conservation organizations must include the following information in the application:~~

~~(a) the estimated revenue expected to be generated from the permits and deposited into the wildlife conservation trust fund;~~

~~(i) the estimated revenue must be based on 100% of the auction or fund raising activity amount being deposited in the trust fund, or the recommended minimum amount listed in Subsection (5), whichever is greater; and~~

~~(ii) the basis for the estimated revenue must include the conservation organization's experience in similar activities, and details of the marketing plan; and~~

~~(b) A specific wildlife conservation trust fund proposal that describes:~~

~~(i) how the trust will be managed;~~

~~(ii) for what purposes the principle and proceeds of the trust will be used;~~

~~(iii) how the trust will benefit protected wildlife in Utah; and~~

~~(iv) how the conservation organization through the trust fund can produce greater benefit to protected wildlife in Utah by funding the trust with permit revenue rather than remitting the revenue to the division.~~

~~(5) The recommended minimum permit bid amount for each species is:~~

~~(a) ram Rocky Mountain bighorn sheep, $40,000;~~

~~(b) ram desert bighorn sheep, $30,000;~~

~~(c) buck deer, $10,000;~~

~~(d) bull elk, $10,000;~~

~~(e) bull moose, $10,000;~~

~~(f) bison, $5,000;~~

~~(g) mountain goat, $5,000;~~

~~(h) buck pronghorn, $2,000;~~

~~(i) black bear, $2,000;~~

~~(j) cougar, $2,000;~~

~~(k) bearded tom turkey, $350~~

~~(6) All licensing fees required in the proclamations of the wildlife board for each trust fund permit shall be remitted to the division upon acquiring the actual permit from the division. If the conservation organization is paying the permit and Wildlife Habitat Authorization fees for the permit recipient, the fees shall not be paid from permit revenue.~~

~~(7) An application which is incomplete or completed incorrectly may be rejected.~~

~~(8) The division shall recommend to the wildlife board which conservation organization will receive the trust fund permit series based on:~~

~~(a) the bid amount pledged to the trust, adjusted by the performance of the organization over the previous two years in meeting proposed conservation permit bids; and~~

~~(b) the conservation organization's ability, as evaluated from past performance in using conservation permit revenue, to effectively plan and complete significant wildlife conservation projects beneficial to protected wildlife in the state.~~

~~(9) A conservation organization may withdraw or exchange its application for the trust fund permit series prior to board approval without penalty provided the successor applicant assumes the bid amounts made by the predecessor organization.~~

~~(10) The Wildlife Board will make the final assignment of the trust fund permit series based on the:~~

~~(a) division's recommendation;~~

~~(b) benefit to protected wildlife;~~

~~(c) historical contribution of the organization to the conservation of wildlife; and~~

~~(d) previous performance of the conservation organization.~~

~~(11) The conservation organization receiving the trust fund permits shall:~~

~~(a) distribute the permits in accordance with law, proclamation, and order of the wildlife board;~~

~~(b) notify the division of the proposed permit recipient within 10 days of the recipient selection or the permit may be forfeited;~~

~~(c) report to the division the total revenue amount generated from the auction of the permits within 10 days of the auction;~~

~~(d) establish and manage the trust, including accounts thereunder, consistent with state and federal law;~~

~~(e) create and execute a trust agreement consistent with the requirements and objectives set forth in this rule, and otherwise acceptable to the wildlife board;~~

~~(f) deposit in the approved wildlife conservation trust fund account within two weeks of receipt all permit revenue designated for deposit in the account;~~

~~(g) immediately return to the division any permit revenue designated for contribution to the trust which is not deposited in the trust account within two weeks of receipt as required in Subsection (11)(f);~~

~~(h) contribute to the trust, within the first six months of operation, cash and securities equal to or greater in value to the trust fund permit revenue contributed to the trust;~~

~~(i) retain the full value of the permit revenue in the trust in perpetuity, except trust principle may be used for short term loans to fund wildlife conservation projects where timely repayment is certain;~~

~~(j) provide an annual accounting of all trust fund permit revenue deposited in the trust account, proceeds generated from that revenue, draws on the trust principle and the corresponding projects funded by each draw, and expenditures of trust proceeds and the corresponding projects funded by each expenditure;~~

~~(k) submit to trust account and spending audits by a division appointed auditor upon division request;~~

~~(l) use trust fund permit revenue and the proceeds generated therefrom exclusively on projects directly designed to benefit protected wildlife in Utah; and~~

~~(m) return to the division the original value of the trust fund permit revenue placed in trust upon dissolution of the trust.~~

~~(12) The division and the conservation organization receiving the permits shall enter into a contract containing, among other things, the provisions outlined in Subsection (11).~~

~~(13) The division may require a conservation organization awarded the trust fund permit series to return the original value of the permits placed in the trust for violation of the requirements set forth in Subsection (11).~~

~~**R657-47-5. Surrender or Transfer of Trust Fund Permit Designation.**~~

~~(1) If a person is designated by a qualified organization to receive a trust fund permit and is also successful in obtaining a Utah permit for the same species in the same year through a limited entry drawing, that person may designate another person to receive the trust fund permit, provided the trust fund permit has not been issued by the division to the first selected person.~~

~~(2) 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:~~

~~(a) the conservation organization selects the new recipient of the permit;~~

~~(b) the amount of money received by the division for the permit is not decreased;~~

~~(c) the conservation organization relinquishes to the division 90% of all proceeds generated from the alternate permit transfer or uses the funds for projects authorized by the division pursuant to this rule;~~

~~(d) 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~~

~~(e) the permit has not been issued by the division to the first designated person.~~

~~(3) Except as otherwise provided in Subsection (1) and (2), a person designated by a conservation organization as a recipient of a trust fund 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.~~

~~**R657-47-6. Using a Trust Fund Permit.**~~

~~(1) A trust fund permit allows the recipient to:~~

~~(a) take only the species for which the permit is issued;~~

~~(b) take only the species and sex printed on the permit; and~~

~~(c) take the species only in the area and during the season specified on the permit.~~

~~(2) The recipient of a trust fund 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) Any person who has obtained a trust fund permit is subject to once-in-a-lifetime restrictions applicable to obtaining a subsequent permit for the same species through a division application and drawing process, as provided in proclamation and Rule R657-5.~~

~~**KEY: wildlife, wildlife permits**~~
~~**August 1, 2000**~~
~~**23-14-18**~~
~~**23-14-19**~~**]**

▼ ▼

Public Safety, Fire Marshal
R710-3-3
Amendments and Additions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27654
FILED: 01/14/2005, 12:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met on January 11, 2005, in a regularly scheduled Board meeting and proposed to amend Rule R710-3 by further defining the placement of smoke detectors and some other small corrections.

SUMMARY OF THE RULE OR CHANGE: A summary of the proposed amendments to Rule R710-3 are as follows: 1) in Subsections R710-3-3(3.2.5) and R710-3-3(3.4.5), the Board proposes to further define the specific placement of smoke detectors by referencing an adopted incorporated reference; and 2) in Subsections R710-3-3(3.3.4.1) and R710-3-3(3.4.4), the Board proposes to make some corrections that will further define the existing rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no aggregate anticipated cost or savings to the state budget because these proposed amendments do not affect the state budget. The proposed changes are grammatical and reference changes which will better clarify the rule.

❖ LOCAL GOVERNMENTS: There is no aggregate anticipated cost or savings to local government because these proposed amendments do not affect local government. The proposed changes are grammatical and reference changes which will better clarify the rule.

❖ OTHER PERSONS: There is no aggregate anticipated cost or saving to other persons because these proposed amendments do not affect other persons. The proposed amendments are grammatical and reference changes which will better clarify the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons with the enactment of this rule amendment. These proposed rule amendments are grammatical and reference changes and do not substantively change the application of the rule.

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 these rule amendments.

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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Gary A. Wise, State Fire Marshal

R710. Public Safety, Fire Marshal.
R710-3. Assisted Living Facilities.
R710-3-3. Amendments and Additions.

3.1 General Requirements

3.1.1 All facilities shall be inspected annually and obtain a certificate of fire clearance signed by the AHJ.

3.1.2 All facility administrators shall develop emergency plans and preparedness as required in IFC, Chapter 4.

3.1.3 IFC, Chapter 9, Sections 907.3.1.2 and 907.3.1.8 is deleted.

3.2 Type [~~1~~]I Assisted Living Facilities

3.2.1 Type [~~1~~]I Limited Capacity Assisted Living Facilities shall be constructed in accordance with IBC, Residential Group R-3, and maintained in accordance with the IBC and IFC.

3.2.2 Type [~~1~~]I Limited Capacity Assisted Living Facility required exits shall not be secured with dead bolts, chains, or hasps. Deadbolts that are interconnected with the latch, and provide simultaneous retraction of both the deadbolt and the latch, by the turning of the latch, is permitted.

3.2.3 Residents in Type [~~1~~]I Limited Capacity Assisted Living Facilities shall be housed on the first story only, unless an approved outside exit leading to the ground level is provided from any upper or lower level. Split entry/split level type homes in which stairs to the lower and upper level are equal or nearly equal, may have residents housed on both levels when approved by the AHJ.

3.2.4 In Type [~~1~~]I Limited Capacity Assisted Living Facilities, resident rooms on the ground level, shall have escape or rescue windows as required in IFC, Chapter 10, Section 1025.

3.2.5 In Type [~~1~~]I Limited Capacity Assisted Living Facilities an approved independent smoke detector shall be installed [~~in each sleeping room and access hallway~~]and maintained by location as required in IFC, Chapter 9, Section 907.2.10.1.2.

3.2.6 Type [~~1~~]I Small Assisted Living Facilities shall be constructed in accordance with IBC, Residential Group R-4, and maintained in accordance with the IBC and IFC.

[~~3.2.6.1 An automatic fire sprinkler system shall be provided throughout buildings listed as Group R-4 that contain more than eight occupants. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.~~

] 3.2.7 Type [~~1~~]I Small Assisted Living Facility required exits shall not be secured with dead bolts, chains, or hasps. Deadbolts that are interconnected with the latch, and provide simultaneous retraction of both the deadbolt and the latch, by the turning of the latch, is permitted.

3.2.8 Type [~~1~~]I Large Assisted Living Facilities shall be constructed in accordance with IBC, Institutional Group I-1, and maintained in accordance with the IBC and IFC.

3.2.8.1 An automatic fire sprinkler system shall be provided throughout buildings classified as Group I. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

3.2.9 In a Type [~~1~~]I Assisted Living Facility, non-ambulatory persons are permitted after receiving approval for a variance from the Utah Department of Health as allowed in Utah Administrative Code, R432-2-18.

3.3 Type [~~2~~]II Assisted Living Facilities

3.3.1 Type [~~2~~]II Limited Capacity Assisted Living Facilities shall be constructed in accordance with IBC, Residential Group R-4, and maintained in accordance with the IBC and IFC.

[~~3.3.1.1 An automatic fire sprinkler system shall be provided throughout buildings classified as Group R-4 that contain more than eight occupants. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.~~

] 3.3.2 Type [~~2~~]II Limited Capacity Assisted Living Facilities shall have an approved automatic fire extinguishing system installed in compliance with the IBC and IFC, or provide a staff to a resident ratio of one to one on a 24 hour basis.

3.3.3 Type [~~2~~]II Small Assisted Living Facilities shall be constructed in accordance with IBC, Institutional Group I-1, and maintained in accordance with the IBC and IFC.

3.3.3.1 An automatic fire sprinkler system shall be provided throughout buildings classified as Group I. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

3.3.4 Type [~~2~~]II Small Assisted Living Facilities shall have a minimum corridor width of six feet.

3.3.4.1 Type [~~2~~]II Small Assisted Living Facilities [~~in existence~~]licensed before November 16, 2004, shall have a minimum corridor width of six feet or a path of egress that is acceptable to the AHJ.

3.3.5 Type [~~2~~]II Large Assisted Living Facilities shall be constructed in accordance with IBC, Institutional Group I-2, and maintained in accordance with the IBC and IFC.

3.3.5.1 An automatic fire sprinkler system shall be provided throughout buildings classified as Group I. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

3.3.6 In Type II Assisted Living Facilities, where the clinical needs of the patients require specialized security, approved access controlled egress doors may be installed when all of the following are met:

3.3.6.1 The controlled egress doors shall unlock upon activation of the automatic fire sprinkler system or the automatic fire detection system.

3.3.6.2 The facility staff can unlock the controlled egress doors by either sensor or keypad.

3.3.6.3 The controlled egress doors shall unlock upon loss of power.

3.3.7 In Type II Assisted Living Facilities, where the clinical needs of the patients require approved, listed delayed egress locks, they shall be installed on doors as allowed in IBC, Section 1008.1.8.6. Section 1008.1.8.6(3) is deleted.

3.3.8 In a Type II Assisted Living Facility, non-ambulatory persons are permitted after receiving approval for a variance from the Utah Department of Health as allowed in Utah Administrative Code, R432-2-18.

3.4 Residential Treatment Assisted Living Facilities

3.4.1 Residential Treatment Limited Capacity Assisted Living Facility shall be constructed in accordance with IBC, Residential Group R-3, and maintained in accordance with the IBC and IFC.

3.4.2 Residential Treatment Limited Capacity Assisted Living Facility required exits shall not be secured with dead bolts, chains, or hasps. Deadbolts that are interconnected with the latch, and provide simultaneous retraction of both the deadbolt and the latch, by the turning of the latch, is permitted.

3.4.3 Residents in Residential Treatment Limited Capacity Assisted Living Facilities shall be housed on the first story only, unless an approved outside exit leading to the ground level is provided from any upper or lower level. Split entry/split level type homes in which stairs to the lower and upper level are equal or nearly equal, may have residents housed on both levels when approved by the AHJ.

3.4.4 In Residential Treatment Limited Capacity Assisted Living Facilities, resident rooms on the ground level, shall have escape or rescue windows as required in IBC, Chapter 10, Section [~~1009~~]1025.

3.4.5 In Residential Treatment Limited Capacity Assisted Living Facilities an approved independent smoke detector shall be installed [~~in each sleeping room and access hallway~~]and maintained by location as required in IFC, Chapter 9, Section 907.2.10.1.2.

3.4.6 Residential Treatment Small Assisted Living Facilities shall be constructed in accordance with IBC, Residential Group R-4, and maintained in accordance with the IBC and IFC.

3.4.7 Residential Treatment Small Assisted Living Facility required exits shall not be secured with dead bolts, chains, or hasps. Deadbolts that are interconnected with the latch, and provide simultaneous retraction of both the deadbolt and the latch, by the turning of the latch, is permitted.

3.4.8 Residential Treatment Large Assisted Living Facilities shall be constructed in accordance with IBC, Institutional Group I-1, and maintained in accordance with the IBC and IFC.

3.4.8.1 An automatic fire sprinkler system shall be provided throughout buildings classified as Group I. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

3.4.9 In a Residential Treatment Assisted Living Facility, non-ambulatory persons are permitted after meeting the requirements listed in Utah Administrative Code, R501-2-11, and receiving approval from the Office of Licensing, Utah Department of Human Services.

KEY: assisted living facilities
[~~November 16, 2004~~]March 4, 2005
Notice of Continuation June 19, 2002
53-7-204

▼ ▼

Public Safety, Fire Marshal
R710-4-3
Amendments and Additions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27653
FILED: 01/14/2005, 09:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met on January 11, 2005, in a regularly scheduled Board meeting, and voted by motion to make amendments to Rule R710-4 by reorganizing and redefining the Fire Alarm Systems section of the rule and adding a new section to the rule that would expand the allowances for specialized door locking systems in certain occupancies under certain conditions.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments to Rule R710-4 are as follows: 1) in Subsection R710-4-3(3.7), the Board proposes to rewrite the Fire Alarm System requirements for those buildings under the jurisdiction of the Board; this rewrite provides better wording, removes unnecessary rule amendments that are already in the adopted incorporated references, and redefines some rule requirements making them easier to understand; and 2) in Subsection R710-4-3(3.11.3), the Board proposes to add a new rule amendment that would allow certain door latching systems in occupancies where patients require specialized security.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no aggregate anticipated cost or savings to the state budget because these proposed amendments do not affect the state budget.

❖ LOCAL GOVERNMENTS: There is no aggregate anticipated cost or savings to local government because these proposed amendments do not affect local government.

❖ OTHER PERSONS: There is no anticipated cost to other persons because these proposed amendments do not affect other persons with an anticipated aggregate cost. There is an aggregate anticipated savings to other persons with regard to being allowed to secure the doors with specialized security. The aggregate anticipated savings is impossible to predict due to the unknown number of these systems that would be installed and the number of lives that would be saved or protected with the installation of these doors.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons with the enactment of this rule amendment.

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 these rule amendments.

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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

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.
R710-4-3. Amendments and Additions.

3.1 Administration

3.1.1 IFC, Chapter 1, Section 102.3 is deleted and rewritten and follows: No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure maintains a reasonable level of fire and life safety and the change to use or occupancy does not create a distinct hazard to life or property as determined by the AHJ.

3.1.2 IFC, Chapter 1, Section 102.4 is deleted and rewritten as follows: The design and construction of new structures shall comply with the International Building Code. Repairs, alterations and additions to existing structures are allowed when such structure maintains a reasonable level of fire and life safety and the change does not create a distinct hazard to life or property as determined by the AHJ.

3.1.3 IFC, Chapter 1, Section 102.5 is deleted and rewritten as follows: The construction, alteration, repair, enlargement, restoration, relocation or movement of existing buildings or structures that are designated as historic buildings are allowed when such historic structures maintains a reasonable level of fire and life safety and the change does not create a distinct hazard to life or property as determined by the AHJ.

3.2 Definitions

3.2.1 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".

3.2.2 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".

3.2.3 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.

3.2.4 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".

3.2.5 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".

3.3 Fire Drills

3.3.1 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.

3.4 Door Closures

3.4.1 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.

3.5 Automatic Fire Sprinkler Systems and Commercial Cooking Operations

3.5.1 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.

3.5.2 IFC, Chapter 9, Section 903.2.9 is amended to add the following: Exception: 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.

3.5.3 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.

3.5.4 Water Supply Analysis

3.5.4.1 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.

3.5.4.2 The owner or architect shall provide the water supply analysis during the preliminary design phase of the proposed construction.

3.5.4.3 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.

3.6 Alternative Automatic Fire-Extinguishing Systems

3.6.1 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) Reconfiguring of the system piping.

3.6.2 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.

3.7 Fire Alarm Systems[

~~3.7.1 General Provisions~~

~~3.7.1.1 Fire alarm system construction documents submitted to the AHJ shall include those items required in IFC, Chapter 9, Section 907.1.1.~~]

3.7.[~~2~~]1 Required Installations[

~~3.7.2.1 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.~~]

3.7.[~~2.2~~]1.1 All state-owned buildings, college and university buildings, other than institutional, with an occupant load of [~~100~~]300 or more, all schools with an occupant load of 50 or more, shall have an approved fire alarm system with the following features:

3.7.[~~2.2.~~]1.1.1 [~~Products of combustion s~~]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 smoke detectors shall be installed as required in NFPA, Standard 72, Section 5.3.

3.7.[~~2.2~~]1.1.2 In [~~other than fully~~]non or partially fire sprinklered buildings, automatic detectors shall be installed in each enclosed space, other than corridors, at maximum prescribed spacing as specified in [~~NFPA, Standard 72,~~]Section 3.7.1.1.2 for smoke detectors or by [~~their~~]the manufacturer's listing for heat detectors.

3.7.[~~2.2~~]1.1.3 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.[

~~3.7.2.2.4 The fire alarm system shall be connected to a proprietary panel, where provided within the complex.~~]

3.7.[~~3~~]2 Main Panel

3.7.[~~3~~]2.1 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.

3.7.[~~3~~]2.2 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.

3.7.[~~4~~]3 System Wiring, Class and Style

3.7.[~~4~~]3.1 Fire alarm [~~S~~]system [~~W~~]wiring shall be designated and installed as a Class A circuit in accordance with the following style classifications:

3.7.[~~4~~]3.1.1 The [~~I~~]initiating [~~D~~]device circuits[~~ (IDC)~~] shall be designated and installed Style D as defined in NFPA, Standard 72.

3.7.[~~4~~]3.1.2 The [~~Indicating~~]notification [~~A~~]appliance circuits[~~ (IAC)~~] shall be designated and installed Style Z as defined in NFPA, Standard 72.

3.7.[~~4~~]3.1.3 Signaling line circuits shall be designated and installed Style 6 or 7 as defined in NFPA, Standard 72.[

~~3.7.4.2 All junction boxes shall be adequately identified as part of the fire alarm system. Covers for the concealed boxes shall be painted red.~~

~~3.7.5 System Devices~~

~~All equipment and devices shall be listed and/or labeled by a nationally recognized testing laboratory for fire alarm use.~~]

3.7.[~~6~~]4 Fan Shut Down

3.7.[~~6~~]4.1 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.

3.7.[~~6~~]4.2 Duct detectors required by the IMC, shall be interconnected, and compatible with the fire alarm system.[

~~3.7.7 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.~~]

3.8 Retroactive Installation of Automatic Fire Alarm Systems

3.8.1 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~~]are deleted.

3.9 Fireworks

3.9.1 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.

3.10 Flammable and Combustible Liquids

3.10.1 IFC, Chapter 34, Section 3406.1 is amended to add the following special operation: 8. Sites approved by the AHJ.

3.10.2 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".

3.11 Health Care Facilities

3.11.1 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.

3.11.2 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.

3.11.3 IFC, Chapter 10, Section 1008.1.8.3 is amended to add the following: 5. Doors in Group I-1 and I-2 occupancies, where the

clinical needs of the patients require specialized security, approved access controlled egress may be installed when all the following are met: 5.1 The controlled egress doors shall unlock upon activation of the automatic fire sprinkler system or the automatic fire detection system. 5.2 The facility staff can unlock the controlled egress doors by either sensor or keypad. 5.3 The controlled egress doors shall unlock upon loss of power. 6. Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require approved, listed delayed egress locks, they shall be installed on doors as allowed in IFC, Section 1008.1.8.6.

3.12 Time Out and Seclusion Rooms

3.12.1 Time Out and Seclusion Rooms are allowed in occupancies fully protected by an automatic fire sprinkler system and fire alarm system.

3.12.2 A vision panel shall be provided in the room door for observation purposes.

3.12.3 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.

3.12.4 Time Out and Seclusion Rooms shall be located where a responsible adult can maintain visual monitoring of the person and room.

KEY: fire prevention, public buildings
[~~May 5, 2004~~]March 4, 2005Notice of Continuation June 12, 2002
53-7-204

Public Safety, Fire Marshal
R710-9-6
Amendments and Additions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27655
FILED: 01/14/2005, 14:16

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met on January 11, 2005, in a regularly scheduled Board meeting, and voted by motion to amend Rule R710-9 by adding a new section to the rule that would expand the allowances for specialized door locking systems in certain occupancies under certain conditions. The Board also made one other corrective addition to the rule.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments to Rule R710-9 are as follows: 1) the Board proposes to add Subsection R710-9-6(6.11.1) to allow certain door latching systems in occupancies where patients require specialized security; and 2) the Board proposes to add Subsection R710-9-6(6.14.2) to make the distance to door openings for the placement of liquefied petroleum (LP) Gas to be fully consistent with previous rule amendments.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no aggregate anticipated cost or savings to the state budget because these proposed amendments are allowances for specialized door lock systems for I (Institutional) occupancies and a reference correction, and will not affect the state budget.

❖ LOCAL GOVERNMENTS: There is no aggregate anticipated cost or savings to local government because these proposed amendments are allowances for specialized door lock systems for I (Institutional) occupancies and a reference correction, and will not affect local government.

❖ OTHER PERSONS: There is no aggregate anticipated cost to other persons because these proposed amendments do not affect other persons with an aggregate cost. There is an aggregate anticipated savings to other persons with regard to being allowed to secure the doors with specialized security. The aggregate anticipated savings is impossible to predict due to the unknown number of these systems that would be installed and the number of lives that would be saved or protected with the installation of these specialized door systems.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons with the enactment of this rule amendment. This proposed rule amendment will now allow I (Institutional) occupancies to continue to use specialized door lock systems to protect those individuals whose mental capacities have deteriorated and unintentional escape from the facility would be a disaster.

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 these rule amendments. This proposed rule amendment will now benifit businesses by allowing those businesses to protect those individuals in their care that need specialized door lock systems to prevent an unintentional escape from the facility. It also protects those I occupancies such as pediatric units in hospitals that are in fear of having a child stolen from the unit.

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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Gary A. Wise, State Fire Marshal

R710. Public Safety, Fire Marshal.
R710-9. Rules Pursuant to the Utah Fire Prevention Law.
R710-9-6. 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 102.3 is deleted and rewritten as follows: No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure maintains a reasonable level of fire and life safety and the change to use or occupancy does not create a distinct hazard to life or property as determined by the AHJ.

6.1.2 IFC, Chapter 1, Section 102.4 is deleted and rewritten as follows: The design and construction of new structures shall comply with the International Building Code. Repairs, alterations and additions to existing structures are allowed when such structure maintains a reasonable level of fire and life safety and the change does not create a distinct hazard to life or property as determined by the AHJ.

6.1.3 IFC, Chapter 1, Section 102.5 is deleted and rewritten as follows: The construction, alteration, repair, enlargement, restoration, relocation or movement of existing buildings or structures that are designated as historic buildings are allowed when such historic structures maintains a reasonable level of fire and life safety and the change does not create a distinct hazard to life or property as determined by the AHJ.

6.1.4 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."

6.1.5 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".

6.2 Definitions

6.2.1 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".

6.2.2 IFC, Chapter 2, Section 202, Institutional Group I, Group I-1 is amended to add the following: Add "Type 1" in front of the words "Assisted living facilities".

6.2.3 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". After "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, Outpatient medical care facilities for ambulatory patients (accommodating more than five such patients in each tenant space) which may render the patient incapable of unassisted self-preservation, and Type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted living facilities with at least six and not more than 16 residents shall be classified as a Group I-1 facility.

6.2.4 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".

6.6 Record Drawings

6.6.1 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.

6.6.2 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.

6.7 Fire Protection Systems

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.

6.7.3 IFC, Chapter 9, Section 903.2.7 is amended to add the following: Exception: 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.

6.7.8 NFPA, Standard 10, Section 6.2.1 is amended to add the following sentence: The use of a supervised listed electronic monitoring system shall be permitted to satisfy the 30 day fire extinguisher interval inspection requirement.

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.

6.9 Retroactive Installations of Automatic Fire Alarm Systems in Existing Buildings

6.9.1 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 are deleted.

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 1008.1.8.3 is amended to add the following: 5. Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require specialized security, approved access controlled egress may be installed when all the following are met: 5.1 The controlled egress doors shall unlock upon activation of the automatic fire sprinkler system or the automatic fire detection system. 5.2 The facility staff can unlock the controlled egress doors by either sensor or keypad. 5.3 The controlled egress doors shall unlock upon loss of power. 6. Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require approved, listed delayed egress locks, they shall be installed on doors as allowed in IFC, Section 1008.1.8.6.

6.11.[~~1~~]2 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~~]3 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~~]4 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~~]5 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~~]6 IFC, Chapter 10, Section 1027.2 is amended to add the following: On line five after the word "fire" add the words "and building".

6.12 Fireworks

6.12.1 IFC, Chapter 33, Section 3301.1.3 is amended to add the following Exception: 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.

6.13 Flammable and Combustible Liquids

6.13.1 IFC, Chapter 34, Section 3404.4.3 is amended as follows: Delete 3403.6 on line three and replace it with 3403.4.

6.14 Liquefied Petroleum Gas

6.14.1 IFC, Chapter 38, Section 3809.12, is amended as follows: Delete 20 from line three and replace it with 10.

6.14.2 IFC, Chapter 38, Section 3809.14 is amended as follows: Delete 20 from line three and replace it with 10.

KEY: fire prevention, law
[~~May 5, 2004~~]March 4, 2005
Notice of Continuation June 12, 2002
53-7-204

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 March 3, 2005. At its option, the agency may hold public hearings.

From the end of the waiting period through June 1, 2005, 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, Occupational and Professional Licensing

R156-47b

Massage Therapy Practice Act Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR File No.: 27548
Filed: 01/13/2005, 16:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public rule hearing held on December 17, 2004, additional amendments are being proposed.

SUMMARY OF THE RULE OR CHANGE: Throughout the rule, changed "curriculums" to "curricula". In Section R156-47b-302a, additional amendments are being proposed to Subsection R156-47b-302a(1)(c) to clarify what part of the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) content outline will be required for the new curricula. In Section R156-47b-302c, added to Subsection R156-47b-302c(3)(a) that the massage therapy supervisor and the massage apprentice being supervised shall meet with the Utah Board of Massage Therapy if the apprentice fails the Massage Theory examination three times. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the December 15, 2004, issue of the Utah State Bulletin, on page 7. 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 58-47b-101, and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No additional costs or savings to the state budget are anticipated beyond those costs previously identified in the Division's proposed rule amendment filing as a result of these additional proposed amendments.

❖ LOCAL GOVERNMENTS: The proposed amendments do not apply to local governments. Therefore, there are no anticipated costs or savings to local governments.

❖ OTHER PERSONS: No additional costs or savings to other persons are anticipated beyond those costs previously identified in the Division's proposed rule amendment filing as a result of these additional proposed amendments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional costs or savings to affected persons are anticipated beyond those costs previously identified in the Division's first proposed rule amendment filing as a result of these additional proposed amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Based on comments received at the rule hearing, this rule filing includes a requirement that an apprentice who fails to pass the examination must attend the meeting between the licensing board and the apprentice supervisor. In addition, this filing provides further clarification of the standards for massage therapy school curricula. No fiscal impact to businesses is anticipated as a result of these changes. Jason Perry, Acting 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:
Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at cormond@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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-47b. Massage Therapy Practice Act Rules.
R156-47b-202. Massage Therapy Education Peer Committee.

(1) There is created under Subsection 58-1-203(1)(f), the Massage Therapy Education Peer Committee.

(a) The Education Peer Committee shall:

(i) advise the Utah Board of Massage Therapy regarding massage therapy educational issues;

(ii) recommend to the Board standards for massage school [~~curriculums~~]curricula, apprenticeship [~~curriculums~~]curricula, and animal massage training; and

(iii) periodically review the current curriculum requirements.

(b) The composition of this committee shall be:

(i) two individuals who are instructors in massage therapy;

(ii) two individuals, one who represents a professional massage therapy association, and one who represents the Utah Committee of Bodywork Schools; and

(iii) one individual from the Utah State Office of Education.

R156-47b-302a. Qualifications for Licensure as a Massage Therapist - Massage School Curriculum Standards - Equivalent Education and Training.

(1) In accordance with Subsection 58-47b-302(2)(e)(i)(A), an applicant must graduate from a school of massage with a curriculum, which at the time of graduation, meets the following standards:

(a) [~~Curriculums~~]Curricula must be registered with the Utah Department of Commerce, Division of Consumer Protection or an accrediting agency recognized by the United States Department of Education.

(b) [~~Curriculums~~]Curricula shall be a minimum of 600 hours and shall include the following:

(i) anatomy, physiology and pathology - 150 hours;

(ii) massage theory including the five basic strokes - 300 hours;

(iii) professional standards, ethics and business practices - 35 hours;

(iv) safety and sanitation - 15 hours;

(v) clinic or practicum - 100 hours; and

(vi) other related massage subjects as approved by the Division in collaboration with the Board.

(c) In addition to the curriculum requirements of Subsection R156-47b-302a(1)(b), new [~~curriculums~~]curricula shall [~~meet the standards~~]include the major content areas, but are required to meet the percentage weights of the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB), National Certification Examination Content Outline, published July 2003, which is adopted and incorporated by reference.

(2) In accordance with Subsection 58-47b-302(2)(e)(i)(B), an applicant who completes equivalent education and training must document that the education and training was approved by NCBTMB as evidenced by current NCBTMB certification.

R156-47b-302c. Apprenticeship Standards for a Supervisor.

In accordance with Subsection 58-47b-302(2)(e)(ii), an apprentice supervisor shall:

(1) not begin an apprenticeship program until:

(a) the apprentice is licensed; and

(b) the supervisor is approved by the division;

(2) not begin a new apprenticeship program until:

(a) the apprentice being supervised passes the Massage Theory examination and becomes licensed as a massage therapist, unless otherwise approved by the division in collaboration with the board; and

(b) the supervisor complies with subsection (1);

(3) if an apprentice being supervised fails the Massage Theory examination three times:

(a) together with the apprentice being supervised, meet with the Board at the next appropriate Board meeting;

(b) explain to the Board why the apprentice is not able to pass the examination;

(c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination; and

(d) upon successful completion of the review as provided in Subsection (3)(c), the apprentice shall again be eligible to take the Massage Theory examination;

(4) supervise not more than two apprentices at one time, unless otherwise approved by the division in collaboration with the board;

(5) train the massage apprentice in the areas of:

(a) massage theory - 50 hours;

(b) massage client service - 300 hours;

(c) hands on instruction - 325 hours;

(d) massage techniques - 120 hours;

(e) anatomy, physiology and pathology - 150 hours;

(f) business practices - 25 hours;

(g) ethics - 15 hours; and

(h) safety and sanitation - 15 hours;

(6) submit a curriculum content outline with the apprentice application, including a list of the resource materials to be used;

(7) display a conspicuous sign near the work station of the apprentice stating "Apprentice in Training";

(8) keep a daily record which shall include the hours of instruction and training completed, the hours of client services performed, and the number of hours of training completed;

(9) make available to the division upon request, the apprentice's training records;

(10) verify the completion of the apprenticeship program on forms available from the division;

(11) notify the division within ten working days if the apprenticeship program is terminated;

(12) must not have been disciplined for any unprofessional or unlawful conduct within five years of the start of any apprenticeship program; and

(13) ensure that the massage client services required in Subsection (5)(b) only be performed on the public; all other hands on practice must be performed by an apprentice on an apprentice or supervisor.

KEY: licensing, massage therapy
2005
Notice of Continuation February 26, 2001
58-1-106(1)(a)
58-1-202(1)(a)
58-47b-101

Environmental Quality, Air Quality
R307-110-11
Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 27429
Filed: 01/12/2005, 09:10

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose is to respond to public comments by adding information supporting the Plan's conclusion that sulfur dioxide levels in Salt Lake County will remain well below the federal health standard through the year 2016.

SUMMARY OF THE RULE OR CHANGE: Section R307-110-11 is amended to show that the Plan was adopted by the Air Quality Board on January 5, 2005, instead of December 1, 2004, as originally expected. Amendments in the Plan add to the information supporting the conclusion that the health standard for sulfur dioxide will not be violated through 2016, the Plan horizon. The Plan as proposed for public comment last October documents that sulfur dioxide emissions from Kennecott Utah Copper (KUC) have declined from 250,000 tons per year in the late 1970s to less than 10,000 tons per year since 1996. Additions to the Plan now give more detail

about the technological improvements at KUC that achieved these reductions, and delineates the progression of enforceable emission limits at KUC that provide legal certainty that emissions will not increase in the future. (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, 2004, issue of the Utah State Bulletin, on page 37. 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(2)(e)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None of the control measures in the Plan are changed and thus there is no impact on the State budget.
❖ LOCAL GOVERNMENTS: This change will have no effect on any local government, as there is no change in control measures in the Plan.
❖ OTHER PERSONS: There is no change in costs for any affected person, as there is no change in the control measures required in the Plan.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no change in costs for any affected person, as there is no change in the control measures required in the Plan.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no change in costs to businesses, as there are no changes in any control measures. There have been no violations of the health standard for sulfur dioxide since the early 1980s, and none are anticipated for the future.

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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-11. Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide, as most recently amended by the Utah Air Quality Board on [~~December 1, 2004~~]January 5, 2005, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone
[~~2004~~]2005
Notice of Continuation March 27, 2002
19-2-104(3)(e)

Health, Epidemiology and Laboratory Services, Epidemiology
R386-702
Communicable Disease Rule

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 27496
Filed: 01/12/2005, 10:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Public comments led to these changes.

SUMMARY OF THE RULE OR CHANGE: The option for parents to object to testing and vaccination was added. Occurrence of hepatitis B in the household or close family contact was added as a risk factor for testing. Organization of the rule was altered to improve readability. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the November 1, 2004, issue of the Utah State Bulletin, on page 13. 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: Sections 26-1-30 and 26-6-3

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The activities required under these amendments can be handled under existing communicable disease and immunizations programs in the Department of Health. No additional costs are anticipated.

❖ LOCAL GOVERNMENTS: These activities are currently performed by local health departments and additional costs, if any, should be minimal.

❖ OTHER PERSONS: The clinical activities required in these amendments are currently standard of practice and should result in minimal increased costs. There will be some costs to implement policies in facilities where such policies do not yet exist. These costs will be transient and minimal but are not easily quantified. Laboratories that implement collection of pregnancy status might incur costs for changes in forms or data submission systems, but the rule is permissive allowing these to occur as systems are upgraded. By expressly allowing parents the option to object to testing or vaccination, facilities will not be caught between a rule mandate and the wishes of the parent. This may avoid some administrative and legal costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Doctors, hospitals, and local health departments indicate that the activities required are standard of practice. Thus, these changes should result in few if any costs not now being experienced. If these rule changes result in hepatitis B surface antigen (HBsAg) testing of persons who would otherwise not have been tested, despite it being the standard of practice, either that person's insurance plan or the individual might incur a cost of $10 - $15 for hepatitis B testing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Preventing perinatal transmission and transmission to household and close family contacts of hepatitis B is a critical public health mandate. This rule will impose minimal cost on the health care industry, since this practice is already the standard of care. David N. Sundwall, MD, Acting Executive Director

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
EPIDEMIOLOGY
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:
Robert Rolfs at the above address, by phone at 801-538-6386, by FAX at 801-538-9923, or by Internet E-mail at rrolfs@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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Richard Melton, Deputy Director

R386. Health, Community Health Services, Epidemiology.
R386-702. Communicable Disease Rule.
R386-702-9. Special Measures to Prevent Perinatal and Person-to-Person Transmission of Hepatitis B Infection.

(1) A licensed healthcare provider who provides prenatal care shall routinely test each pregnant woman for hepatitis B surface antigen (HBsAg) at an early prenatal care visit. The provisions of this section do not apply if the pregnant woman, after being informed of the possible consequences, objects to the test on the basis of religious or moral beliefs.

(2) The licensed healthcare provider who provides prenatal care should repeat the HBsAg test during late pregnancy for those women who tested negative for HBsAg during early pregnancy, but who are at high risk based on:

(a) evidence of clinical hepatitis during pregnancy;

(b) injection drug use;

(c) occurrence during pregnancy or a history of a sexually transmitted disease;[~~or~~]

(d) occurrence of hepatitis B in a household or close family contact; or

([~~d~~]e) the judgement of the healthcare provider.

(3) In addition to other reporting required by this rule, each positive HBsAg result detected in a pregnant woman shall be reported to the local health department or the Utah Department of Health, as specified in Section 26-6-6. That report shall indicate that the woman was pregnant at time of testing [~~when~~]if that information is available to the reporting entity.

(4) A licensed healthcare provider who provides prenatal care shall document a woman's HBsAg test results, or the basis of the objection to the test, in the medical record for that patient.

(5) Every hospital and birthing facility shall develop a policy to assure that:

(a) when a pregnant woman is admitted for delivery, or for monitoring of pregnancy status,[

~~(i)~~] the result from a test for HBsAg performed on that woman during that pregnancy is available for review and documented in the hospital record[~~, or~~] ;

[~~(ii)~~](b) when a pregnant woman is admitted for delivery, or for monitoring of pregnancy status if the woman's test result is not available to the hospital or birthing facility, the mother is tested for HBsAg as soon as possible, but before discharge from the hospital or birthing facility;

([~~b~~]c) positive HBsAg results identified by testing performed or documented during the hospital stay are reported as specified in this rule;

([~~c~~]d) infants born to HBsAg positive mothers receive hepatitis B immune globulin (HBIG) and hepatitis B vaccine, administered at separate injection sites, within 12 hours of birth;

([~~d~~]e) infants born to mothers whose HBsAg status is unknown receive hepatitis B vaccine within 12 hours of birth, and if the infant is born preterm with birth weight less than 2,000 grams, that infant also receives HBIG within 12 hours; and

[~~(i) if the mother's HBsAg test result is positive, that infant should receive HBIG as soon as possible but within 7 days of birth; and~~

~~(ii) if the infant was born preterm with birth weight less than 2,000 grams, that infant should receive HBIG within 12 hours of birth as specified on page 333 of the reference listed in (8).~~

] (f) if at the time of birth the mother's HbsAg status is unknown and the HBsAg test result is later determined to be positive, that infant receives HBIG as soon as possible but within 7 days of birth.

(6) Local health departments shall perform the following activities or assure that they are performed:

(a) Infants born to HBsAg positive mothers complete the hepatitis B vaccine series as specified in Table 3.18, page 328 and Table 3.21, page 333 of the reference listed in [~~(8)~~]subsection (9).

(b) Children born to HBsAg positive mothers are tested for HBsAg and antibody against hepatitis B surface antigen (anti-HBs) at 9 to 15 months of age (3-9 months after the third dose of hepatitis B vaccine) to monitor the success of therapy and identify cases of perinatal hepatitis B infection.

(i) Children who test negative for HBsAg and do not demonstrate serological evidence of immunity against hepatitis B when tested as described in (b) receive additional vaccine doses and are retested as specified on page 332 of the reference listed in [~~(8)~~]subsection (9).

(c) HBsAg positive mothers are advised regarding how to reduce their risk of transmitting hepatitis B to others.

(d) Household members and sex partners of HBsAg positive mothers are evaluated to determine susceptibility to hepatitis B infection and if determined to be susceptible, are offered or advised to obtain vaccination against hepatitis B.

(7) The provisions of subsections (5) and (6) do not apply if the pregnant woman or the child's guardian, after being informed of the possible consequences, objects to any of the required procedures on the basis of religious or moral beliefs. The hospital or birthing facility shall document the basis of the objection.

([~~7~~]8) Prevention of transmission by individuals with chronic hepatitis B infection.

(a) An individual with chronic hepatitis B infection is defined as an individual who is:

(i) HBsAg positive, and total antibody against hepatitis B core antigen (anti-HBc) positive (if done) and IgM anti-HBc negative; or

(ii) HBsAg positive on two tests performed on serum samples obtained at least 6 months apart.

(b) An individual with chronic hepatitis B infection should be advised regarding how to reduce the risk that the individual will transmit hepatitis B to others.

(c) Household members and sex partners of individuals with chronic hepatitis B infection should be evaluated to determine susceptibility to hepatitis B infection and if determined to be susceptible, should be offered or advised to obtain vaccination against Hepatitis B.

([~~8~~]9) The Red Book, 2003 Report of the Committee on Infectious Diseases, as referenced in R386-702-12(4) is the reference source for details regarding implementation of the requirements of this section.

. . . . . .

KEY: communicable diseases, rules and procedures
[~~2004~~]2005
Notice of Continuation August 20, 2002
26-1-30
26-6-3
26-23b

▼ ▼

Insurance, Administration
R590-231
Workers' Compensation Market of Last Resort

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 27488
Filed: 01/13/2005, 08:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes being proposed to this new rule are a result of input received during the comment period.

SUMMARY OF THE RULE OR CHANGE: The changes to Section R590-231-5 clarify that the insurer, who is defined as the Workers' Compensation Fund, is the market of last resort. Changes to Section R590-231-6 require the insurer for the market of last resort to file a separate rating plan for that market and can use premium size as an identifying factor. The insurer is also required to follow certain underwriting protocols. Section R590-231-7 changes require the market of last resort insurer and all other insurers writing workers' compensation coverage in Utah to file underwriting and loss data with the state's designated rate service organization. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the November 1, 2004, issue of the Utah State Bulletin, on page 15. 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: Sections 31A-19a-404, 31A-20-103, 31A-22-1010, and 31A-2-201

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: These changes will have no impact on the work of public employees or the state's budget. No fees will be charged or eliminated and no additional filings required.
❖ LOCAL GOVERNMENTS: The changes to this rule will have no impact on local governments since it only deals with the regulatory requirements of the Insurance Department on its licensees.
❖ OTHER PERSONS: The changes to this rule will allow the Workers' Compensation Fund more latitude in their underwriting requirements regarding premium size in determining who fits within the market of last resort. Where they place that limit will determine its effect on employers seeking coverage with them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to this rule will allow the Workers' Compensation Fund more latitude in their underwriting requirements regarding premium size in determining who fits within the market of last resort.

Where they place that limit will determine its effect on employers seeking coverage with them.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The additional changes to this rule should have little, if any, effect on the industry and workers' compensation consumer. The changes are mainly for clarification.

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 03/03/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2005

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance Administration.
R590-231. Workers' Compensation Market of Last Resort.
R590-231-1. Authority.

This rule is promulgated pursuant to the following statutes:

(1) 31A-19a-404, rulemaking authority for the recording and reporting of statistical data and experience rating data;

(2) 31A-20-103, rulemaking authority to define lines and classes of insurance;

(3) 31A-22-1010, rulemaking authority for reporting requirements for workers' compensation deductible policies; and

(4) 31A-2-201, rulemaking authority to implement the provision of Title 31A.

R590-231-2. Findings and Interpretation.

(1) The commissioner finds that the legislature intended that the Workers' Compensation Fund created under Title 31A, Chapter 33, was to provide workers' compensation insurance for Utah employers who are not able to obtain such insurance in the voluntary marketplace.

(2) Based upon this finding, the commissioner interprets Section 31A-22-1001 to mean that the Workers' Compensation Fund, created under Title 31A, Chapter 33, is the insurer that provides workers' compensation insurance for the market of last resort in Utah.

R590-231-3. Purpose and Scope.

(1) The purpose of this rule, regarding the workers' compensation market of last resort, is to:

(a) define the workers' compensation market of last resort;

(b) provide eligibility criteria;

(c) provide requirements for designation of existing insured employers; and

(d) provide reporting requirements to the department and the designated rate service organization.

(2) This rule applies to the insurer for the market of last resort.

R590-231-4. Definitions.

(1) "Insurer for the market of last resort" means the Workers' Compensation Fund.

(2) "Market of Last Resort" means the workers' compensation class of risk that cannot be placed with a voluntary workers' compensation insurer because of certain underwriting restrictions or class codes.

(3) "Reasonable rating plan" means a rating plan approved by the department.

(4) "Voluntary workers' compensation insurer" means an admitted workers' compensation insurer actively seeking workers' compensation business in Utah, including the Workers' Compensation Fund.

R590-231-5. Eligibility.

(1) To be eligible for the workers' compensation market of last resort, an employer must meet the underwriting and rating criteria established by the insurer for the market of last resort.

(2) An employer being insured [~~in~~]by the insurer for the market of last resort remains eligible for the market of last resort until the employer obtains workers' compensation insurance from a voluntary workers' compensation insurer.

R590-231-6. Underwriting and Rating.

(1) The insurer for the market of last resort shall file separate underwriting and rating criteria for the market of last resort, and a separate rating plan for the market of last resort.

(2) Underwriting criteria for eligibility in the market of last resort [~~shall~~]may include but are not limited to:

(a) [~~a minimum qualifying premium of less than $5,000,~~]premium size;

(b) class code and risk characteristics[~~,~~]; and

(c) loss and payroll experience.

(3) Policy files for employers eligible for the market of last resort must include the underwriting criteria or follow underwriting protocols used for placement in the market of last resort.

R590-231-7. Designation and Reporting.

(1) Because the Workers' Compensation Fund is a voluntary workers' compensation insurer, and the insurer for the market of last resort, the Workers' Compensation Fund shall:

(a) Designate its existing insured employers as insured in the voluntary workers' compensation market or in the market of last resort; and

(b) Such designation can be done:

(i) immediately; or

(ii) as each employer renews; or

(iii) at the time a new application is made for workers' compensation coverage.

(2) The insurer for the market of last resort shall report its data, including market of last resort data to the designated rate service organization. Such reporting shall be timely and consistent with the

designated rate service organization's reporting requirements for all workers' compensation insurance carriers operating in Utah.

(3) Upon request, the insurer for the market of last resort shall make available to the Insurance Department, information about the market of last resort. Requested information may include the market of last resort data reported to the designated rate service organization.

R590-231-8. Enforcement Date.

The commissioner will begin enforcing the revised provisions of this rule 45 days from the effective date of the rule.

R590-231-9. Severability.

If any provision or clause of this rule or the application of it to any person is for any reason held to be invalid, the remainder of the rule and the application of any provision to other persons or circumstances shall not be affected.

KEY: workers' compensation insurance
[~~2004~~]2005
31A-2-201
31A-19a-404
31A-20-103
31A-22-1010

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Agriculture and Food, Plant Industry
R68-3
Utah Fertilizer Act Governing Fertilizers and Soil Amendments

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27645
FILED: 01/07/2005, 15:22

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 4-2-2 and 4-13-4 authorizes the Department of Agriculture and Food to exercise the functions, powers, and duties to enforce this rule. This rule is established to set the standards for the registration, and labeling of fertilizer products being distributed in the State of Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The need continues for standards for the registration, and labeling of fertilizer products being distributed in the State of Utah. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
AGRICULTURE AND FOOD
PLANT INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY UT 84116-3087, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dick Wilson, Marolyn Leetham, or Clair Allen at the above address, by phone at 801-538-7180, 801-538-7114, or 801-538-7187, by FAX at 801-538-7126, 801-538-7126, or 801-538-7126, or by Internet E-mail at dwilson@utah.gov, mleetham@utah.gov, or ClairAllen@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Executive Director

EFFECTIVE: 01/07/2005

Human Services, Recovery Services
R527-10
Disclosure of Information to the Office of Recovery Services

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27640
FILED: 01/06/2005, 09:10

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 62A-11-104.1(2) requires the Office of Recovery Services (ORS) to establish through rule the information financial institutions and insurance companies are required to provide.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule must continue for ORS to be in compliance with Subsection 62A-11-104.1(2). Information from financial instititions and insurance companies

is important in the continued success of collecting child support for families.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kristen Lowe at the above address, by phone at 801-536-0347, by FAX at 801-536-8833, or by Internet E-mail at klowe@utah.gov

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 01/06/2005

Human Services, Recovery Services
R527-40
Retained Support

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27642
FILED: 01/06/2005, 09:19

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-11-107 gives the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law. Under Subsections 62A-11-307.2(3) and (4), if an obligee makes an agreement to allow the obligor to pay support in a manner or amount different from what was ordered, this does not affect the right of ORS to collect the full amount of assigned support; and if an obligee receives a direct payment of assigned support from an obligor, the obligee must immediately deliver the payment to ORS. If an obligee fails to follow these procedures, ORS may recover the assigned support that has been inappropriately retained by the obligee. This rule was adopted to give a clear definition of "retained support" and to explain how and when credit for $50 pass through payments may be given.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should continue because the laws and policies dealing with retained support are still in effect and the rule gives essential clarification, procedures and explanation relating to the laws and policies. Recovery of assigned support is important to the state. It reimburses the state for funds spent on the family.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kristen Lowe at the above address, by phone at 801-536-0347, by FAX at 801-536-8833, or by Internet E-mail at klowe@utah.gov

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 01/06/2005

Human Services, Recovery Services
R527-475
State Tax Refund Intercept

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27641
FILED: 01/06/2005, 09:15

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 59-10-529 authorizes crediting tax overpayments (refunds) to any judgment or delinquent child support obligation after any income tax that may be due. It requires that the Office of Recovery Services (ORS) make a determination of delinquency, give notice to the taxpayer of the past-due amount, and that the overpayment will be applied to reduce the support arrears, and provide an opportunity for the taxpayer to contest the amount of past-due support. This rule states that before ORS may intercept a state tax refund, there must be an administrative or judicial judgment for the child support delinquency with a balance owing. It also gives clarification that under Section 78-45-9.3, an installment of child support is considered a judgment on and after the date it is due. The rule also gives detail about how an intercepted tax refund shall be applied to three categories of support debt and how an obligated spouse who has filed jointly with the obligor may receive his/her portion of the tax refund.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The state laws upon which this rule is based are still in effect. The clarifications and procedures provided in the rule continue to be necessary for the appropriate implementation of those laws. Determination of delinquency, notice to the taxpayer and application of the tax intercept are essential in the collection of child support. Therefore, this rule should be continued.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kristen Lowe at the above address, by phone at 801-536-0347, by FAX at 801-536-8833, or by Internet E-mail at klowe@utah.gov

AUTHORIZED BY: Emma Chacon, Director

EFFECTIVE: 01/06/2005

Insurance, Administration
R590-196
Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 27644
FILED: 01/07/2005, 10:50

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 31A-35-104 of the Insurance Code. This section authorizes the commissioner to write rules establishing specific licensure and certification guidelines and standards of conduct for the business of surety bail bond insurance. The rule provides guidelines for fee and collateral standards to be used in the bail bond business along with a disclosure form that must be used by a bail bond agent when charging fees and receiving collateral.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment has been received 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: It is important that this rule remain in effect to avoid price gouging and the charging of fees without some form of disclosure to the consumer. Therefore, this rule should be continued.

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the 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: 01/07/2005

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).

Natural Resources

Wildlife Resources

No. 27637 (filed 01/05/2005 at 8:46 a.m.): R657-47. Trust Fund Permits.
Enacted or Last Five-Year Review: 02/01/2000 (No. 22562, NEW, filed 12/15/99 at 3:09 p.m., published 01/01/2000)
Extended Due Date: 06/01/2005

(**DAR NOTE:** A proposed repeal of this rule is under DAR No. 27639 in this issue.)

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

Administrative Services
Fleet Operations
No. 27546 (AMD): R27-1-2. Definitions.
Published: December 1, 2004
Effective: January 10, 2005

No. 27543 (AMD): R27-4. Vehicle Replacement and Expansion of State Fleet.
Published: December 1, 2004
Effective: January 10, 2005

No. 27544 (AMD): R27-6. Fuel Dispensing Program.
Published: December 1, 2004
Effective: January 10, 2005

Commerce
Occupational and Professional Licensing
No. 27538 (AMD): R156-61-502. Unprofessional Conduct.
Published: December 1, 2004
Effective: January 4, 2005

No. 27533 (AMD): R156-71-202. Naturopathic Physician Formulary.
Published: December 1, 2004
Effective: January 4, 2005

Community and Economic Development
Community Development, Community Services
No. 27418 (AMD): R202-202-202. Opening and Closing Dates for HEAT Program.
Published: October 1, 2004
Effective: January 12, 2005

No. 27421 (AMD): R202-203-324. Income Deductions.
Published: October 1, 2004
Effective: January 12, 2005

No. 27419 (AMD): R202-203-328. Self-Employment Income.
Published: October 1, 2004
Effective: January 12, 2005

No. 27420 (AMD): R202-207-702. Records Management.
Published: October 1, 2004
Effective: January 12, 2005

Education
Administration
No. 27547 (AMD): R277-473. Testing Procedures.
Published: December 1, 2004
Effective: January 4, 2005

Environmental Quality
Air Quality
No. 27343 (CPR): R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.
Published: December 1, 2004
Effective: January 4, 2005

No. 27343 (AMD): R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.
Published: September 1, 2004
Effective: January 4, 2005

Health
Health Care Financing, Coverage and Reimbursement Policy
No. 27505 (NEW): R414-7D. Intermediate Care Facility for the Mentally Retarded Transition Project.
Published: November 15, 2004
Effective: January 3, 2005

Human Services
Recovery Services
No. 27534 (REP): R527-210. Guidelines for Setting Child Support Awards.
Published: December 1, 2004
Effective: January 4, 2005

Natural Resources
Water Rights
No. 27392 (AMD): R655-4. Water Well Drillers.
Published: September 15, 2004
Effective: January 12, 2005

Wildlife Resources
No. 27432 (CPR): R657-13. Taking Fish and Crayfish.
Published: November 15, 2004
Effective: January 3, 2005

No. 27432 (AMD): R657-13. Taking Fish and Crayfish.
Published: October 15, 2004
Effective: January 3, 2005

Public Service Commission
Administration
No. 27302 (AMD): R746-360-9. One-Time Distributions from the Fund.
Published: August 1, 2004
Effective: January 4, 2005

No. 27302 (CPR): R746-360-9. One-Time Distributions from the Fund.
Published: December 1, 2004
Effective: January 4, 2005

End of the Notices of Rule Effective Dates Section

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 1, 2005, including notices of effective date received through January 14, 2005, the effective dates of which are no later than February 1, 2005. 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. 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					
Fleet Operations					
R27-1-2	Definitions	27546	AMD	01/10/2005	2004-23/3
R27-4	Vehicle Replacement and Expansion of State Fleet	27543	AMD	01/10/2005	2004-23/5
R27-6	Fuel Dispensing Program	27544	AMD	01/10/2005	2004-23/7
Agriculture and Food					
Animal Industry					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	27570	AMD	01/18/2005	2004-24/5
Plant Industry					
R68-3	Utah Fertilizer Act Governing Fertilizers and Soil Amendments	27645	5YR	01/07/2005	2005-3/59
Regulatory Services					
R70-440	Egg Products Inspection	27514	NSC	01/01/2005	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R70-960-7	Registration Certificate Displayed	27523	NSC	01/01/2005	Not Printed
Commerce					
Occupational and Professional Licensing					
R156-1	General Rules of the Division of Occupational and Professional Licensing	27499	NSC	01/01/2005	Not Printed
R156-50	Private Probation Provider Licensing Act Rules	27435	AMD	01/18/2005	2004-20/12
R156-50	Private Probation Provider Licensing Act Rules	27435	CPR	01/18/2005	2004-24/58
R156-56	Utah Uniform Building Standard Act Rules	27489	AMD	01/01/2005	2004-21/6
R156-56-704	Statewide Amendments to the IBC	27490	AMD	01/01/2005	2004-21/11
R156-61-502	Unprofessional Conduct	27538	AMD	01/04/2005	2004-23/40
R156-71-202	Naturopathic Physician Formulary	27533	AMD	01/04/2005	2004-23/41
Community and Economic Development					
Community Development, Community Services					
R202-202-202	Opening and Closing Dates for HEAT Program	27418	AMD	01/12/2005	2004-19/24
R202-203-324	Income Deductions	27421	AMD	01/12/2005	2004-19/25
R202-203-328	Self-Employment Income	27419	AMD	01/12/2005	2004-19/26
R202-207-702	Records Management	27420	AMD	01/12/2005	2004-19/27
Education					
Administration					
R277-400	School Emergency Response Plans	27539	NSC	01/01/2005	Not Printed
R277-473	Testing Procedures	27547	AMD	01/04/2005	2004-23/43
R277-725	Electronic High School	27507	NSC	01/01/2005	Not Printed
R277-746	Driver Education Programs for Utah Schools	27520	NSC	01/01/2005	Not Printed
Environmental Quality					
Air Quality					
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	27343	AMD	01/04/2005	2004-17/12
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	27343	CPR	01/04/2005	2004-23/53
Health					
Health Care Financing, Coverage and Reimbursement Policy					
R414-7D	Intermediate Care Facility for the Mentally Retarded Transition Project	27505	NEW	01/03/2005	2004-22/15
R414-10A-6	Prior Authorization	27486	NSC	01/01/2005	Not Printed
R414-63	Medicaid Policy for Pharmacy Reimbursement	27549	AMD	01/26/2005	2004-24/13
R414-90	Diabetes Self-Management Training	27557	AMD	01/19/2005	2004-24/15
Human Services					
Recovery Services					
R527-10	Disclosure of Information to the Office of Recovery Services	27640	5YR	01/06/2005	2005-3/59
R527-40	Retained Support	27642	5YR	01/06/2005	2005-3/60
R527-210	Guidelines for Setting Child Support Awards	27534	REP	01/04/2005	2004-23/49
R527-475	State Tax Refund Intercept	27641	5YR	01/06/2005	2005-3/60
Services for People with Disabilities					
R539-1	Eligibility	27568	AMD	01/25/2005	2004-24/17

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Insurance					
Administration					
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	27644	5YR	01/07/2005	2005-3/61
Judicial Conduct Commission					
Administration					
R595-1	General Provisions	27330	CPR	02/01/2005	2004-24/59
R595-1	General Provisions	27330	NEW	02/01/2005	2004-17/18
R595-2	Administration	27331	NEW	02/01/2005	2004-17/23
R595-2	Administration	27331	CPR	02/01/2005	2004-24/60
R595-3	Procedure	27332	CPR	02/01/2005	2004-24/61
R595-3	Procedure	27332	NEW	02/01/2005	2004-17/24
R595-4	Sanctions	27333	NEW	02/01/2005	2004-17/26
R595-4	Sanctions	27333	CPR	02/01/2005	2004-24/64
Natural Resources					
Parks and Recreation					
R651-202	Boating Advisory Council	27560	AMD	01/15/2005	2004-24/28
R651-205-7	Palisade Lake	27559	AMD	01/15/2005	2004-24/29
R651-206	Carrying Passengers for Hire	27561	AMD	01/15/2005	2004-24/29
R651-209	Registration Expiration	27562	REP	01/15/2005	2004-24/32
R651-211	Assigned Numbers	27563	AMD	01/15/2005	2004-24/33
R651-212	Display of Yearly Registration Decals and Month of Expiration Decals	27564	AMD	01/15/2005	2004-24/34
R651-215	Personal Flotation Devices	27565	AMD	01/15/2005	2004-24/35
R651-401	Off-Highway Vehicle and Registration Stickers	27566	AMD	01/15/2005	2004-24/37
Water Rights					
R655-4	Water Well Drillers	27392	AMD	01/12/2005	2004-18/30
Wildlife Resources					
R657-5	Taking Big Game	27550	AMD	01/15/2005	2004-24/38
R657-13	Taking Fish and Crayfish	27432	CPR	01/03/2005	2004-22/66
R657-13	Taking Fish and Crayfish	27432	AMD	01/03/2005	2004-20/33
R657-37	Cooperative Wildlife Management Units for Big Game	27551	AMD	01/15/2005	2004-24/45
R657-38	Dedicated Hunter Program	27552	AMD	01/15/2005	2004-24/48
R657-42-4	Surrenders	27553	AMD	01/15/2005	2004-24/53
Professional Practices Advisory Commission					
Administration					
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	27542	NSC	01/01/2005	Not Printed
Public Safety					
Fire Marshal					
R710-6	Liquefied Petroleum Gas Rules	27573	AMD	01/19/2005	2004-24/54
R710-8	Day Care Rules	27574	NSC	01/01/2005	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Public Service Commission					
Administration					
R746-360-9	One-Time Distributions from the Fund	27302	CPR	01/04/2005	2004-23/54
R746-360-9	One-Time Distributions from the Fund	27302	AMD	01/04/2005	2004-15/59
R746-409-1	General Provisions	27527	NSC	01/01/2005	Not Printed
Regents (Board Of)					
Administration					
R765-604	New Century Scholarship	27663	5YR	01/19/2005	Not Printed
Workforce Services					
Employment Development					
R986-500-501	Authority for Adoption Assistance (AA) and Other Applicable Rules	27491	AMD	01/01/2005	2004-21/31

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
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KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
adoption assistance					
Workforce Services, Employment Development	27491	R986-500-501	AMD	01/01/2005	2004-21/31
air pollution					
Environmental Quality, Air Quality	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
benefits					
Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
big game seasons					
Natural Resources, Wildlife Resources	27550	R657-5	AMD	01/15/2005	2004-24/38
boating					
Natural Resources, Parks and Recreation	27560	R651-202	AMD	01/15/2005	2004-24/28
	27559	R651-205-7	AMD	01/15/2005	2004-24/29
	27561	R651-206	AMD	01/15/2005	2004-24/29
	27562	R651-209	REP	01/15/2005	2004-24/32
	27563	R651-211	AMD	01/15/2005	2004-24/33
	27564	R651-212	AMD	01/15/2005	2004-24/34

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	27490	R156-56-704	AMD	01/01/2005	2004-21/11
building inspection Commerce, Occupational and Professional Licensing	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
child support Human Services, Recovery Services	27640	R527-10	5YR	01/06/2005	2005-3/59
	27642	R527-40	5YR	01/06/2005	2005-3/60
	27534	R527-210	REP	01/04/2005	2004-23/49
	27641	R527-475	5YR	01/06/2005	2005-3/60
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	27490	R156-56-704	AMD	01/01/2005	2004-21/11
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day care Public Safety, Fire Marshal	27574	R710-8	NSC	01/01/2005	Not Printed
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disasters Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
disease control Agriculture and Food, Animal Industry	27570	R58-1	AMD	01/18/2005	2004-24/5
diversion programs Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed
driver education Education, Administration	27520	R277-746	NSC	01/01/2005	Not Printed
educational testing Education, Administration	27547	R277-473	AMD	01/04/2005	2004-23/43
electronic high school Education, Administration	27507	R277-725	NSC	01/01/2005	Not Printed

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	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26
	27420	R202-207-702	AMD	01/12/2005	2004-19/27
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financial information					
Human Services, Recovery Services	27640	R527-10	5YR	01/06/2005	2005-3/59
fire prevention					
Public Safety, Fire Marshal	27574	R710-8	NSC	01/01/2005	Not Printed
fish					
Natural Resources, Wildlife Resources	27432	R657-13	AMD	01/03/2005	2004-20/33
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fishing					
Natural Resources, Wildlife Resources	27432	R657-13	AMD	01/03/2005	2004-20/33
	27432	R657-13	CPR	01/03/2005	2004-22/66
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Administrative Services, Fleet Operations	27543	R27-4	AMD	01/10/2005	2004-23/5
food inspection					
Agriculture and Food, Regulatory Services	27514	R70-440	NSC	01/01/2005	Not Printed
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Administrative Services, Fleet Operations	27544	R27-6	AMD	01/10/2005	2004-23/7
game laws					
Natural Resources, Wildlife Resources	27550	R657-5	AMD	01/15/2005	2004-24/38
government documents					
Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
health insurance					
Human Services, Recovery Services	27640	R527-10	5YR	01/06/2005	2005-3/59
hearings					
Professional Practices Advisory Commission, Administration	27542	R686-100	NSC	01/01/2005	Not Printed
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Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24

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hunting					
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income eligibility					
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	27419	R202-203-328	AMD	01/12/2005	2004-19/26
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Agriculture and Food, Regulatory Services	27523	R70-960-7	NSC	01/01/2005	Not Printed
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Judicial Conduct Commission, Administration	27330	R595-1	CPR	02/01/2005	2004-24/59
	27330	R595-1	NEW	02/01/2005	2004-17/18
	27331	R595-2	NEW	02/01/2005	2004-17/23
	27331	R595-2	CPR	02/01/2005	2004-24/60
	27332	R595-3	NEW	02/01/2005	2004-17/24
	27332	R595-3	CPR	02/01/2005	2004-24/61
	27333	R595-4	CPR	02/01/2005	2004-24/64
	27333	R595-4	NEW	02/01/2005	2004-17/26
licensing					
Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed
	27435	R156-50	AMD	01/18/2005	2004-20/12
	27435	R156-50	CPR	01/18/2005	2004-24/58
	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
	27538	R156-61-502	AMD	01/04/2005	2004-23/40
	27533	R156-71-202	AMD	01/04/2005	2004-23/41
Natural Resources, Water Rights	27392	R655-4	AMD	01/12/2005	2004-18/30
liquefied petroleum gas					
Public Safety, Fire Marshal	27573	R710-6	AMD	01/19/2005	2004-24/54
Medicaid					
Health, Health Care Financing, Coverage and Reimbursement Policy	27505	R414-7D	NEW	01/03/2005	2004-22/15
	27486	R414-10A-6	NSC	01/01/2005	Not Printed
	27549	R414-63	AMD	01/26/2005	2004-24/13
	27557	R414-90	AMD	01/19/2005	2004-24/15

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occupational licensing Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed
off-highway vehicles Natural Resources, Parks and Recreation	27566	R651-401	AMD	01/15/2005	2004-24/37
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	27419	R202-203-328	AMD	01/12/2005	2004-19/26
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	27435	R156-50	CPR	01/18/2005	2004-24/58
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public utilities					
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	27302	R746-360-9	AMD	01/04/2005	2004-15/59
recreation					
Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
residency requirements					
Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24
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Public Service Commission, Administration	27527	R746-409-1	NSC	01/01/2005	Not Printed
safety					
Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
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safety education					
Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
scholarship					
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Regents (Board Of), Administration	27663	R765-604	5YR	01/19/2005	Not Printed
self-employment income					
Community and Economic Development, Community Development, Community Services	27421	R202-203-324	AMD	01/12/2005	2004-19/25
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state HEAT office records					
Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
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Professional Practices Advisory Commission, Administration	27542	R686-100	NSC	01/01/2005	Not Printed
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Public Service Commission, Administration	27302	R746-360-9	CPR	01/04/2005	2004-23/54
	27302	R746-360-9	AMD	01/04/2005	2004-15/59
universal service					
Public Service Commission, Administration	27302	R746-360-9	CPR	01/04/2005	2004-23/54
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Natural Resources, Wildlife Resources	27550	R657-5	AMD	01/15/2005	2004-24/38
	27432	R657-13	AMD	01/03/2005	2004-20/33
	27432	R657-13	CPR	01/03/2005	2004-22/66
	27551	R657-37	AMD	01/15/2005	2004-24/45
	27552	R657-38	AMD	01/15/2005	2004-24/48
	27553	R657-42-4	AMD	01/15/2005	2004-24/53
wildlife conservation					
Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
wildlife law					
Natural Resources, Wildlife Resources	27432	R657-13	AMD	01/03/2005	2004-20/33
	27432	R657-13	CPR	01/03/2005	2004-22/66